TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT MEETING
AGENDA

TIME: 7:00 PM,
DATE: Thursday, January 31, 2019
PLACE: Frontenac County Auditorium.

1.	*Welcome & Overview*	
a)	Welcome and overview of the planning context in Ontario and Frontenac. Explanation of the role of Committee of Adjustment and the general processes throughout Frontenac.	2 - 40
2.	*View OACA training videos*	
a)	View OACA training Videos on Minor Variance and Consent. Facilitated discussion on topice from the video and questions to follow.	
b)		41 - 52
3.	*Light Dinner*	
4.	*Tony Fleming presentation*	
a)	Mr. Fleming will speak about recent legislative changes in Ontario including the Local Planning Appeal Tribunal, the role of the Committee of Adjustment, meeting and site visit protocol, and the power of the Committee to add conditions to decisions (including when an agreement is necessary).	53 - 72
5.	*OACA remaining OACA videos*	
a)	View remaining OACA videos on site visits and conflict of interest.	
b)		73 - 85
6.	*Thank you and Question period*	
a)	Thank you, answer questions and provide additional resources.	
b)	OACA Meeting Protocol	86 - 91
c)	Additional Resources	92 - 770

Joint Committee of Adjustment Training

January 31, 2019

Joint Committee of Adjustment Training

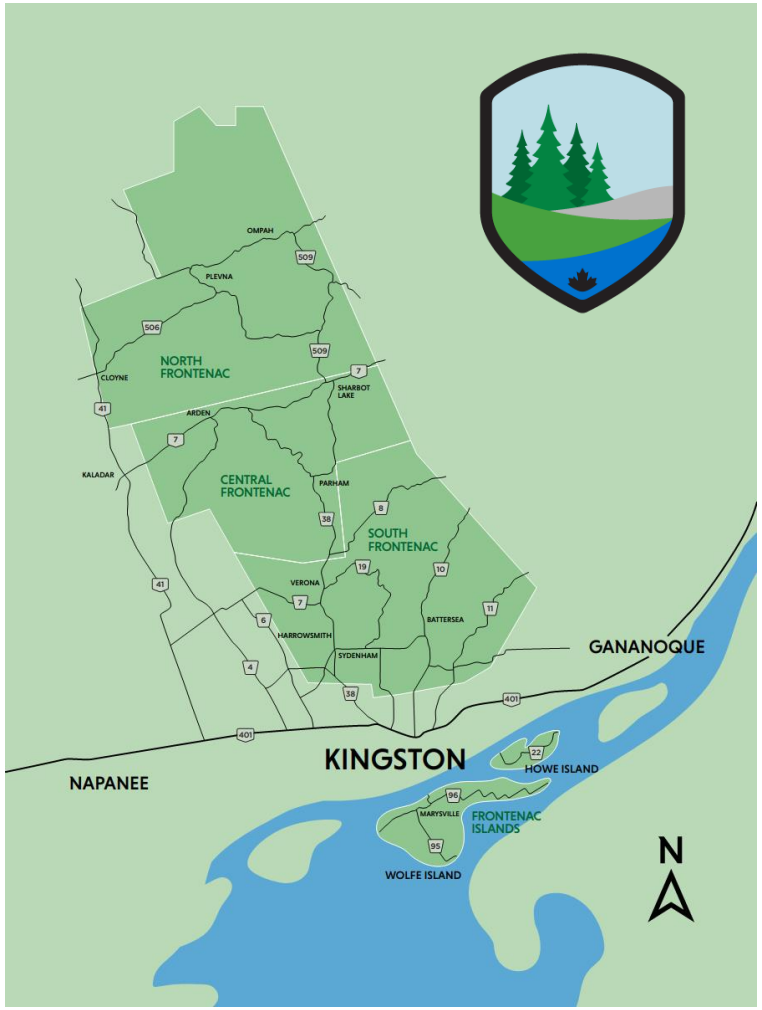
- Planning in Frontenac County and Ontario
- What is the Committee of Adjustment?
- Role of Committee of Adjustment
- How to evaluate an application?
  - Minor Variances and Consent (OACA videos)
- Dinner
- Introduction from Denise Rundle, President of OACA
- Meeting Protocol (OACA video)
- Legal Discussion – Tony Fleming
- Additional Resources

Why is Training Important?

- Committee of Adjustment considers and may authorize minor variances from the zoning bylaw, review and permit extensions and enlargements to legal non-conforming uses, and grant consent for severances
- In order to make these decisions, the Committee members must be knowledgeable of the planning framework in Ontario and applicable provincial and local policies
- Important to understand the powers of the Committee under the Planning Act
- Empower local residents as they go through the planning process
- Know where to find additional resources

Thank you for attending!

Planning across Frontenac County



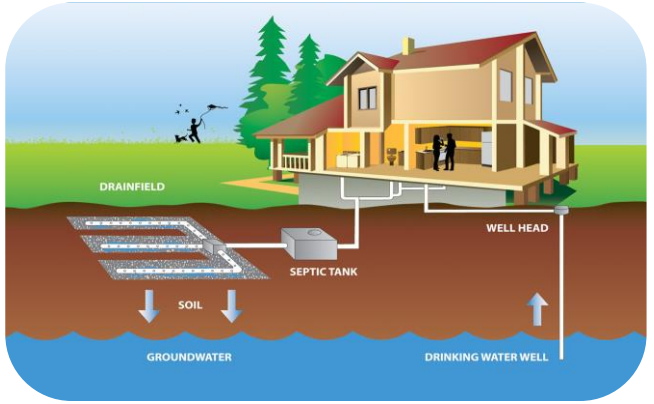
- Frontenac is characterized by a predominantly rural landscape with scattered settlement areas.
- Over 1000 lakes with Wolfe and Howe Island forming part of the 1000 Islands.
- Each Township appoints a Committee of Adjustment with a different composition
- South Frontenac have planning staff at the Township level who support the Committee of Adjustment
- County provides planning services for North Frontenac, Central Frontenac and Frontenac Islands

Planning across Frontenac County

Topography

Redevelopment

Natural Heritage



Servicing

Access

Commenting Agencies across Frontenac County

KFL&A Public Health

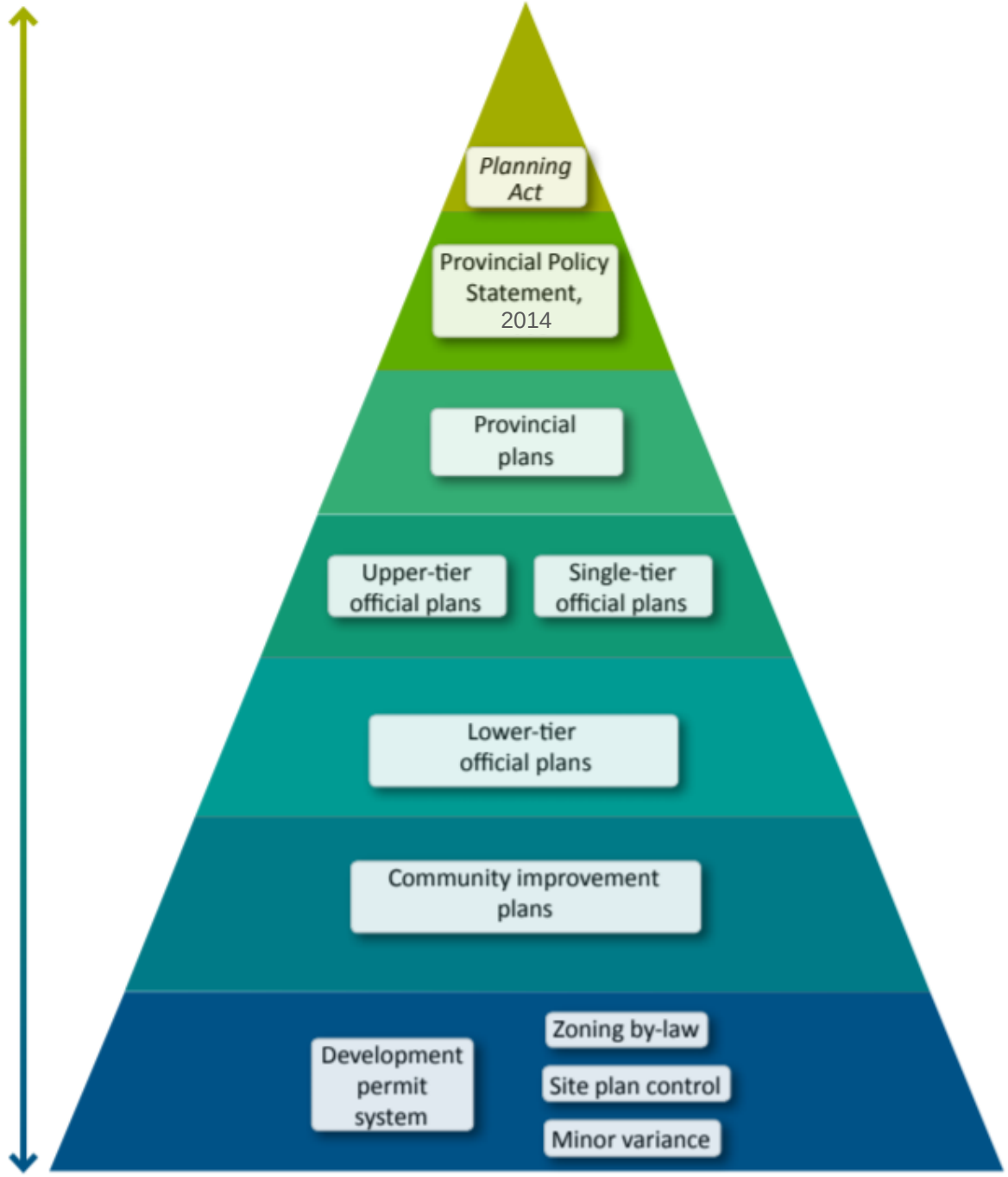
Planning Framework in Ontario

Decisions affecting planning matters "shall be consistent" with:

Provincial Policy Statement (2014)

County of Frontenac Official Plan (2016)

Township Official Plans

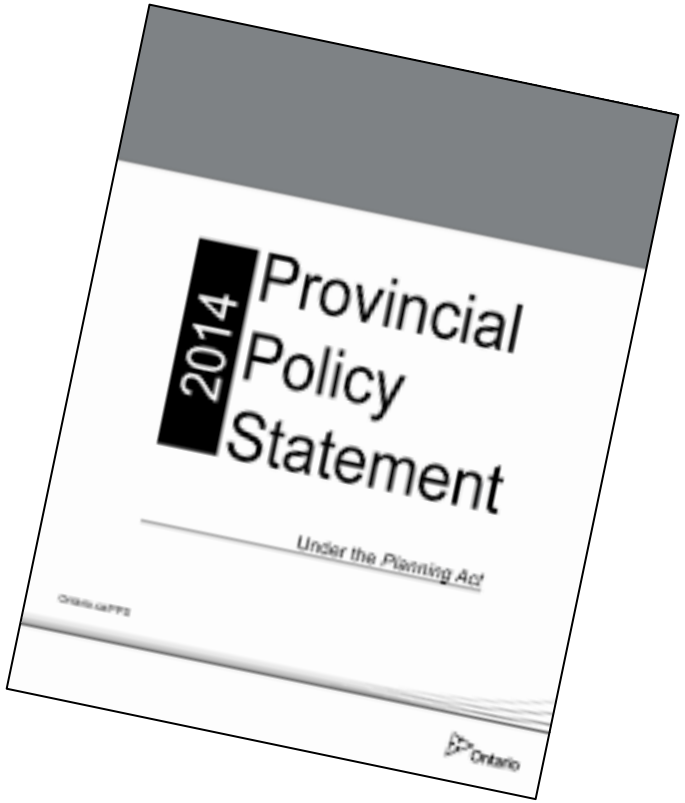


Planning Act

- Major legislation governing planning in Ontario is the Planning Act, which is a provincial statute that sets out the basic "rules“
- First enacted in 1946 because the province needed a mechanism to regulate the uncontrolled division of land. This was leading to:
  - Urban sprawl
  - Loss of viable farmland
  - Additional expense to municipalities in extending services.
- Section 44 Committee of Adjustment
- Section 45 Powers of Committee

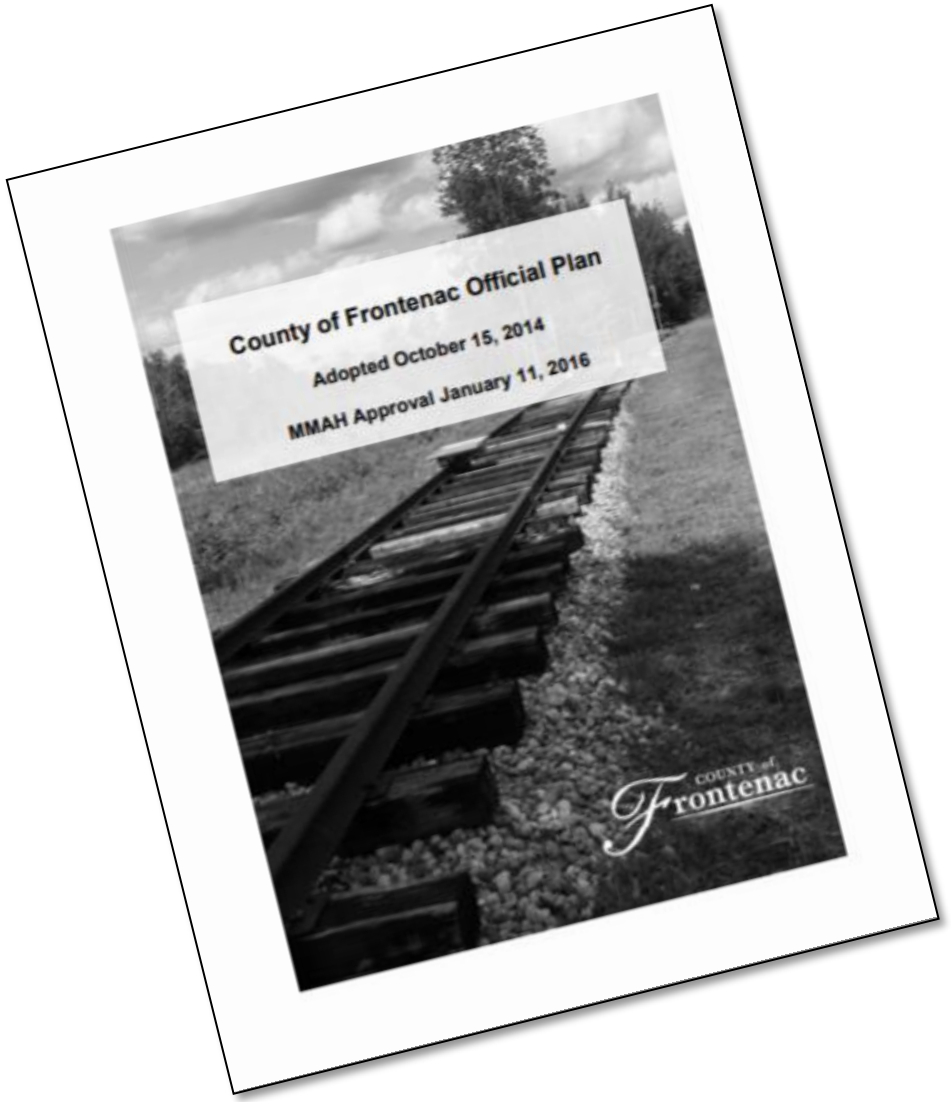
Provincial Policy Statement, 2014

- Overarching policy planning document in Ontario
- Decisions affecting planning matters **"shall be consistent"** with the Provincial Policy Statement, 2014
- Focuses growth and development within urban and rural settlement areas while supporting viability of rural areas
- Permits "limited residential development"
- Development on rural lands shall apply:
  - Section 1: Building Strong Health Communities
  - Section 2: Wise Use and Management of Resources
  - Section 3: Protecting Public Health and Safety



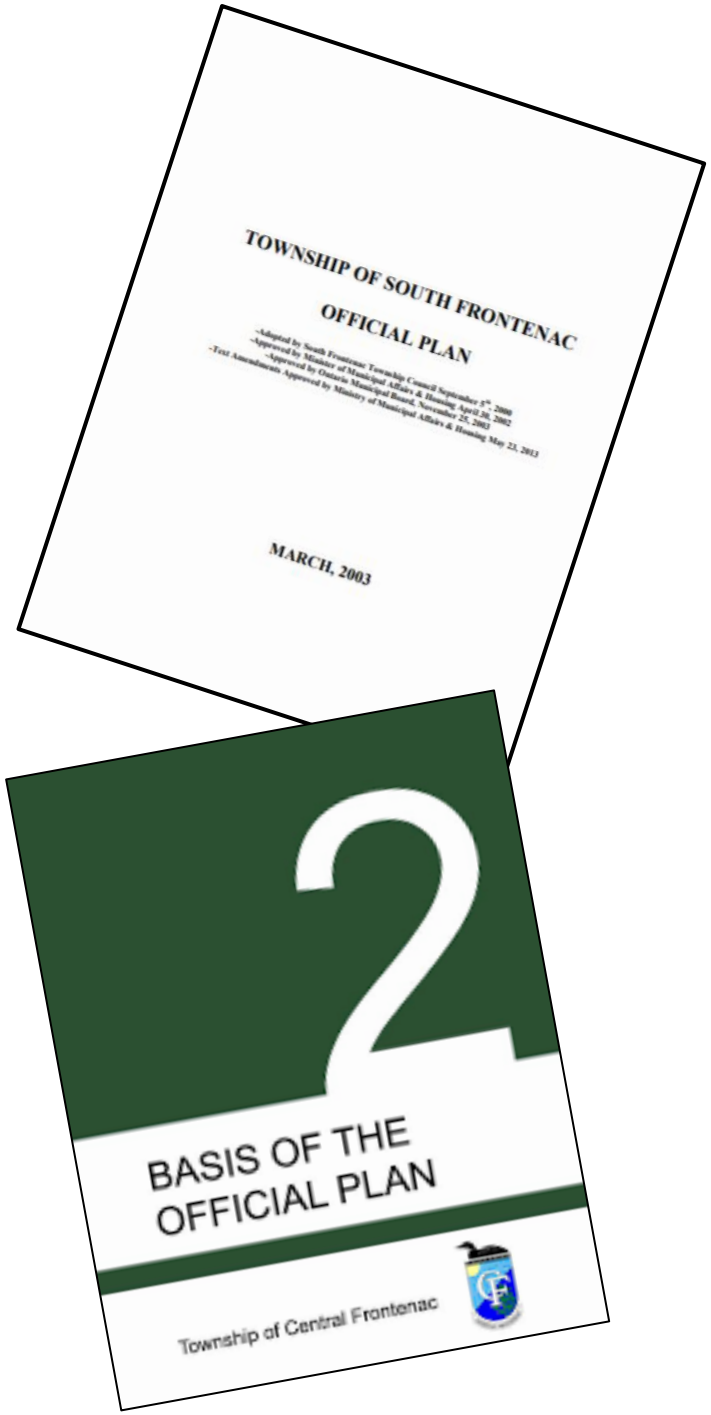
County of Frontenac Official Plan, 2016

- Creates the framework for guiding land use changes in the County over the next 20 years to 2034 by:
  - Protecting and managing the natural environment
  - Directing and influencing growth patterns
  - Facilitating the vision of the County as expressed through its residents
- Decisions affecting planning matters must **conform** to the County Official Plan
- Regional studies shape planning policy
  - Natural Heritage Study, 2012
  - Private Roads (Lanes) Study, 2016
  - Communal Servicing Study, 2019



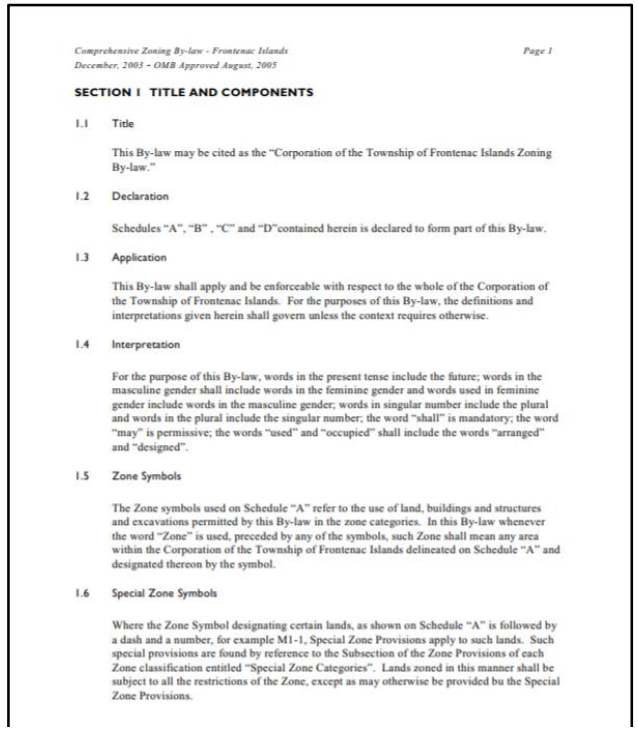
Township Official Plans

- Contain goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment within the Municipality
- Decisions affecting planning matters shall **conform** to the Township Official Plan
- Township Official Plan shall be consistent with Provincial Policy Statement and conform to County of Frontenac Official Plan
- Designations shown on Land Use Schedule
- Decisions and conditions that do not conform to Township Official Plans may be subject to an appeal



Township Zoning Bylaws

- Municipal Zoning By-law is the legally enforceable document that regulates land use and implements the policy.
- Zoning By-laws can regulate things such as where particular land uses may be established, the height and massing of structures, setbacks from lot lines and other quantifiable items.
- Individual zones have specific provisions; zoning for a property is found on the applicable land use schedule
- Decisions and buildings must **comply** with the Township Zoning Bylaw



Comprehensive Zoning By-law - Frontenac Islands *Page 1*
December, 2003 - OMB Approved August, 2005

SECTION 1 TITLE AND COMPONENTS

1.1 Title

This By-law may be cited as the "Corporation of the Township of Frontenac Islands Zoning By-law."

1.2 Declaration

Schedules "A", "B" , "C" and "D"contained herein is declared to form part of this By-law.

1.3 Application

This By-law shall apply and be enforceable with respect to the whole of the Corporation of the Township of Frontenac Islands. For the purposes of this By-law, the definitions and interpretations given herein shall govern unless the context requires otherwise.

1.4 Interpretation

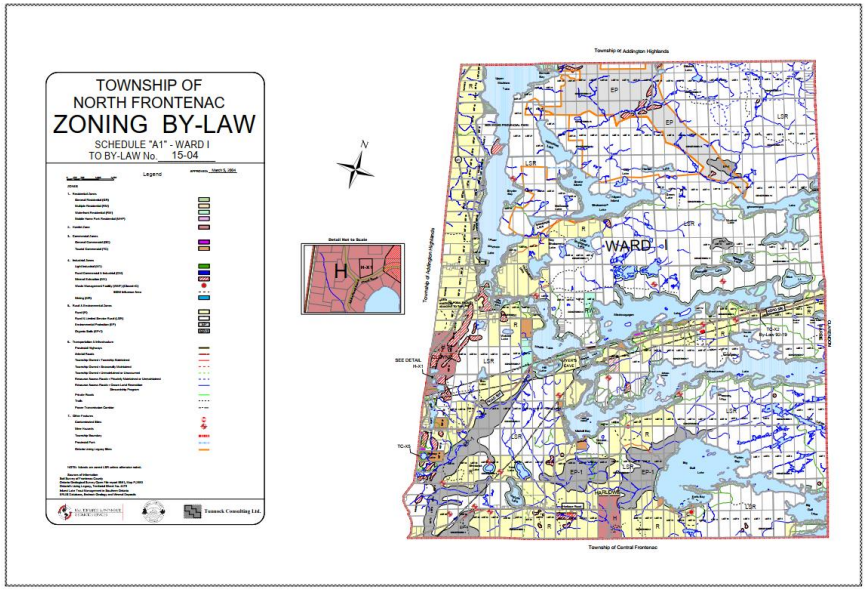
For the purpose of this By-law, words in the present tense include the future; words in the masculine gender shall include words in the feminine gender and words used in feminine gender include words in the masculine gender; words in singular number include the plural and words in the plural include the singular number; the word "shall" is mandatory; the word "may" is permissive; the words "used" and "occupied" shall include the words "arranged" and "designed".

1.5 Zone Symbols

The Zone symbols used on Schedule "A" refer to the use of land, buildings and structures and excavations permitted by this By-law in the zone categories. In this By-law whenever the word "Zone" is used, preceded by any of the symbols, such Zone shall mean any area within the Corporation of the Township of Frontenac Islands delineated on Schedule "A" and designated thereon by the symbol.

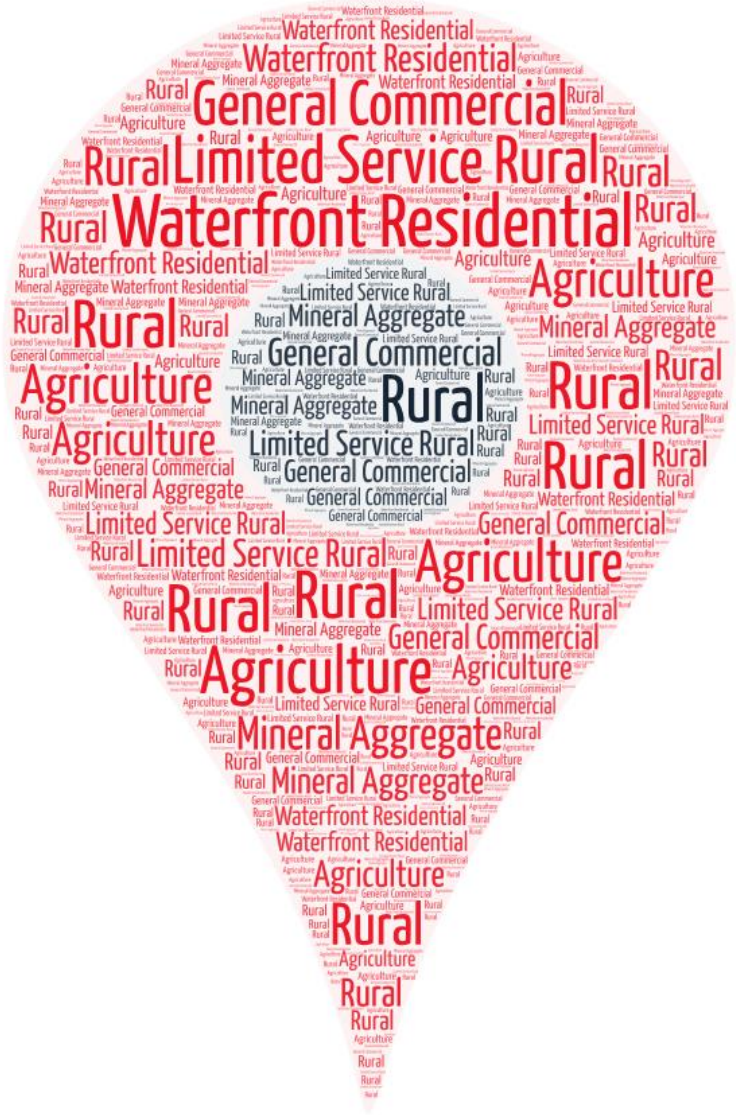
1.6 Special Zone Symbols

Where the Zone Symbol designating certain lands, as shown on Schedule "A" is followed by a dash and a number, for example M1-1, Special Zone Provisions apply to such lands. Such special provisions are found by reference to the Subsection of the Zone Provisions of each Zone classification entitled "Special Zone Categories". Lands zoned in this manner shall be subject to all the restrictions of the Zone, except as may otherwise be provided bu the Special Zone Provisions.



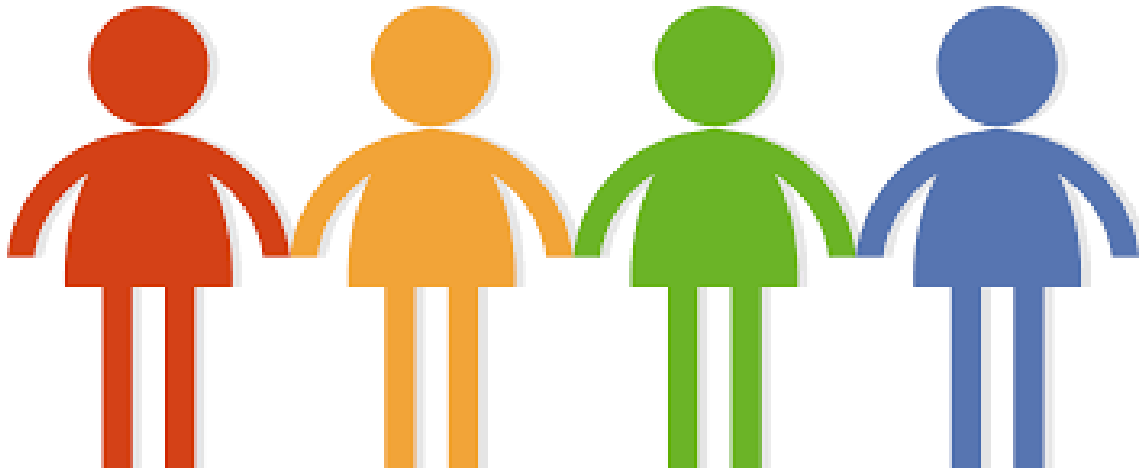
Common Land Use Zones

- Waterfront Residential
- Limited Service Rural
- General Commercial
- Mineral Aggregate
- Rural
- Agriculture
- Shoreline Residential
- Industrial



Committee of Adjustment

- Committee of Adjustment is a quasi-judicial body with authority delegated to it by the Township, under the provisions of the Ontario Planning Act, to hold public hearings to make decisions on applications for:
  - Minor variances and alterations in legal non-conforming uses
  - Consents (e.g. severances, lot additions, easements)



Committee of Adjustment

- Section 44 and 45 of the Planning Act set out criteria and powers of the Committee of Adjustment:
  - **Composition –** 44 (1) Appoint a committee of adjustment for the municipality composed of such persons, not fewer than three, as the council considers advisable.
  - **Quorum –** 44 (5) Where a committee is composed of three members, two members constitute a quorum, and where a committee is composed of more than three members, three members constitute a quorum.
  - **Term of Office –** 44 (3) Members of the committee who are not members of municipal council shall hold office for the term of the council that appointed them and the members of the committee who are members of a municipal council shall be appointed annually.
  - **Voting –** 45 (8) No decision of the committee on an application is valid unless it is concurred by the majority of the members of the committee that heard the application.

Committee of Adjustment

- Functions of the Committee of Adjustment include:
  - Meet in a public forum to hear applications for consent and minor variance;
  - Listen to presentations by the applicant, Township and County staff and any other interested parties;
  - Receive written submissions and staff reports;
  - Render a decision on applications that are placed before the Committee, including imposing any conditions of approval that it deems desirable.

- As a planning authority, the Committee is obligated to make its decisions within the provincial and local policy framework.
- Any decisions that are not consistent with provincial policy and legislation, or that do not conform to County and Township plans are subject to challenge at LPAT.

Role of Committee of Adjustment Members

- Review applications and planning materials in advance of the hearing
- Visit the site (if applicable)
- Attend hearings, consider comments from the applicant, agencies and public, make decisions in public regarding the applications and sign decisions
- Contribute time, knowledge, skill and expertise to fulfill the Committee mandate
- Be aware of any conflict of interest or perceived conflict
- Act to protect the privacy of individuals with information contained in applications

Role of Chair

- Presides at all hearings and meetings and exercises authority and performs duties are required
- Provides guidance and leadership to the committee
- Ensures that decorum is maintained at each hearing and that rules of procedure and conduct are observed.

Role of Vice Chair

- Acts in the Chair's absence and assumes the roles and responsibilities of the Chair

Role of Secretary Treasurer

- Responsible for all Committee administrative duties
- Review applications for processing
- Distribute the agenda and public notice
- Issue decisions
- Follow up on questions or concerns

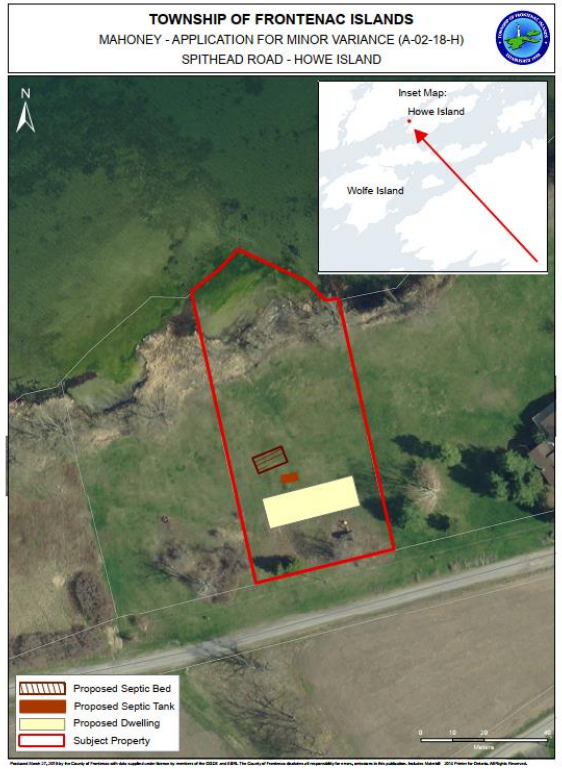
Role of Planner

- Act as subject matter expert and provides information to assist Committee in reaching a decision
- Prepare reports outlining the consistency and conformity with relevant planning policies and provide a recommendation on each application

Committee of Adjustment Applications

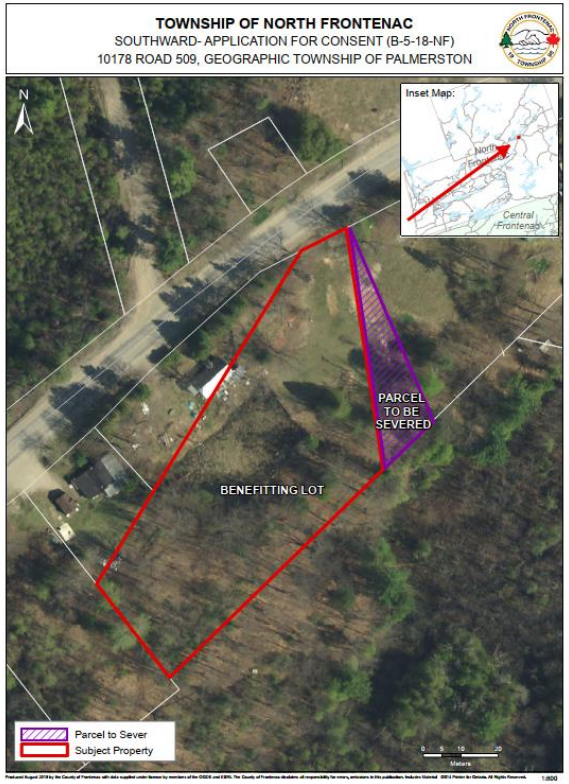
Minor Variance

- Seeking relief from a section of the Zoning Bylaw evaluation based on "four tests"

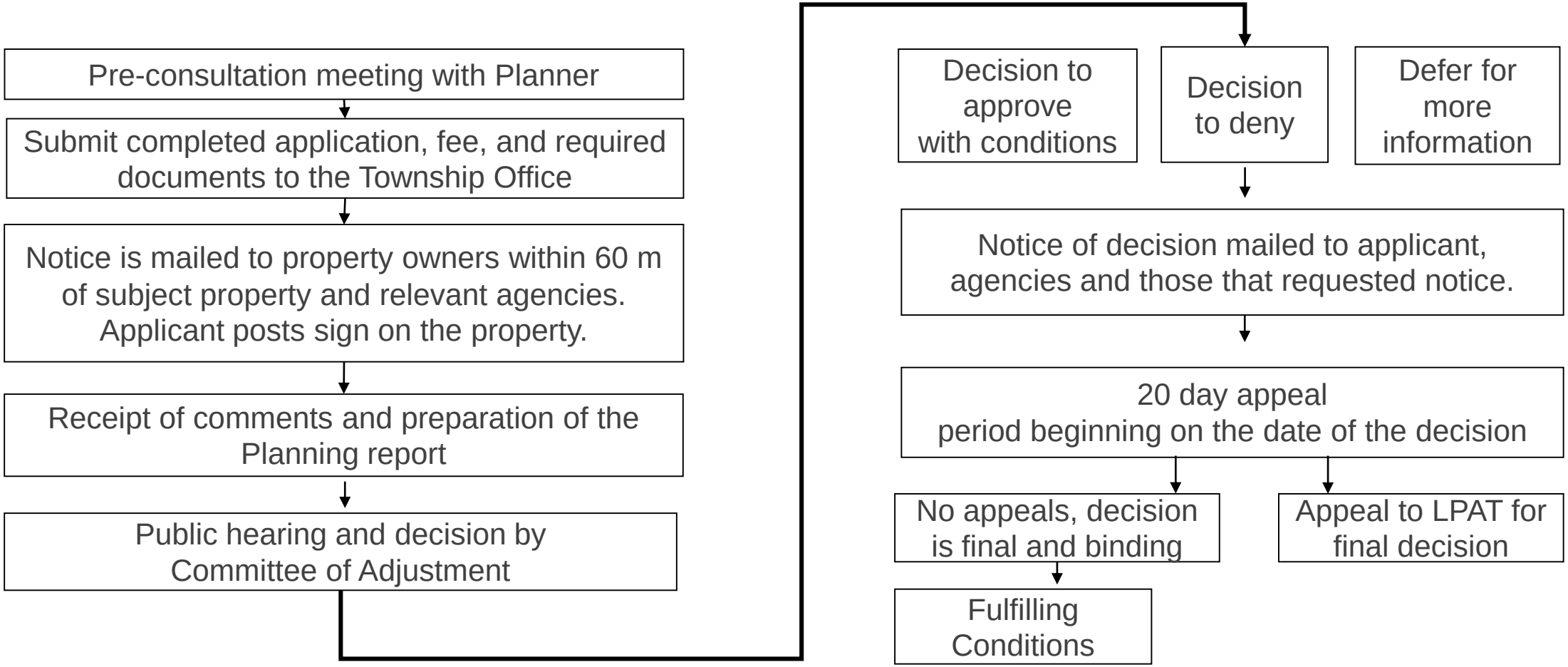


Consent

- Consent applications for severance (new lot creation), lot addition, or easement (e.g. right-of-way)



Committee of Adjustment Application Process



How to Evaluate Applications

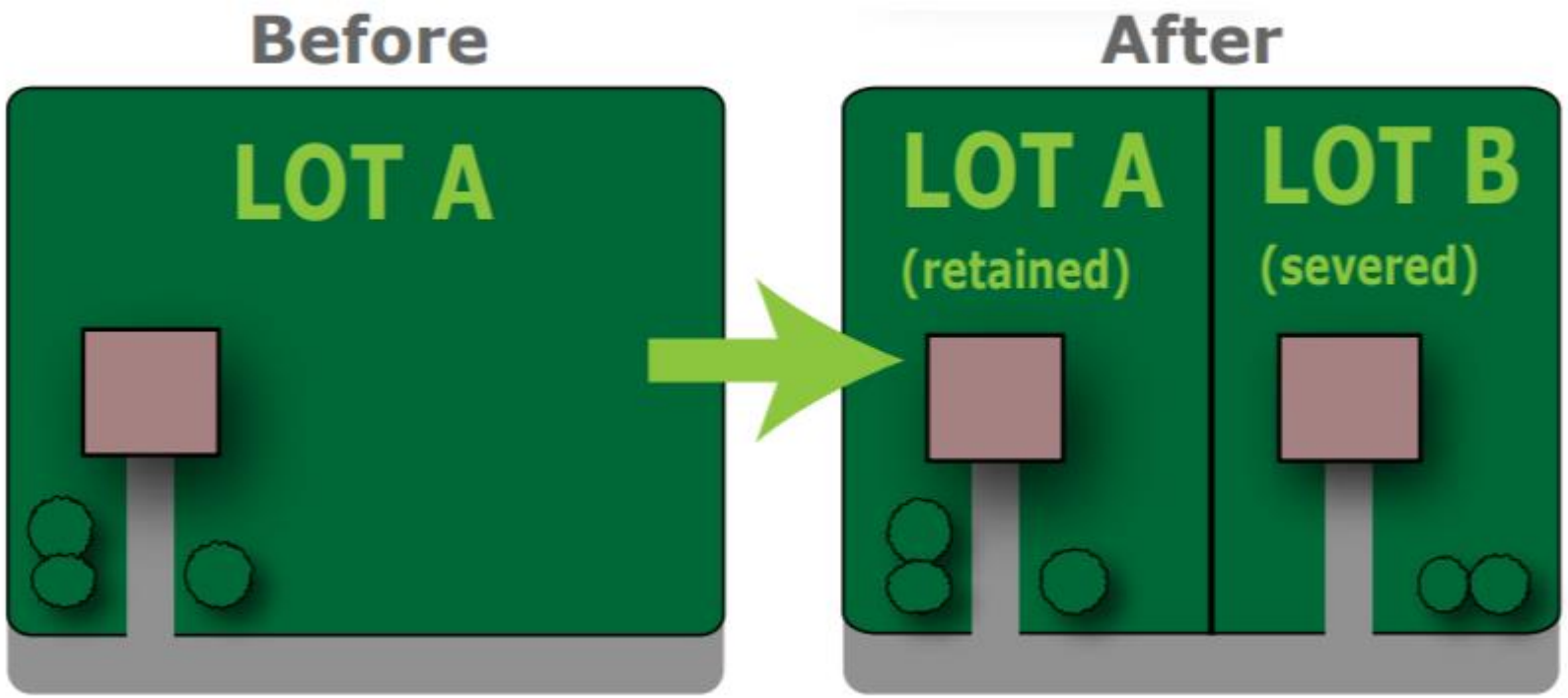
- Review information provided in the application
- Review the sketch submitted by the applicant – does the sketch match the application?
- What did you observe on the site visit?
- Review comments provided by the commenting agencies
- Review the planning report – is the application consistent and does it conform?
- Review comments provided by the pubic – do the comments relate to the planning matter?
- Make a decision on the application – defer if there isn't enough information
- Decide which (if any) conditions are reasonable to be imposed and the policy framework for these

Consents

Consent Applications

- Section 50 of the Planning Act – no person may grant an interest in land if they own abutting land, unless they have received approval to do so from the appropriate approval authority.
- Section 53 Consents outlines the consent process and the role of the approval authority in this process
- Consent is usually used where one or more lots are created in an area where infrastructure is already in place and where a plan of subdivision is not required for the orderly development.
- Township Official Plans contains policies for the number of lots that may be created through consent and criteria (including a date)

Consent – Limited Lot Creation

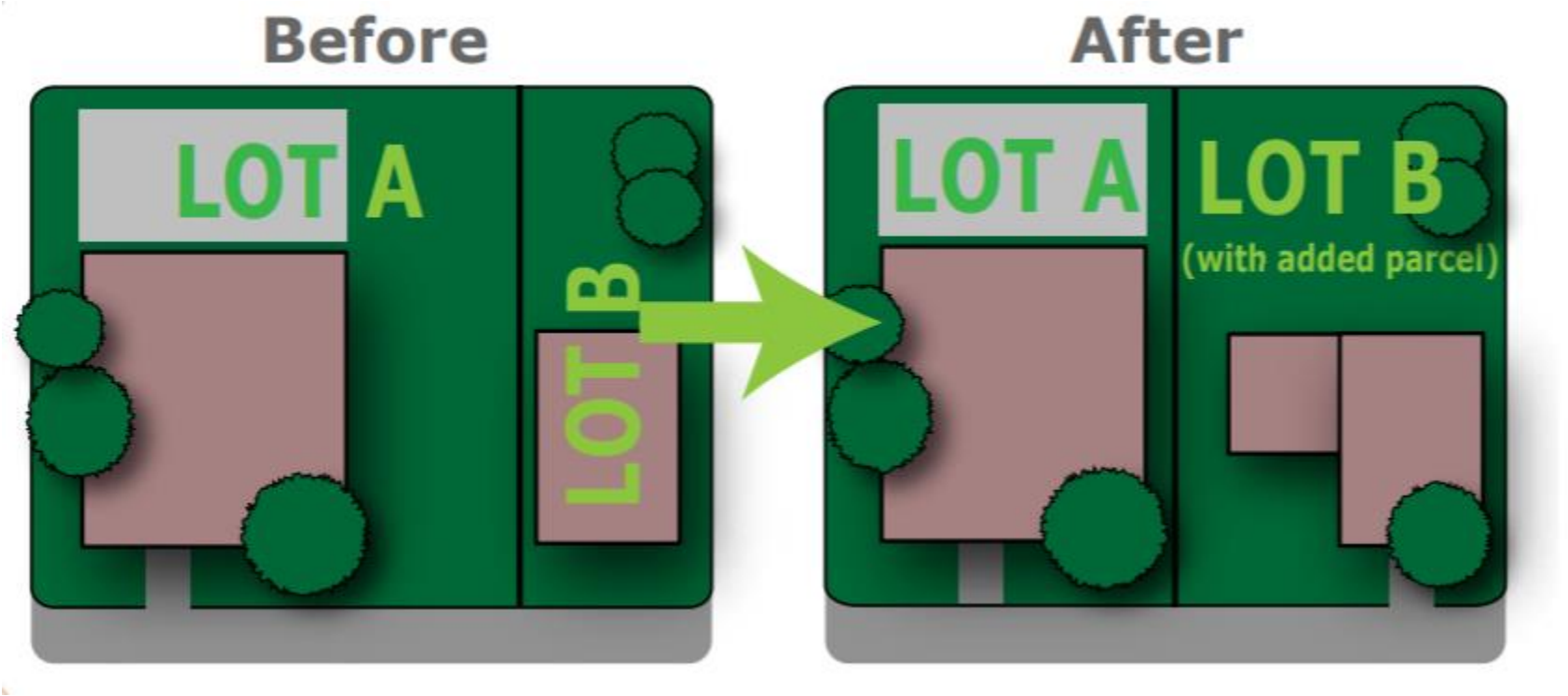


A landowner wishes to sever part of his/her property and retain the remaining portion.

A consent is required for this type of transaction.

- Most common consent application across Frontenac County
- May be submitted concurrently with other planning applications

Consent – Lot Addition

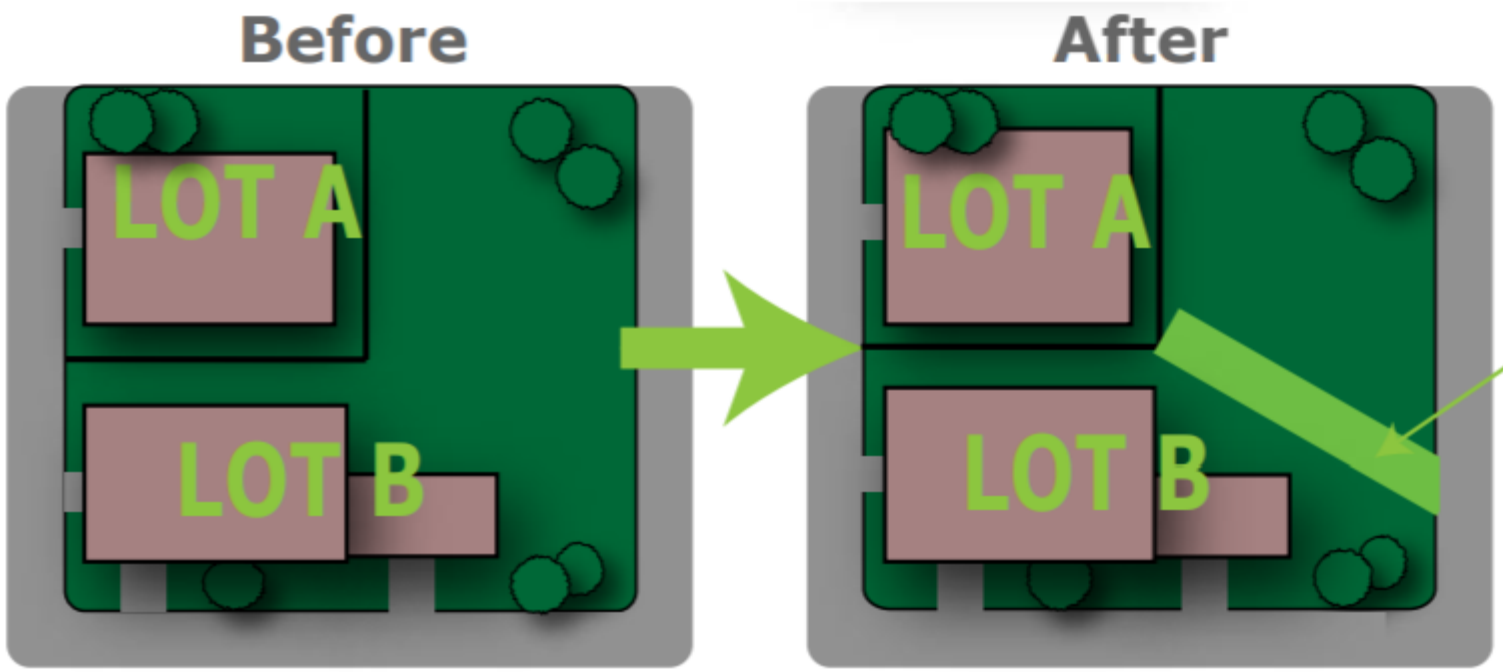


The owner of Lot A wishes to sell a portion of his/her property to the owner of Lot B to allow for an addition to an existing building.

A consent is required for this type of transaction.

- Often applicants apply to expand an existing undersized lot to bring the existing lot of record into compliance with current provisions
- Any future development must comply with the Zoning Bylaw

Consent – Easement



The landowner of Lot A wishes to use Lot B's property to access the street network.

Consent for a right-of-way formalizes this arrangement.

- Provide access to a landlocked piece of property or water access only lot
- Creation or extension of a right-of-way/private lane

Consent Timelines

	CONSENT
Application requirements	Less information is required for an application to be deemed complete (O. Reg. 197/96, Schedule 1)
Time to make a decision before an applicant can appeal to the Local Planning Appeal Tribunal non-decision	90 days [*Planning Act*, s. 53(14)]
	If provisional consent is granted
Time to fulfill conditions	1 year (no extension) [*Planning Act*, s. 53(41)]
	If consent is given
Time to transfer the new lots	2 years (no extension) [*Planning Act*, s. 53(43)]

Consent – Criteria for Evaluation

- Is the proposal premature or in the public interest?
- What is the effect of the development on Provincial interests?
- Does the proposal conform to the Official Plan and comply with the Zoning Bylaw?
- The suitability of the site
- The adequacy of the road and safety of access
- The dimensions and shapes of the proposed lots
- Conservation of natural features and flood control
- The adequacy of utilities and the availability of municipal services
- The area of land, if any, to be conveyed or dedicated for public purposes

Planning Report

Consent – Conditions

Types of Conditions:

Subsection 53(12) of the *Planning Act* allows the consent-granting authority to impose any condition to a provisional consent, as long as it believes the condition is reasonable, having regard to the nature of the development proposed, including:

- Provision of copies of a deposited reference plan completed by a surveyor
- Conveyance of land for park or other public recreational purposes or payment of money in lieu thereof
- Conveyance of land for matters such as road widenings, pedestrian and bicycle pathways and public transit right of ways
- Provision of local services related to the proposed new lot(s)
- Compliance with the applicable zoning by-law, development permit by-law or Minister's zoning order

- Conditions must be reasonable and related to the application
- Conditions must be able to be reasonably fulfilled within one (1) year
- Conditions must be based in policy
- Conditions may be amended by the Committee of Adjustment

Consents – Conditions in Frontenac

- **Survey/Reference Plan or Registerable Description** - An acceptable reference plan or legal description of the severed lands in duplicate, the deed, and the Certificate of Official shall be submitted to the Secretary-Treasurer.
- **Road Widening** - The surveyor shall also determine by survey the width of the public road abutting the severed lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed lands.
- **Parkland Dedication** - The Township shall receive 5% of the value of the parcel to be severed in lieu of parkland.
- **Potable Water** - The applicant must submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test.
- **Private Lane Upgrades** – That applicant shall construct the right-of-way to the Private Lane Standards
- **Zoning** - Where a violation of the Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.
- **Agreement** – A development agreement shall be registered on title.

Minor Variances

Minor Variance Applications

- Committee of Adjustment gets its authority to consider minor variances under Section 45 of the Planning Act.
- A variance is the relief from the terms of a zoning by-law where a proposed use or structure does not conform exactly to the zoning by-law.
- The Committee of Adjustment can also approve the expansion of a legal non-conforming use and to permit similar uses on a legal non-conforming property.
- Section 45 (1) establishes the 4 Tests to assist the Committee of Adjustment to evaluate a Minor Variance Application.

Minor Variance

Submitted with a consent application to recognize deficient frontage or area

Height and placement of accessory structures

Reduction in waterbody setback

Reduction in the front yard setback/ road setback

Minor Variance Timelines

	MINOR VARIANCE
Application requirements	Completed application, fees, detailed sketch
Time to make a decision before an applicant can appeal to the Local Planning Appeal Tribunal non-decision	30 days
Time to fulfill conditions	**If minor variance approved** - 20 day appeal period following decision - Valid when Bylaw in effect
Time to apply for building permit	**If conditions fulfilled** Can apply for a building permit following appeal period and fulfillment of conditions

Minor Variance – Criteria for Evaluation

- When the Committee is considering a variance application, the four tests as prescribed by Sec. 45(1) of the Planning Act are applied to determine if the variance should be approved. The four tests are:
    1. Is the application minor in nature?
    2. Is it appropriate and desirable development for the area?
    3. Is it in keeping with the purpose and intent of the Zoning By-law?
    4. Is it in keeping with the purpose and intent of the Official Plan?
- Is the application consistent with the Provincial Policy Statement, 2014?
- In order for an application to be approved, **all four tests must be met**

Planning Report

Minor Variance – Conditions in Frontenac

- **Conditioned to the Sketch/Plans Submitted** - Minor variance approved as per the sketch submitted with the amended application dated December 13, 2018.
- **Replanting** – Conservation Authority may request additional planting along the waterfront or de-vegetated area
- **Agreement** – A development agreement shall be registered on title to recognize future permits that may be required and to establish environmental policies of the Township.
- **Demolition Permits** – There may be times where the Township would require a demolition permit be obtained to remove a structure.

Things to Remember!

- **Planners like Questions in Advance!** – Call the office or email us in advance of the meeting so we can ensure we can provide you with the correct answer at the hearing.
- **Commenting Agencies** – Commenting agencies look at one aspect of the application, consider this when reviewing comments.
- **Conditions** – Conditions should be reasonable and not form de facto policy decisions.
- **Refrain from Discussing an Application in Advance** – Applications are exciting, but should not be discussed amongst members in advance of the hearing (this includes site visits).
- **Deferral is an Option** – If you feel as though you are missing information, defer the application.
- **Remember to Involve the Public** – At the hearing provide time for the applicant and members of the public to speak on the application. Allows the applicant to address any concerns raised by the public and the Committee.

Additional Resources – Consent and Minor Variance

- **Frontenac Maps** – http://frontenacmaps.ca/
- **Provincial Policy Statement, 2014** – http://www.mah.gov.on.ca/page10679.aspx
- **MMAH Consent Guidelines** – http://www.mah.gov.on.ca/AssetFactory.aspx?did=10267
- **County of Frontenac Official Plan -** https://www.frontenaccounty.ca/en/government/resources/Documents/County-of-Frontenac-Official-Plan-Consolidate.pdf

Committee Member Training Video Series
Volume 3: Minor Variances

The purpose of this material is to provide some useful guidelines to Committees that have been delegated authority to adjudicate Minor Variance applications.

This material will review the basics of Minor Variances, including:

- What is a Minor Variance?
- What is the statutory authority of the Committee of Adjustment to hear and issue Decisions on Minor Variance applications?
- What criteria are used to evaluate a Minor Variance Application?
- How to impose effective Conditions in your Decisions.
- Other powers of the Committee under Section 45 of the Planning Act.

What is a Minor Variance?

As the name suggests, a Minor Variance is an authorization to vary a provision of a Zoning By-law. An application for minor variance is a request by an owner or developer of land for relief from one or more provisions of a municipal zoning by-law.

Statutory Authority of Committee

The Committee's authority to hear and adjudicate applications for Minor Variance arises out of the *Planning Act*.

Criteria for Evaluation of a Minor Variance
The Four Tests - Section 45(1) of the *Planning Act*

The major criteria used to evaluate applications for Minor Variance are contained with Section 45(1) of the *Planning Act* and are commonly referred to as the "four tests" of a Minor Variance. These are:

Test #1: Is the variance minor?

The evaluation of "minor" is subjective and is directly related to the application at hand. Minor is not a mathematical calculation, and sometimes the reduction of a zoning standard to zero may be deemed minor in the circumstances. You should assess the impact of the variance on the subject and surrounding properties.

As an example, consider a request for reduction of an interior side yard to half of the zone standard for the following proposals:

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Firstly: An addition onto an existing house which will contain a new master bedroom; and

Secondly: An addition onto an existing house which will contain a hair salon, which is permitted as a home occupation use.

Is the variance minor? In the first case, the variance may be considered minor since there would be little impact to the adjoining neighbour from an additional bedroom. In the second case, however, the Committee will need to determine if the reduced setback is minor as it relates to a business with patrons coming and going.

Test #2: Is the variance desirable for the appropriate development or use of the land building or structure?
This test can be applied two ways, firstly is the proposal appropriate for the development or use of the subject property; and secondly is the proposal appropriate for the neighbourhood or the community as a whole?

Test #3: Does the variance maintain the intent of the Zoning By-law?
Zoning standards were developed for specific reasons and with specific objectives. The Committee needs to understand why the zoning provisions were put into place originally, and then determine if the proposal is in keeping with that intent.

For example, interior side yard setbacks were set with the intent of ensuring adequate separation between buildings, ensuring there is room for the homeowner to conduct exterior maintenance without trespassing onto the neighbouring property, and ensuring access to the back yard for the homeowner and for emergency services.

Test #4: Does the variance maintain the intent of the Official Plan?
Similarly, the final test requires an understanding of the municipal official plan policy, if any, that is impacted by the variance.

For example, let's say that the Official Plan contains a policy requiring all garages fronting on arterial roads to be set back at least as far as the main wall of the dwelling. The purpose of this policy is to maintain a more open "streetscape" that is not dominated by vehicles. Clearly, a variance that would move a garage significantly closer to an arterial road than the main building would not be in keeping with the intent of the official plan.

Additional Criteria?
The *Planning Act* empowers the province and/or municipalities to legislate additional criteria by which Minor Variances must be evaluated. As of the date of this material, the province has not enacted any regulation to establish additional criteria. You should check with your municipal staff to see if any additional criteria apply.

Also, always remember that all decisions on planning applications must conform to the Provincial Policy Statement and applicable Provincial Plans.

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Many municipalities will provide Committee members with a staff report containing an analysis of how an application stands up to the four tests. Read the staff report prior to the meeting and if you have questions or require clarification regarding the policy analysis in the report or any other matter, contact staff for clarification prior to the meeting. If your municipality does not provide staff reports, you can still ask for assistance from the planning staff if you are unclear on any of the tests or other issues related to the application. This may prevent the deferral of the application, as it provides staff with the opportunity to provide you with additional information so that you are able to make an informed decision.

When assessing an application, keep in mind that the application must pass ALL FOUR TESTS in order to succeed. If only ONE test fails, the application cannot be approved.

In addition to reviewing the staff report, you should conduct a site visit of the property subject to the application. Many times there are factors that influence an application that are not apparent on paper, but which quickly become obvious when seen first-hand. Volume 4 of this series entitled "The Site Visit" examines this in more detail.

Another factor having bearing on your decision is input from circulated agencies and from the public. You are obligated to review and consider all written and verbal submissions, whether in support of or in objection to the application.

While neighbour objections may be well-founded, in some cases they may arise out of a dispute between the neighbours and have no bearing on the application at hand. When listening to and reviewing these submissions, keep in mind that only valid, planning related objections should impact your decision.

An example of a planning-related objection would be an objection related to runoff or the ability to access the exterior of a building for maintenance without trespassing on the neighbour's property.

Conditions in Minor Variance Decisions
Section 45(9) of the Planning Act

Once you have weighed all of the evidence, your Committee may be in a position to approve the variance application. Under Subsection 45(9) of the *Planning Act*, your Committee can impose conditions on its approval.

Conditions imposed in your Decision must be reasonably related to the variance. For example, a condition requiring a building permit for a new garage is 'reasonably related'. Conversely, a condition requiring the homeowner to paint the garage green would likely not be.

Conditions imposed on a minor variance approval should be well structured and enforceable in order to avoid confusion and frustration on the part of the applicant and

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potential liability on behalf of the municipality. Conditions should be carefully worded and clearly set out what the applicant has to do, and when.

Subsection 45(9.1) of the *Planning Act* allows the committee to require the owner to enter into an Agreement with the municipality to ensure completion of the conditions. An Agreement should be required as a condition of approval if there are any conditions that will extend past the issue of a Building Permit by the municipality.

Other Powers of the Committee in Section 45 of the *Planning Act*

Subsection 45(2) of the Planning Act

Subsection 45(2) of the *Planning Act* empowers the committee to approve the expansion or alteration of legal non-conforming uses. The *Planning Act* sets out different tests that must be applied to applications to expand or alter a legal non-conforming use. You should also check your municipal Official Plan and Zoning By-law for policies related to legal-non conforming uses.

What is a Legal Non-Conforming (LNC) Use?

A legal non-conforming use is a use that was legally permitted on the date that the current zoning by-law was passed, or that was already legal non-conforming under the previous zoning by-law.

Expansion or Extension of LNC Use
Subsection 45(2)(a)(i)

The following tests apply to an application to expand or extend a legal non-conforming use:

- the use must have been continuous (although seasonal closures are permitted); and
- the expansion may only occur on the parcel of land originally occupied by the use, that is, the use can't expand onto new lands added to the parcel after the use was established.

Alteration of LNC Use
Subsection 45(2)(a)(ii)

An application to alter a legal non-conforming use is assessed using the following tests:

- will the altered use be more in compliance with the Zoning By-law than the original use?
- will the altered use have negative impacts on the surrounding area (such as increased traffic or noise, different hours of operation or greater parking requirements)?

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Interpretation of Use
Subsection 45(2)(b)

The Committee also has the power to make an interpretation of a use that is defined in general terms in a Zoning By-law. For example, is a denture clinic a "medical clinic"?

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Committee Member Training Video Series Volume 2: Consents

This material will provide an overview of the Consent process in Ontario including:
- what is a Consent?
- the subdivision control provisions of Section 50 of the Planning Act
- the role of your Committee
- the criteria to be considered in granting provisional consent; and
- conditions of provisional approval, and changing conditions

In Ontario, Consent applications may be heard by Committees of Adjustment, Land Division Committees, Planning Boards or even by municipal Councils. For simplicity, in this video all of these consent approval authorities will be referenced using the terms "Approval Authority" or "Committee".

Section 50 of the Planning Act
Section 50 of the Planning Act essentially says that **no person may grant an interest in land if they own abutting land, unless they have received approval to do so from the appropriate approval authority**.

Note that this approval is only required where an owner is proposing to convey an interest in land when they own abutting lands. In other words, anyone can deal with their entire parcel by way of sale, mortgage, easement or lease, without the necessity for approval, as long as they don't own any other abutting land (OR if the abutting parcels are whole lots or blocks on a registered plan of subdivision).

There are several exceptions to the requirement for approval in Section 50, however, to keep it simple for the purposes of this material, we will deal only with this main principle.

Approval to Divide Land - What is a Consent?
The Planning Act sets out two primary methods of obtaining approval to divide land. These include: A Plan of Subdivision under Section 51 of the Act, and Consent (commonly referred to as "severance") under Section 53 of the Act.

A Plan of Subdivision is generally used when the creation of numerous lots is proposed and substantial new infrastructure is required. The approval authority for Plans of Subdivision is generally an upper or lower tier municipal Council or the Ministry.

Consent is usually used where one or more lots are being created in an area where the infrastructure is already in place and where a plan of subdivision is not required for the orderly development of the municipality. The approval authority for Consent is typically delegated to a Committee of Adjustment or Land Division Committee.

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The Planning Act itself does not stipulate whether a Plan of Subdivision or a Consent is appropriate for any given proposal. Guidance in this regard is typically contained in Official Plan policies.

As a Committee Member, you should familiarize yourself with the consent policies of the applicable Official Plan or Plans. If your municipality is a lower tier, note that your upper tier municipality's Official Plan policies are critically important when assessing an application for consent.

In the absence of official plan policies, check with your municipal staff regarding your municipality's policies regarding land division.

Any new lot created through a consent, commonly called the "severed" lot; and the remaining land left behind, commonly referred to as the "retained" lot, must comply with the provisions of the applicable Zoning By-law with respect to frontage and area. Any structures located on both lots must also comply with zoning, particularly with respect to Use, setbacks and lot coverage.

If your municipality contains agricultural land, note that the Provincial Policy Statement and provincial plans contain specific restrictions regarding the severance of farmland. If your Committee deals with these applications, you should familiarize yourself with these policies.

As a consent authority, you have a responsibility to be aware of all provincial and municipal policies and regulations that have bearing on a consent application. Your municipal staff may assist you by providing a policy analysis in the form of a staff report.

There are other transactions that may require consent besides the creation of new lots. These are:

- a lease with a term exceeding 21 years
- a Right-of-way or Easement exceeding 21 years
- a Lot line Adjustment
- a Mortgage or Discharge of Mortgage
- a Foreclosure or Power of Sale

Examples where Consent under Section 53 would be required.
Example 1:
John owns Parcel A. He wishes to divide it in half, sell one half and keep the other half. Because he owns lands abutting the lands he intends to convey, he requires consent to convey the severed parcel.

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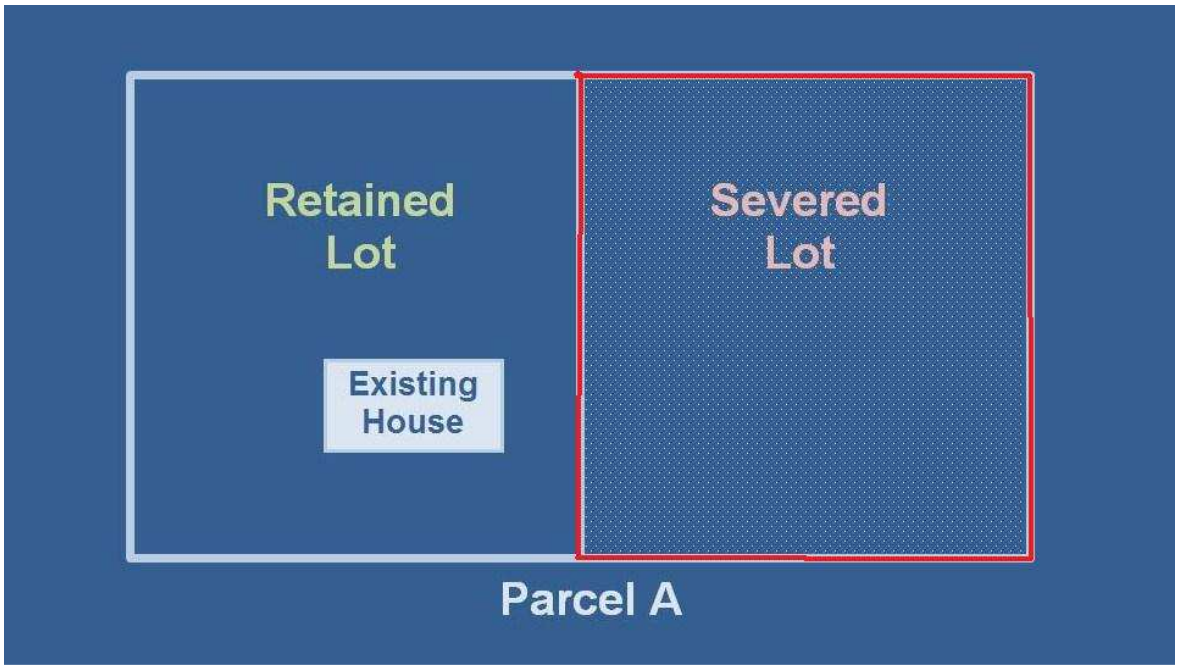
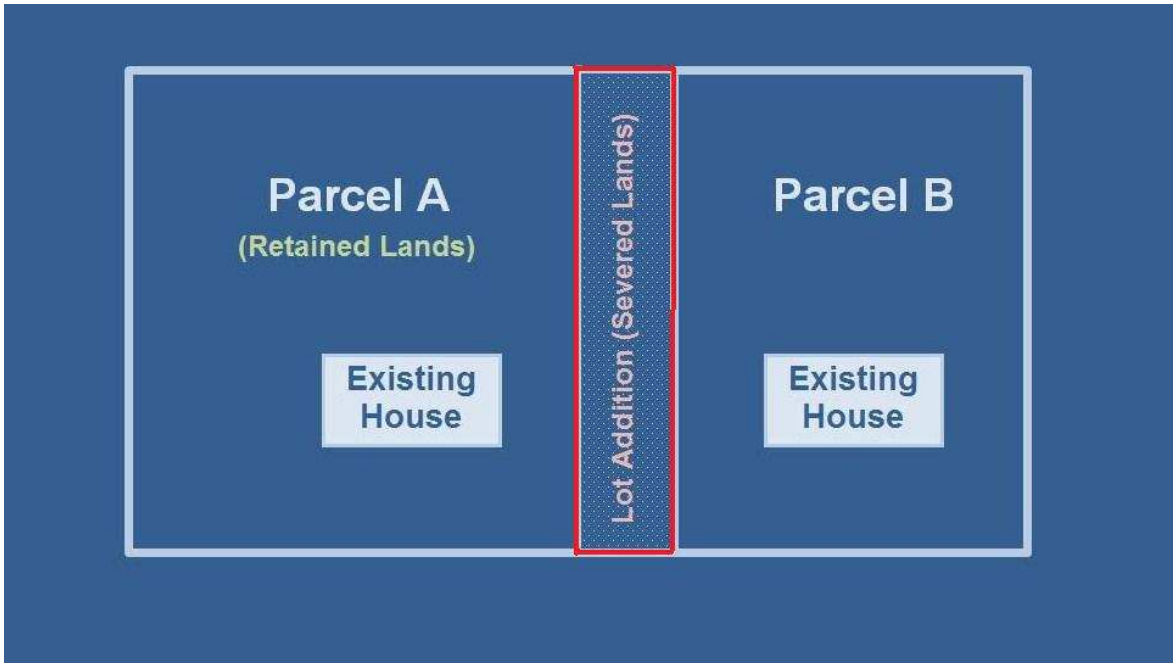


Example 1: Consent for New Lot

Example 2:
Sally owns Parcel B, next to John. In order to enlarge her lands, Sally has made a deal with John to purchase a strip of land from him and add it to her parcel. This type of consent is commonly referred to as a "Lot Addition". John will require consent to convey the strip of land to Sally.



Example 2: Consent for Lot Addition/Boundary Adjustment

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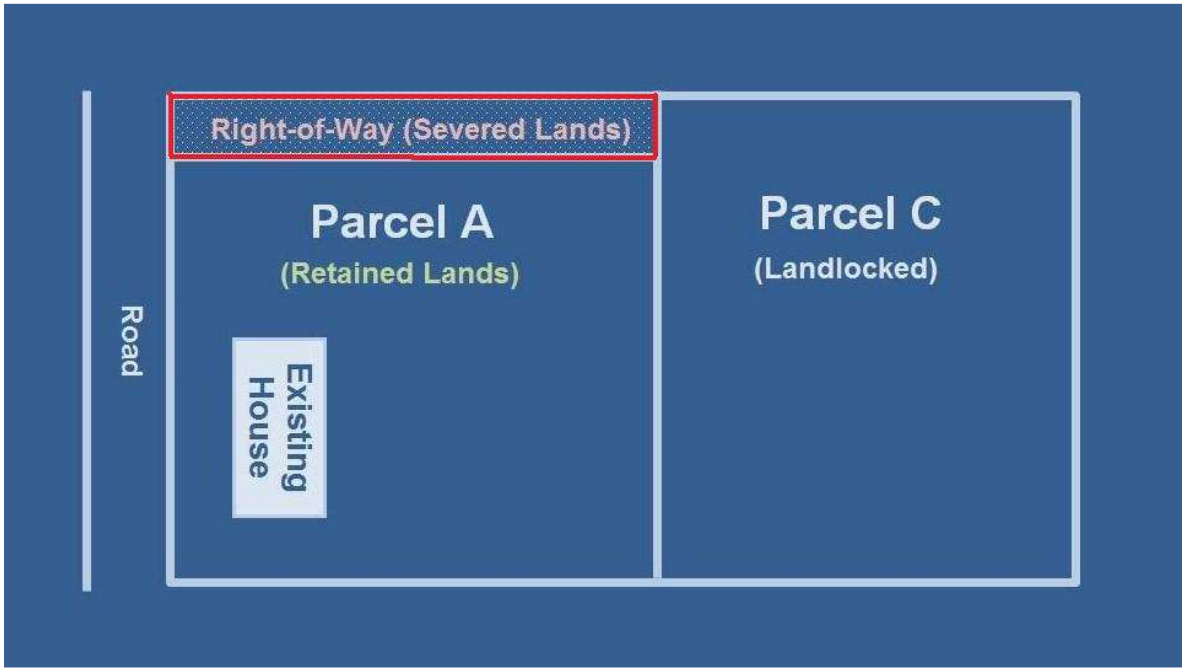
Example 3:
George owns Parcel C behind John, which has no road access. George wants to have legal access to his property and has made a deal with John to obtain a permanent right-of-way across John's property. Again, John will require consent to grant the right-of-way.



Example 3: Consent for Right-of-Way

Delegation of Authority
The authority of a Committee to grant consents is delegated by the municipal council, who in turn have been delegated with authority to do so by the Minister or by an upper-tier municipality.

Public Meeting
Interestingly, the Planning Act does not contain a requirement for a public meeting for a consent application. The standard approach in the province is to hold a public meeting anyway since, under the principles of natural justice, it is the right thing to do.

Criteria to be considered in granting provisional consent
The Planning Act requires that certain criteria be taken into consideration before any new parcel of land is created, such as:

- effect on matters of provincial interest
- is the proposal premature or in the public interest?
- does the proposal conform to the Official Plan and comply with the Zoning Bu-law?
- -what is the effect of the development on matters of Provincial interest?
- is the proposal premature or in the public interest?

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- does the proposal conform to the Official Plan and comply with the Zoning By-law?
- the suitability of the site
- the adequacy of the road and safety of access
- the dimensions and shapes of the proposed lots
- conservation of natural features and flood control
- the adequacy of utilities and the availability of municipal services
- the area of land, if any, to be conveyed or dedicated for public purposes

A site visit is encouraged, so that you have first-hand knowledge of the subject property.

In rendering your Decision, you are required to take into account all available evidence, including comments from circulated government authorities and other agencies, utilities, conservation authorities and members of the public, and the policy analysis provided in the staff report, if any.

We should note that "Intensification" is a concept that is promoted in the PPS and provincial plans. Essentially "intensification" means promoting development at a higher density than currently exists, utilizing existing infrastructure. Ultimately it is up to the municipality itself to determine where intensification is appropriate, through its Official Plan policies.

Written land use policies cannot possibly address every individual development proposal, since there are so many variables. As a Committee member, you have a statutory obligation to be aware of and work within the policy framework, however some situations may simply not be addressed by the written policies and in these cases, your common sense must prevail.

"Once a Consent, Always a Consent"
Keep in mind that once you have permitted the creation of a parcel of land through consent approval, that parcel is created forever. You must consider the long-range impact of your decision based upon planning evidence. Is the creation of this new parcel of land in the public interest?

Conditions in Decisions
Your Committee is empowered to impose conditions on its approval. Conditions imposed must be reasonably related to the application, for example, requiring the installation of a new sidewalk on the opposite side of the street from the subject property would not be reasonably related.

When Consent is approved by the Committee, it is considered to be "provisional approval" since under the Act, the applicant has one year from the date of the notice of decision to complete the conditions that you have imposed.

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The consent is not final until the applicant has provided satisfactory evidence to the Secretary-Treasurer that all of the conditions have been satisfied, and has requested and received a Certificate of Official.

When imposing conditions, you must consider whether the applicant can reasonably satisfy your conditions within a one-year time frame.

For example, the property proposed to be severed is adjacent to a Significant Woodland. An Environmental Impact Study, demonstrating that there will be no negative impacts on the woodland, is required as a condition of approval. An EIS can often take over a year to complete, since the consultant must observe the flora and fauna in all seasons.

In circumstances where there is a substantial deviation from the Zoning By-law provisions, a Zoning By-law Amendment is imposed as a condition of provisional approval. A Zoning By-law Amendment can take many months to process, and is subject to appeal to the Local Planning Appeal Tribunal.

In both of these examples, it is likely that the applicant would be unable to satisfy your condition, causing the provisional approval to lapse and forcing the applicant to reapply for the consent.

It is important, then, to carefully consider conditions of provisional approval. You are better to defer your decision to allow the applicant time to address certain issues, than to impose a condition that you know is unlikely to be satisfied within the required time frame.

In certain circumstances, the applicant or the municipality may seek to change the conditions of provisional approval. If the change is not deemed to be minor, this restarts the one-year "clock".

Section 51(26) of the Act enables you to require that the applicant enter into an Agreement with the municipality as a condition of provisional approval. Similar to a subdivision agreement, a Section 51(26) Agreement allows the municipality more detailed control over the ultimate development of the property and allows for the implementation of certain types of conditions that may not be satisfied within one year (for example, the installation of new municipal water and sanitary laterals).

Municipal staff should identify the need for such an Agreement and provide appropriate wording for the condition

Note that the conditions that you impose can only relate to the severed lot. Case law indicates that conditions imposed on retained lands can be successfully challenged. However, there may be unique circumstances which require a condition on the retained lot, and staff should advise the Committee when this is deemed appropriate.

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Provincial Policy and local planning documents are subject to change over time. OACA encourages you to regularly review the applicable policies and regulations, and to seek advice and guidance from your Secretary-Treasurer and/or municipal staff when required.

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COMMITTEE OF ADJUSTMENT
FRONTENAC COUNTY

Presented by Tony Fleming

January, 2019

Overview

- Consents
- Minor variances
- Water setbacks
- Legal non-complying cottages
- Conflicts
- Process and Natural Justice

Water Setbacks

- Most variances will deal with the setback from the water
  - The Official Plan says
- It is the intent of Council that this Plan strictly control or limit the nature and extent of development along the shoreline of water bodies, including second tier or back lot development, development on islands, development along watercourses flowing into lakes and development in their respective watersheds in general. It is the objective of these controls to maintain or improve the existing level of water quality, aesthetic and recreational quality and to improve the fishery, particularly, cold water fisheries or lake trout lakes. While maintaining this commitment to protecting the water quality, limited waterfront residential development or the commercial equivalent will be permitted based on the exercise of appropriate controls on the siting of buildings and structures, including tile beds, and the use of the best available technology for phosphorus removal

Water Setbacks

- What is important
  - Official Plan purpose and intent
  - Evidence of impact to water and environment (ribbon of life)
  - Evidence of impact to “character” of the waterfront (aesthetic)
  - Is there any room to build in a different location (not hardship, but relevant to whether it is “appropriate development”)

Water Setbacks

- Lessons from the OMB
  - Official Plan intent is critical
  - Official plan policies that focus solely on the environment as the reason for imposing a water setback are more likely to be varied
  - Official plan policies that describe the intent for water setbacks in relation to environmental protection as well as protection of the aesthetic character of the shoreline are more likely to be upheld

Cottages on the Edge

- Legal non-conforming uses
  - The use pre-dates zoning that makes that use illegal
  - Independent of any structure
  - Dependent on intent – can continue until it is voluntarily abandoned
  - No zoning by-law can eliminate the use
- Legal non-complying structures
  - The structure pre-dates zoning that makes the structure non-compliant with performance standards
  - Independent of use
  - The LPAT has now ruled that a structure is considered to be a “use” of land – therefore legal non-compliant structures have protection

Cottages on the Edge

- Legal non-conforming uses/non-compliant structures
  - Intention is the only relevant factor
  - Rights are eliminated only through the intent of the owner – voluntarily “give up” the right to the protected use
  - No zoning by-law can eliminate the non-conforming use - s. 34(9) of the *Planning Act (*applies now to structures)
  - Some intensification (evolution) of the use is permitted
  - At some point the impact of evolution in use may cross a threshold and become a difference in kind and eliminate the right to “evolve” the use
  - As of right permission to reconstruct non-complying structure (same footprint and same height and volume)

Conflicts of Interest

- Members of Committees of Adjustment are subject to the Municipal Conflict of Interest Act
- A conflict of interest is:
- Any pecuniary interest, direct or indirect, in any matter under consideration by the Committee of Adjustment
  - Any financial or monetary interest
  - The pecuniary interest can be positive or negative
- A pecuniary interest of the following persons is an indirect interest
  - Member's parent, spouse, same sex partner or natural, adopted or step-child
  - Member's employer or business partner
  - A private corporation in which the Member is a shareholder, director or senior officer
  - A public corporation in which the Member has a controlling interest

Conflicts of Interest

- Members of Committees of Adjustment are obligated to:
- Disclose the nature of your interest prior to any consideration of the matter at the meeting
- Not take part in the discussion or vote on the matter
- Not attempt in any way before, during or after the meeting to influence the voting
- If absent from the meeting, declare the conflict at the next meeting

Conflicts of Interest

- Exceptions to conflicts of interest:
- Having a pecuniary interest in common with electors generally (e.g; property owner, utility customer)
- Receiving an allowance, honorarium, remuneration, salary or benefit as a member of the Committee or as a member of the volunteer fire department
- Having a pecuniary interest that is so remote or insignificant that it cannot reasonably be regarded as likely to influence the Member

Decisions

The Decision

- **Decision by persons who have heard all of the evidence**: In order to validly participate in the decision-making process, Committee members must have heard all of the evidence and considered all of the arguments on both sides. A majority of the members of the Committee who heard all of the evidence may render a decision. Any member of the quorum who did not hear *all* of the evidence cannot participate in the decision.
- **Decision based substantially on the evidence heard at the hearing**: The decision must solely rely on the evidence presented at the hearing.
- **Reasons for the decision**: The Committee of Adjustment must set out its reasons for the decision *in writing* and the decision shall be signed by the members who concur with the decision. Reasons must sufficiently allow the party to determine how the body came to its conclusion. (consider all 4 tests)

Natural Justice

Why is natural justice important?

- Failure to follow may invalidate the decision
- Failure can lead to litigation – challenge to the decision

Natural Justice

- The two core principles of natural justice are as follows:

- **The Right to be Heard**: This principle enshrines the duty on a decision-making body to allow parties affected by a decision to reasonably present their case.

- **The Rule Against Bias**: This principle exemplifies the duty on the decision-making body to act fairly, listen to arguments, and reach a decision free from bias.

Natural Justice

Notice of hearing

- A party must receive prior notice of the facts on which the decision will be based such that they may properly present their side. Failure to give proper notice is a denial of natural justice.
- The Committee of Adjustment must give notice to the interested party sufficiently in advance of the hearing. Notice must contain the following information for an oral hearing:
  - the time, place, and purpose of the hearing; and
  - a statement that if the party notified does not attend the hearing then the Committee may proceed in their absence and the party will not be entitled to any further notice in the proceeding.
- Notice may also include the relevant facts, who will be present at the hearing, and consequences of the decision.

Natural Justice

Preparation for the Hearing

- A party must be given sufficient information to prepare his/her case. They should have access to all of the information upon which the administrative body will make its decision. Information should be disclosed with sufficient time for the party to prepare.
- Note: the decision-making body need not disclose confidential information or facts in the public domain.

Evidence

- A party is entitled to present any evidence relating to the matters set out in the notice of the hearing.
- Nothing that would be inadmissible in a court of law by reason of privilege (solicitor/client privilege, for example) is admissible during a hearing before the Committee.

Natural Justice

Witnesses

- A party has the right to call witnesses and question people giving evidence. The procedural by-law may contain more detailed procedures that govern evidence and witnesses.

Adjournment

- A party may request an adjournment to respond to new facts adequately. The decision-making body generally has the authority to either grant or deny the request, but note that a refusal to grant an adjournment may be an infringement of natural justice if it prejudices the party requesting the adjournment.
- The Committee has the authority to adjourn a matter on its own motion and reserve its decision until a later date.

Representation by Counsel

- A party appearing before the Committee of Adjustment may be represented by counsel as part of the “right to be heard”.

Natural Justice

Decision-making bodies are expected to render their decisions untainted by bias. There must be a *reasonable apprehension* that a decision-making body or officer of the body did not or will not act impartially for a decision to be set aside for bias—mere suspicion will not suffice.

- **Personal, Family, or Professional Relationship**: A member should not hear or ought to step down from hearing any application dealing with a family member, even if it would not offend the Municipal Conflict of Interest Act.
- **Attitudinal Bias**: A member of the Committee may raise a reasonable apprehension of bias by the way in which he/she acts towards a party. This can occur prior to or during a hearing, or at the time a decision is made. No member hearing an application before the Committee may pre-judge the matter or express an opinion in public before the decision is rendered.
- **Communications***:* Private communication among members of the Committee will likely give rise to a reasonable apprehension of bias. This is equally applicable to communication between members and parties. All communication between such individuals should be restricted to the formal proceedings before the Committee until after a decision is made.

Natural Justice

Site visits

- An important part of understanding the decision to be made
- It is acceptable to have the applicant accompany Committee members to the site, and to provide transportation (island visits)
- This is not an opportunity to “convince” members to support an application
- Site visits are informational only
- Members should avoid engaging in discussion or debate on the merits of the application with the owners
- Members should be clear that they cannot make decisions based on information that they are provided that the other members are not, and that doing so could jeopardize the decision to be made

Conditions

- Conditions must be able to be satisfied
- Conditions must be able to be satisfied in one year
- How is it satisfied and by whom
  - Clear language is essential
- Distinction between site plan and development agreement

LPAT

- The name has changed, but the process is the same
- The appeal test is the same
- If you disagree with staff it is often preferable to defer and seek further information on issues that are not certain

Committee Member Training Video Series
Volume 4: The Site Visit

Committees of Adjustment are called upon to make important decisions regarding land use. The decisions made by your Committee have long-lasting impacts and implications, and so you want to make the best decisions that you can make, based upon the best evidence and information available to you.

When you receive your agenda package from municipal staff, normally you will receive a copy of the Notice of Hearing, a site plan sketch, and sometimes an elevation drawing of the proposed building or other construction drawings. While this information is critical to have, it is two dimensional and relates only to the subject property. It doesn't tell you much about the context of the application and the surrounding properties. Before you are called upon to make a decision on an application, you should actually visit the property that is the subject of that application.

Interaction with Applicant and/or Neighbours during Site Visit

When you arrive for the site visit, you should always knock on the door and introduce yourself to the owner or occupant. If your municipality has provided you with an identification badge or card, present it to the owner or occupant and explain that you are a member of the Committee of Adjustment and would like to have a look at the property prior to the public hearing. If the occupant is a tenant, you can explain that the owner has given Committee members and staff permission to inspect the property. This simply avoids any confusion about who you are (and why you are snooping around on the property). (*Note: If the applicant or occupant is not at home, you may still enter onto the property and conduct an inspection provided that the owner has authorized you to do so. Typically the application form includes an authorization by the owner for municipal staff and Committee Members to enter onto the property for inspection purposes*).

It is very important to remember that you are not permitted to enter into any discussion with the property owner regarding the merits of the application. You can ask for clarification of where the property boundaries are, and you can talk about the technical details of the proposal (for example, for a proposed garage – you could ask something like "which side will the windows be on?" or "what type of siding are you planning to use?"). If the owner attempts to discuss the merits of the application, you can just politely state that you are not able to enter into that discussion at this time, and that you will be pleased to discuss that with him or her at the public hearing.

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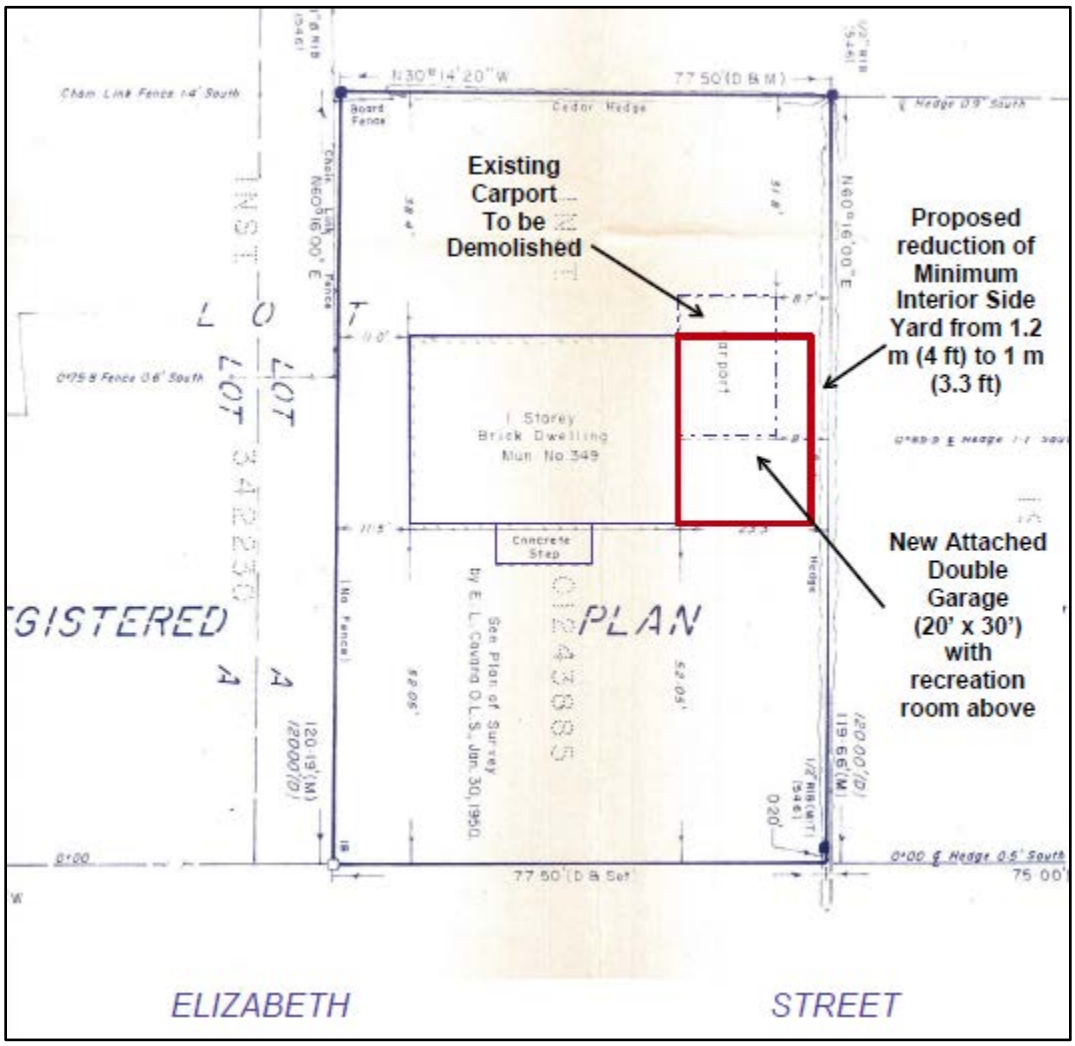
Similarly, you may also be approached by neighbours during your site visit. Again, no discussion can occur regarding the merits of the application. If the neighbour begins to discuss the application with you, or voices objections, just politely state that you are not able to discuss it at present. You should explain to the neighbour that they can express their concerns either in writing, by letter or email to the Committee's Secretary-Treasurer prior to the hearing date, or in person at the public hearing.

Site Visit for a Minor Variance Application - What to Look For

As an example, let's use an application for a minor variance to construct a new attached double car garage on a residential property.



The primary purpose of your site visit is to get a good sense of what the impact of this variance will be on the surrounding neighbourhood and the subject property.

Here are some things that you should be looking for during your site visit:

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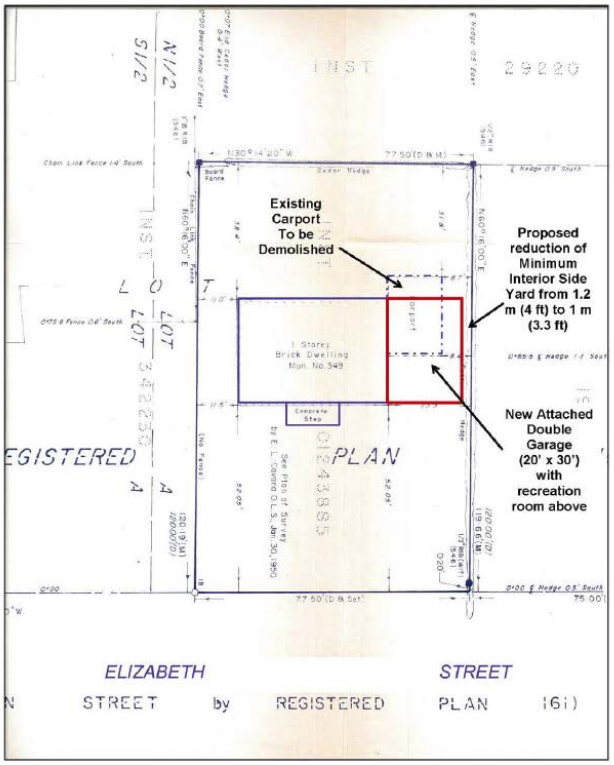
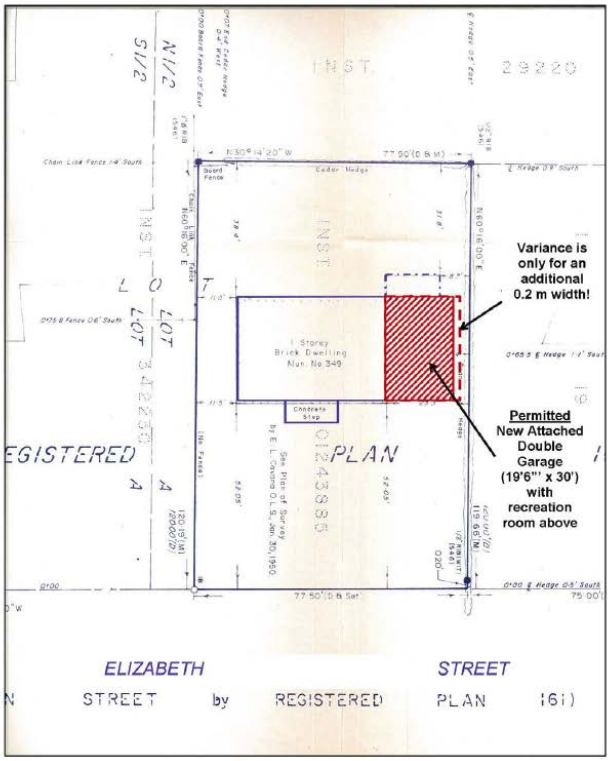
- What is the visual impact on neighbours?
- What screening or buffering exists between the proposed building and adjoining properties?
- Are there existing or potential drainage issues? Where will the rain and snow runoff go?
- How does the topography of the property affect the proposal?
- Are there any trees that will be an obstacle?
- Where is the hydro and gas service? Are there any utility poles or overhead lines that may be impacted?
- What is the impact of the reduction of the side yard?
- Is there a building adjacent to the property line on the adjoining property?
- Would the owner still have sufficient space to do maintenance on that side of the proposed building without having to encroach onto the neighbour's property?

Always keep in mind that what you are looking at is the potential impact of the VARIANCE from the zoning provisions, not the impact of the proposed building in general. A question to ask yourself is "will the proposed building have MORE impact than a building that complies with the Zoning By-law would have?



Construction that requires Minor Variance



Construction that does not require Minor Variance

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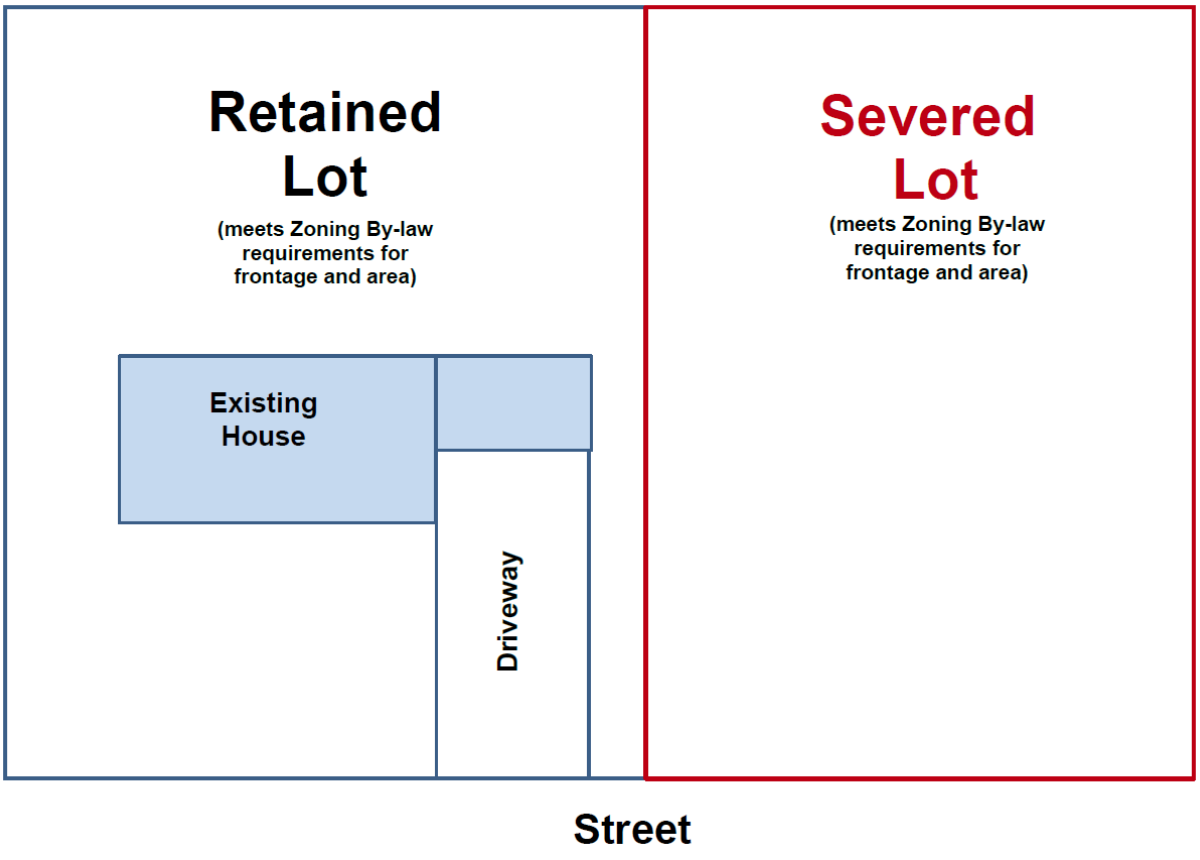
Another important question to ask is “Why can’t the owner comply with the Zoning By-law provisions?” Although not applicable to this example, in some cases there may be a very clear reason for the variance request that relates to the topography of the property – existing trees, hydro poles or lines, existing landscape features, etc.

You should also try to assess if the proposed building is in keeping with the surrounding neighbourhood. Look at the development on the adjacent properties and on the street in general. Does this proposal stand out as being out of character?

Site Visit for a Consent Application- What to Look For

The property owner is proposing to sever a lot. The existing house will be on the retained lot, and the severed lot will be vacant. Both the severed and retained lots meet the Zoning By-law provisions for frontage and area, and the existing house on the retained lands meets the setback requirement from the proposed new lot line.



Once again, your site visit should focus on the IMPACT of the proposed severance.

- Is the proposed new lot in character with the neighbourhood?
- What impacts would be created by this new lot?

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- What will the access be?
- What impact will there be on traffic flow and parking?
- Are there any obvious topographical considerations?
- Are there any obvious servicing or drainage considerations?

Always make careful notes of your impressions from the site visit so that you can refer to them during the public hearing.

Site Visits: Other Considerations

If your municipality uses posted notices, you should always look for the posted sign during your site visit and make note if it is not visible. Since this is a statutory requirement, failure to post the notice may result in deferral of the hearing.

Depending on the nature of the proposal, sometimes a site visit can be as simple as a drive-by, as long as it still gives you the information that you need to make an informed decision.

Group Site Visits?

Some municipalities routinely conduct group site inspections with all of the Committee Members present. OACA recommends against this practice since, once a quorum is established, the Committee is bound to adhere to statutory requirements. All discussion regarding the merits of an application must occur at the public hearing.

In some cases, a group site inspection may be unavoidable, such as when the application relates to an island property. If you are forced to conduct a site inspection as a group, refrain from discussing the merits of the application.

Weather may prevent a proper site visit

Sometimes weather conditions will prevent you from conducting a proper site inspection. In this case, you may wish to vote for deferral of the application until you are able to fully inspect the subject property.

Ask your Municipal Staff for Clarification

If your site visit raises questions, make your municipal staff aware of any potential issues prior to the hearing. This will give staff the opportunity to obtain clarification before the hearing takes place.

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Do's and Don'ts of Site Visits

DO – conduct a site inspection of a property that is subject to an application for Consent or Minor Variance
DO – knock on the door and introduce yourself
DO – look for a posted notice if your municipality uses them
DO – make careful notes of your impressions so that you can reference them during the public hearing
DO – be observant. Look at the topography of the property, assess the impact of the proposal on the neighbouring properties.
DO – make an assessment of whether the proposal is in keeping with the surrounding
DON'T – engage in any discussion with the owner or neighbours regarding the merits of the application.
DON'T – conduct group site inspections with your Committee unless it is unavoidable.
DO – ask for clarification from municipal staff if needed.

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Committee Member Training Video Series
Volume 6: Conflict of Interest

This final volume of the Committee Member Training Video Series will deal with a topic of great importance to committee members - conflict of interest. We will examine:

- the legislation dealing with conflict of interest
- why, how and when to declare a conflict of interest
- what resources are available to committee members; and
- the role of the Integrity Commissioner

Legislation - the Municipal Conflict of Interest Act, R.S.O. 1990

The legislation governing conflict of interest related to municipal matters in Ontario is the Municipal Conflict of Interest Act (the "MCIA").

> *"local board" means a ... committee of adjustment ... land division committee ... planning board ... or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act in respect of any of the affairs or purposes ... of one or more municipalities or parts thereof ... (MCIA)*

The MCIA contains a definition of "local board" which includes Committees of Adjustment, Land Division Committees, Planning Boards and any other body that has authority under any provincial legislation over the affairs of a municipality.

Purpose of the legislation

The purpose of this legislation is to protect the public interest by ensuring that no member of a committee has an involvement in any matter being considered by the committee if the member has a pecuniary interest.

Principles of the MCIA

The main principles set out in the MCIA are:

- the importance of integrity, independence and accountability in local government decision-making
- the importance of certainty in reconciling the public duties and pecuniary interests of members
- members are expected to perform their duties of office with integrity and impartiality in a manner that will bear the closest scrutiny

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- there is a benefit to municipalities and local boards when members have a broad range of knowledge and continue to be active in their own communities.

In the context of the MCIA, a Conflict of Interest means a pecuniary interest only.

Pecuniary = "relating to or consisting of money"

The word "pecuniary" means "relating to or consisting of money". Therefore a pecuniary interest is a financial interest. A pecuniary interest may be direct, indirect or deemed.

Direct pecuniary interest

A direct pecuniary interest is an interest that has, or potentially will have, an impact on a member's finances or property value. The impact may be positive (gain) or negative (loss).

Indirect pecuniary interest

An indirect pecuniary interest is where one of the following relationships exist between the member and a company or body that has a direct pecuniary interest:

- the member is a director or senior officer of a public or private company
- the member is a shareholder of a private company
- the member has a controlling interest (greater than 10%) in a public company
- the member is a "member" of a "body" that has a direct pecuniary interest
- the member is a partner; or
- the member is an employee

Deemed pecuniary interest

A deemed pecuniary interest is where the member knows that their spouse, child or parent has a direct or indirect pecuniary interest.

Obligation of Member

A member of a committee is personally obligated to understand and abide by the provisions of the MCIA.

It is important to remember that the onus is solely on you, as a committee member, to decide whether you have a conflict with respect to a certain application.

If in doubt, declare.

In deciding whether to declare a conflict, you may consult your Integrity Commissioner, Secretary-Treasurer or municipal staff, however if there is any perception that you, your

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company or any of your family members stand to gain financially from the application, you should declare.

Natural Justice

Principles of Natural Justice - the right to a fair hearing
- adequate notice
- a fair hearing
- no bias

Natural justice requires that a person receive a fair and unbiased hearing before a decision is made that will affect them. The three main requirements of natural justice that must be met in every case are: adequate notice, fair hearing and no bias. All three of these concepts are grouped together as "the right to a fair hearing." While the MCIA speaks directly to pecuniary interests, being quasi-judicial the principles of natural justice also apply to Committee hearings. If a member has any bias that impacts their ability to render a fair decision it would be prudent for them to declare a conflict.

Duties of Member who declares a conflict

A member declaring a conflict of interest has certain statutory duties under the MCIA. He or she must:

- disclose the interest and the general nature prior to any consideration of the matter
- provide a written declaration to the Secretary-Treasurer or Clerk at the meeting where the disclosure is made
- not take part in any discussion or vote on the matter; and
- not attempt to influence the voting in any way either before, during or after the hearing

Written Disclosure

The required written disclosure must detail the type of pecuniary interest, that is, whether direct, indirect or deemed. It must also contain sufficient facts to provide some context for the general nature of the interest. (Refer to Handout #2)

Although not normally applicable to committee meetings, if the meeting is closed to the public, any member declaring a conflict is required to leave the meeting room.

Although not technically required under the MCIA, it is good practice for a member declaring a conflict to leave the meeting room. In this way, it is clear that the member is making no attempt to influence the discussion or the decision.

The best practice is for a Member declaring a conflict to leave the meeting room.

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If the member remains in the meeting room, he or she may unintentionally influence the other members through facial expression or body language.

Exceptions

The MCIA contains nine specific and two general exceptions from the requirements of Section 5.

Specific Exemptions

The specific exemptions typically do not apply in a committee setting, but are listed here for information purposes:

(a) as a user of any public utility service supplied to the member by the municipality or local board in like manner and subject to the like conditions as are applicable in the case of persons who are not members;

(b) by reason of the member being entitled to receive on terms common to other persons any service or commodity or any subsidy, loan or other such benefit offered by the municipality or local board;

(c) by reason of the member purchasing or owning a debenture of the municipality or local board;

(d) by reason of the member having made a deposit with the municipality or local board, the whole or part of which is or may be returnable to the member in like manner as such a deposit is or may be returnable to all other electors;

(e) by reason of having an interest in any property affected by a work under the Drainage Act or by a work under a regulation made under Part XII of the Municipal Act, 2001 or Part IX of the City of Toronto Act, 2006, as the case may be, relating to local improvements;

(f) by reason of having an interest in farm lands that are exempted from taxation for certain expenditures under the Assessment Act;

(g) by reason of the member being eligible for election or appointment to fill a vacancy, office or position in the council or local board when the council or local board is empowered or required by any general or special Act to fill such vacancy, office or position;

(h) by reason only of the member being a director or senior officer of a corporation incorporated for the purpose of carrying on business for and on behalf of the municipality or local board or by reason only of the member being a member of a board, commission, or other body as an appointee of a council or local board;

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(i) in respect of an allowance for attendance at meetings, or any other allowance, honorarium, remuneration, salary or benefit to which the member may be entitled by reason of being a member or as a member of a volunteer fire brigade, as the case may be;

(j) by reason of the member having a pecuniary interest which is an interest in common with electors generally; or

(k) by reason only of an interest of the member which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member.

General Exceptions

- **an interest in common with electors generally**
- **a remote or insignificant interest**

The two general exceptions are more relevant in a committee setting. The first is rather self-explanatory and that is, an interest in common with electors generally.
The second general exemption is where the interest of the member is "remote or insignificant". To be considered remote or insignificant, the relationship between the member and the subject matter must be so indirect or trivial that it leads to the conclusion that potential personal gain was not a motivating factor in the member's decision making.

Case law - "remote or insignificant interest"
- Whitely v. Schnurr (1999), "Would a reasonable elector, being apprised of all of the circumstances, be more likely than not to regard the interest of the [member] as likely to influence the [member's] action and decision on the question?"

Case law in Ontario has assisted in defining what constitutes a remote or insignificant interest. Remoteness or insignificance does not relate to the value of the pecuniary interest, but rather to the importance of the matter to the member.

The Integrity Commissioner

All municipalities in Ontario are required under the Municipal Act to appoint an Integrity Commissioner. The duties and responsibilities of the Integrity Commissioner include advising upon requests from members of Council and of local boards for advice respecting their obligations under the MCIA.

Requests by members for advice from the Integrity Commissioner are required to be in writing, as is the response from the Integrity Commissioner.

Your municipal staff can provide you with the contact information for your municipality's Integrity Commissioner.

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Quorum

If, by reason of a member declaring an interest, quorum is not met, the MCIA provides that the remaining number of members shall be deemed to constitute a quorum, provided there are at least two members remaining.

Advise your Secretary-Treasurer as soon as you have identified a conflict.

It is prudent to advise your Secretary-Treasurer as soon as you have identified a conflict, preferably before the meeting date. This allows the Secretary-Treasurer to bring in an appointed alternate member if required for quorum.

Extreme situation - Judge's Order

If through absence or declaration of conflict, you do not have quorum, the MCIA provides that an application can be made to a Judge of the Ontario Superior Court of Justice for an Order exempting the member from declaring a conflict. This is an extreme measure, and a better practice would be to have an alternate member appointed, particularly if you have a three-member Committee.

Additional Requirements of MCIA

The Secretary Treasurer is required to record in the minutes that the member declared a conflict and left the meeting

If the member is absent from the meeting at which the matter is heard, he or she must declare the conflict at the next attended meeting.

A registry of all written declarations of conflict is to be maintained by the Secretary-Treasurer.

Contravention of the MCIA

Now let's examine the consequences to a member of contravening the MCIA.

Your decision not to declare a conflict may be challenged by:

- an elector
- a municipal Integrity Commissioner; or
- a person "demonstrably acting in the public interest"

A challenge is made by way of an application to a judge and must be made within six weeks after the applicant became aware of the alleged contravention. No application may be brought after the 6th year anniversary of the alleged contravention.

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An application may also be made to a municipal Integrity Commissioner to conduct an inquiry as to whether a contravention of Section 5 of the MCIA has occurred. This application may be brought by an elector or person demonstrably acting in the public interest (including the applicant).

Such an inquiry must be completed within 180 days, following which, if it is determined that a contravention has taken place, the Integrity Commissioner may apply to a judge. The municipality is responsible for the costs.

Penalties for Contravention

As of March 1, 2019, the following penalties may be imposed upon a member who has been determined to have contravened the MCIA:

- reprimand
- suspension of remuneration for up to 90 days
- removal from office
- disqualification for up to seven years; and/or
- restitution of any financial gain

The MCIA sets out matters that the judge may consider in imposing a penalty, as follows:

- did the member take reasonable measures to prevent the contravention?
- did the member disclose the potential pecuniary interest to an Integrity Commissioner and obtain advice? If so, was the advice followed?
- was the contravention committed through inadvertence or by reason of an error in judgement made in good faith?

Appeal from Judge's Order

The MCIA does contain a right to appeal to the Ontario Divisional Court against a judge's order. The Divisional Court may uphold or overturn the order, and in the latter case, order a new trial.

Effect on committee proceedings

A member's contravention of Section 5 of the MCIA does not automatically invalidate the proceedings in the matter, however the municipality or local board may choose to declare the hearing void provided it does so within two years of the decision date on the matter in question.

However, the proceedings may not be voided if doing so would adversely affect rights acquired through the proceedings by any person who acted in good faith and without actual notice of the contravention.

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Committee Member Training Video Series
Volume 5: Meeting Protocol

In Ontario, Committee of Adjustment and Land Division Committee members are charged by their municipalities with the responsibility for making important decisions that affect their communities. These decisions are made at public hearings held in accordance with provincial law. As a Committee member, you should be familiar with the laws governing public hearings and with the standards of protocol typically applied to Committee of Adjustment and Land Division Committee hearings. This material will provide an overview of the legislation and protocol surrounding these hearings.

Committee of Adjustment , Consent Authority + Land Division Committee = Committee

For the purposes of this training material, when we say “Committee” we mean any body that has approval authority for Consents and/or Minor Variances.

Quasi-Judicial Nature of Committee

As we saw in Volume One of this series "A Planning Overview", committees operate in a quasi-judicial manner, similar to a court of law. Evidence is introduced, the merits of the application are weighed, and the committee renders a decision based on the facts presented.

Provincial Legislation Governing Committee Meetings

Various provincial statutes govern your Committee’s hearings including the *Municipal Act*, the *Statutory Powers Procedure Act* and the Planning Act. Other legislation such as the *Municipal Conflict of Interest Act* and the *Municipal Freedom of Information and Protection of Privacy Act* also impact the operation of your committee.

Municipal Act
The *Municipal Act* requires that all meetings be public (with a few exceptions that don’t normally apply to Committee hearings).

The Statutory Powers Procedure Act
The *Statutory Powers Procedure Act* embodies the principles of natural justice and procedural fairness that are key elements of the common law and that are intended to preserve a fair process.

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"tribunal" means one or more persons, whether or not incorporated and however described, upon which a statutory power of decision is conferred by or under a statute - Statutory Powers Procedure Act

The *Statutory Powers Procedure Act* applies to your committee since it is considered to be a "tribunal" that is required to afford parties an opportunity for a hearing before making a decision.

Planning Act
Section 45 of the *Planning Act* requires a hearing to be held with respect to applications for Minor Variance. There is no requirement in the *Planning Act* to hold a public hearing for an application for Consent, however in the interest of fairness and transparency, a public hearing should be held for a Consent application in all cases where the authority to grant consent has not been delegated to an individual.

Procedural By-law

Your municipality may also have a general procedural by-law governing the meetings of Council and local boards, or a procedural by-law that specifically relates to your Committee. Your municipal staff should provide you with a copy of any such by-law that is in place in your municipality.

A procedural by-law may provide guidance with respect to items such as the calling of meetings, the election and role of the Chair, meeting procedures, conduct of members and the public, motions and voting.

Code of Conduct

You should also be provided with a copy of the Code of Conduct for your municipality as a part of your committee member package. You are required to read and abide by your Code of Conduct during all of your activities as a committee member.

Planning Act (S. 44)

The *Planning Act* empowers Council to appoint a Committee of Adjustment, by by-law, provided the municipality has a zoning by-law in effect.

Members of a committee may be Councillors, members of the community or municipal staff. Councillors are appointed annually, all others are appointed for the term of Council. The *Planning Act* also provides that members may sit until their successors are appointed.

The *Planning Act* also requires the committee to appoint a Chair and a Secretary-Treasurer, and to follow all "prescribed" rules of procedure.

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Typical Committee Meeting Protocol

At the appointed time for the meeting, assuming that quorum is present, the Chair should call the meeting to order. If quorum is not met, the meeting must be adjourned and rescheduled. Your procedural by-law should note how long you must wait to obtain quorum before adjourning a meeting.

Quorum
Section 44 of the Planning Act stipulates that for a three-person committee, a quorum is two members, and for a committee having more than three persons, a quorum is three members. The Act also indicates that the absence or inability to act of one member does not impair the powers of the Committee or the remaining members.

Generally the "housekeeping" items such as approval of the agenda, approval of past meeting minutes, will be the first thing on the agenda. It is good practice to have the motions approving these items moved and seconded prior to the start of the meeting. This saves time since the Chair can then simply read the motion and call for a vote. If the Secretary-Treasurer is seated in close proximity to the Chair, he or she can assist in keeping this paperwork flowing.

Disclosure of Pecuniary Interest/Conflict of Interest

It is imperative that there be an agenda item entitled "disclosure of interest". The Chair should ask for disclosure prior to discussion on any applications. Any interest that may create a perceived bias to an application should be declared, in order to ensure a fair hearing.

Any member declaring a conflict should identify the general nature of the conflict. Volume 6 of this series entitled "Conflict of Interest" will discuss this topic in more detail.

Chair – Welcomes attendees and explains appeal procedures

Once the housekeeping items are dealt with, the Chair should welcome those present. At this time the Chair can also provide an overview of the hearing procedures and explain the appeal process. It is good practice for the Chair to have a standard script that explains meeting procedures, etiquette and the appeal process.

Hearing of Applications

The Chair will then call the applications, in the order they appear on the agenda. Typically the Secretary-Treasurer, municipal staff, the applicant or the applicant's agent will provide a brief overview of the application. The Secretary-Treasurer will report on any correspondence received as a result of the circulation of notice.

Next, the Chair will ask the applicant if he or she has any submission to make.

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Once the applicant has completed his or her submission, the Chair will invite members of the public to speak to the application. The Chair should ensure that anyone speaking provides their name and address to the Secretary-Treasurer so that this information can be recorded in the minutes.

Where committees hear a large number of applications, time limits may be imposed on those making submissions. Check your procedural by-law or ask your municipal staff if this applies to your committee.

Where there are a large number of people present to speak on an application, it is perfectly acceptable for the Chair to advise those present that he or she will entertain only any new comments that have not already been expressed.

If issues are raised by members of the public, the Chair should provide the applicant with an opportunity to respond, in order to accommodate a fair hearing.

Chair Responsible to Maintain Order

Many times public comments become heated, and sometimes arguments occur between the parties at the hearing.

Note that the Committee should have safety procedures such as access to security or a telephone in place in the event that a meeting gets out of control or a threat occurs.

It is the role of the Chair to keep order during the meeting. This includes politely but firmly reminding those present to address comments through the Chair.

Committee Comments and Discussion

Once all members of the public have been heard from and the applicant has had the opportunity to respond, the Chair should make a final call for any member of the public who wishes to speak. At this point, the Chair may declare the public portion of the hearing closed and ask the Committee members if they have any questions of the applicant or staff.

Once all questions are answered, the Committee is free to ask questions of the applicant or staff, and discuss the application amongst itself.

Secretary-Treasurer to Review Proposed Conditions

It is good practice for the Chair to ask the Secretary-Treasurer to review any proposed conditions of the Decision prior to calling a vote. In this way, the proposed conditions can be discussed and potentially modified, if warranted, before the Committee votes.

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Voting

The Chair will then call for a vote on the application. The vote should be by way of a show of hands. The Chair is entitled to a vote, however your procedural by-law may stipulate that the Chair may only vote to break a tie.

Your committee may vote to approve, deny or defer the application. In the case of approval or denial, you should provide your Secretary-Treasurer with reasons for your decision in order that these may be included in the Decision as required under legislation.

Members Concurring in Decision Must Sign

Those members concurring in the Decision are obligated to sign the Decision.

Members should not refrain from voting unless they have declared a conflict of interest since a non-vote is considered to be a vote in the negative.

Deferral

If the committee feels that it does not have sufficient evidence on which to base a Decision, deferral of the application may be the appropriate course of action. A motion for deferral should include the reasons for the deferral, for example, to allow staff to consult with other municipal departments on a point raised during the hearing.

A deferral should also include a date to bring the application back to the committee in order that interested members of the public may receive proper notice of future hearings.

Tie Votes

Subsection 45(8) of the *Planning Act* stipulates that no Decision of the Committee is valid unless concurred in by a majority of the members that heard the application, but this section applies only to Minor Variances. Many Committees take the position that a tie vote is a denial of the application, however you should check with your Secretary-Treasurer regarding the practice of your committee.

An astute Chair, if he or she can see that the Committee is divided and the application may fail, should ask the applicant if he or she wishes a deferral to reconsider or potentially amend the application. A deferral is preferable to a denial since it keeps the application alive and preserves the applicant's fee.

Chair to Announce Result of Vote

The Chair will announce the result of the vote and ask the Secretary-Treasurer to read the Decision of the Committee.

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Chair should indicate the hearing of the application is complete and provide an opportunity for applicant and interested parties to leave the meeting. This courtesy makes it clear that the parties are not expected to sit through the remainder of the meeting.

Adjournment

Once all applications have been heard and dealt with, any other business well be dealt with, and then the committee meeting will be adjourned.

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2014 Provincial Policy Statement

Under the *Planning Act*

Ontario.ca/PPS

For more copies of this document,
in either English or French,
please contact:

Ministry of Municipal Affairs and Housing
Provincial Planning Policy Branch
777 Bay Street, 13th Floor
Toronto, ON M5G 2E5

Tel: 416-585-6014 or 1-877-711-8208

Website: Ontario.ca/PPS

Approved by the Lieutenant Governor in Council, Order in Council No. 107/2014

This Provincial Policy Statement was issued under section 3 of the *Planning Act* and came into effect April 30, 2014. It replaces the Provincial Policy Statement issued March 1, 2005.

Materials may be available to assist planning authorities and decision-makers with implementing the policies of the Provincial Policy Statement. Please visit the Ministry website at Ontario.ca/PPS for more information.

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Part I: Preamble

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for all Ontarians.

The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The policies of the Provincial Policy Statement may be complemented by provincial plans or by locally-generated policies regarding matters of municipal interest. Provincial plans and municipal official plans provide a framework for comprehensive, integrated, place-based and long-term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth, for the long term.

Land use planning is only one of the tools for implementing provincial interests. A wide range of legislation, regulations, policies and programs may also affect planning matters, and assist in implementing these interests.

Part II: Legislative Authority

The Provincial Policy Statement is issued under the authority of section 3 of the *Planning Act* and came into effect on April 30, 2014.

In respect of the exercise of any authority that affects a planning matter, section 3 of the *Planning Act* requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act.

Part III: How to Read the Provincial Policy Statement

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The Provincial Policy Statement supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

Read the Entire Provincial Policy Statement

The Provincial Policy Statement is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation. When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together. The language of each policy, including the Implementation and Interpretation policies, will assist decision-makers in understanding how the policies are to be implemented.

While specific policies sometimes refer to other policies for ease of use, these cross-references do not take away from the need to read the Provincial Policy Statement as a whole.

There is no implied priority in the order in which the policies appear.

Consider Specific Policy Language

When applying the Provincial Policy Statement it is important to consider the specific language of the policies. Each policy provides direction on how it is to be implemented, how it is situated within the broader Provincial Policy Statement, and how it relates to other policies.

Some policies set out positive directives, such as "settlement areas shall be the focus of growth and development." Other policies set out limitations and prohibitions, such as "development and site alteration shall not be permitted." Other policies use enabling or supportive language, such as "should," "promote" and "encourage."

The choice of language is intended to distinguish between the types of policies and the nature of implementation. There is some discretion when applying a policy with enabling or supportive language in contrast to a policy with a directive, limitation or prohibition.

Geographic Scale of Policies

The Provincial Policy Statement recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld.

While the Provincial Policy Statement is to be read as a whole, not all policies will be applicable to every site, feature or area. The Provincial Policy Statement applies at a range of geographic scales.

Some of the policies refer to specific areas or features and can only be applied where these features or areas exist. Other policies refer to planning objectives that need to be considered in the context of the municipality or planning area as a whole, and are not necessarily applicable to a specific site or development proposal.

Policies Represent Minimum Standards

The policies of the Provincial Policy Statement represent minimum standards.

Within the framework of the provincial policy-led planning system, planning authorities and decision-makers may go beyond these minimum standards to address matters of importance to a specific community, unless doing so would conflict with any policy of the Provincial Policy Statement.

Defined Terms and Meanings

Except for references to legislation which are italicized, other italicized terms in the Provincial Policy Statement are defined in the Definitions section. For non-italicized terms, the normal meaning of the word applies. Terms may be italicized only in specific policies; for these terms, the defined meaning applies where they are italicized and the normal meaning applies where they are not italicized. Defined terms in the Definitions section are intended to capture both singular and plural forms of these terms in the policies.

Guidance Material

Guidance material and technical criteria may be issued from time to time to assist planning authorities and decision-makers with implementing the policies of the Provincial Policy Statement. Information, technical criteria and approaches outlined in guidance material are meant to support but not add to or detract from the policies of the Provincial Policy Statement.

Relationship with Provincial Plans

Provincial plans, such as the Greenbelt Plan, the Growth Plan for the Greater Golden Horseshoe and the Growth Plan for Northern Ontario, build upon the policy foundation provided by the Provincial Policy Statement. They provide land use planning policies to address issues facing specific geographic areas in Ontario.

Provincial plans are to be read in conjunction with the Provincial Policy Statement. They take precedence over the policies of the Provincial Policy Statement to the extent of any conflict, except where the relevant legislation provides otherwise. Land use planning decisions made by municipalities, planning boards, the Province, or a commission or agency of the government must be consistent with the Provincial Policy Statement. Where provincial plans are in effect, planning decisions must conform or not conflict with them, as the case may be.

Part IV: Vision for Ontario's Land Use Planning System

The long-term prosperity and social well-being of Ontario depends upon planning for strong, sustainable and resilient communities for people of all ages, a clean and healthy environment, and a strong and competitive economy.

Ontario is a vast province with diverse urban, rural and northern communities which may face different challenges related to diversity in population, economic activity, pace of growth and physical and natural conditions. Some areas face challenges related to maintaining population and diversifying their economy, while other areas face challenges related to accommodating and managing the development and population growth which is occurring, while protecting important resources and the quality of the natural environment.

Ontario's rich cultural diversity is one of its distinctive and defining features. The Provincial Policy Statement reflects Ontario's diversity, which includes the histories and cultures of Aboriginal peoples, and is based on good land use planning principles that apply in communities across Ontario. The Province recognizes the importance of consulting with Aboriginal communities on planning matters that may affect their rights and interests.

The Provincial Policy Statement focuses growth and development within urban and rural settlement areas while supporting the viability of rural areas. It recognizes that the wise management of land use change may involve directing, promoting or sustaining development. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety.

Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing, including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel. They also support the financial well-being of the Province and municipalities over the long term, and minimize the undesirable effects of development, including impacts on air, water and other resources. Strong, liveable and healthy communities promote and enhance human health and social well-being, are economically and environmentally sound, and are resilient to climate change.

The Province's natural heritage resources, water resources, including the Great Lakes, agricultural resources, mineral resources, and cultural heritage and archaeological resources provide important environmental, economic and social benefits. The wise use and management of these resources over the long term is a key provincial interest. The Province must ensure that its resources are managed in a sustainable way to conserve biodiversity, protect essential ecological processes and public health and safety, provide for the production of food and fibre, minimize environmental and social impacts, and meet its long-term needs.

It is equally important to protect the overall health and safety of the population. The Provincial Policy Statement directs development away from areas of natural and human-made hazards. This preventative approach supports provincial and municipal financial well-being over the long term, protects public health and safety, and minimizes cost, risk and social disruption.

Taking action to conserve land and resources avoids the need for costly remedial measures to correct problems and supports economic and environmental principles.

Strong communities, a clean and healthy environment and a strong economy are inextricably linked. Long-term prosperity, human and environmental health and social well-being should take precedence over short-term considerations.

The fundamental principles set out in the Provincial Policy Statement apply throughout Ontario. To support our collective well-being, now and in the future, all land use must be well managed.

Part V: Policies

1.0 Building Strong Healthy Communities

Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

Accordingly:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
d) avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;
e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;
f) improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;
g) ensuring that necessary *infrastructure*, electricity generation facilities and transmission and distribution systems, and *public service facilities* are or will be available to meet current and projected needs; and
h) promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area.

Within *settlement areas*, sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas.*

Nothing in policy 1.1.2 limits the planning for *infrastructure* and *public service facilities* beyond a 20-year time horizon.

1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within *settlement areas* shall be based on:

a) densities and a mix of land uses which:
   1. efficiently use land and resources;
   2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
   3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
   4. support *active transportation*;
   5. are *transit-supportive*, where transit is planned, exists or may be developed; and
   6. are *freight-supportive*; and

b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.

Intensification and *redevelopment* shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.

1.1.3.5 Planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas, based on local conditions. However, where provincial targets are established through *provincial plans*, the provincial target shall represent the minimum target for affected areas.

1.1.3.6 New development taking place in *designated growth areas* should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, *infrastructure* and *public service facilities*.

1.1.3.7 Planning authorities shall establish and implement phasing policies to ensure:

a) that specified targets for *intensification* and *redevelopment* are achieved prior to, or concurrent with, new development within *designated growth areas*; and
b) the orderly progression of development within *designated growth areas* and the timely provision of the *infrastructure* and *public service facilities* required to meet current and projected needs.

1.1.3.8 A planning authority may identify a *settlement area* or allow the expansion of a *settlement area* boundary only at the time of a *comprehensive review* and only where it has been demonstrated that:

a) sufficient opportunities for growth are not available through *intensification*, *redevelopment* and *designated growth areas* to accommodate the projected needs over the identified planning horizon;
b) the *infrastructure* and *public service facilities* which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment;

c) in *prime agricultural areas*:
   1. the lands do not comprise *specialty crop areas*;
   2. alternative locations have been evaluated, and
      i. there are no reasonable alternatives which avoid *prime agricultural areas*; and
      ii. there are no reasonable alternatives on lower priority agricultural lands in *prime agricultural areas*;
d) the new or expanding *settlement area* is in compliance with the *minimum distance separation formulae*; and
e) impacts from new or expanding *settlement areas* on agricultural operations which are adjacent or close to the *settlement area* are mitigated to the extent feasible.

In determining the most appropriate direction for expansions to the boundaries of *settlement areas* or the identification of a *settlement area* by a planning authority, a planning authority shall apply the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

1.1.4 Rural Areas in Municipalities

Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

Ontario's rural areas have diverse population levels, natural resources, geographies and physical characteristics, and economies. Across rural Ontario, local circumstances vary by region. For example, northern Ontario's natural environment and vast geography offer different opportunities than the predominately agricultural areas of southern regions of the Province.

1.1.4.1 Healthy, integrated and viable *rural areas* should be supported by:

a) building upon rural character, and leveraging rural amenities and assets;
b) promoting regeneration, including the redevelopment of *brownfield sites*;
c) accommodating an appropriate range and mix of housing in rural *settlement areas*;
d) encouraging the conservation and *redevelopment* of existing rural housing stock on *rural lands*;
e) using rural *infrastructure* and *public service facilities* efficiently;
f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;

g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
h) conserving biodiversity and considering the ecological benefits provided by nature; and
i) providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 2.3.

1.1.4.2 In *rural areas*, rural *settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.4.3 When directing development in rural *settlement areas* in accordance with policy 1.1.3, planning authorities shall give consideration to rural characteristics, the scale of development and the provision of appropriate service levels.

1.1.4.4 Growth and development may be directed to *rural lands* in accordance with policy 1.1.5, including where a municipality does not have a *settlement area*.

1.1.5 Rural Lands in Municipalities

1.1.5.1 When directing development on *rural lands*, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

1.1.5.2 On *rural lands* located in municipalities, permitted uses are:

a) the management or use of resources;
b) resource-based recreational uses (including recreational dwellings);
c) limited residential development;
d) home occupations and home industries;
e) cemeteries; and
f) other rural land uses.

1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.1.5.5 Development shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this *infrastructure*.

1.1.5.6 Opportunities should be retained to locate new or expanding land uses that require separation from other uses.

1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

1.1.5.8 *Agricultural uses*, *agriculture-related uses*, *on-farm diversified uses* and *normal farm practices* should be promoted and protected in accordance with provincial standards.

1.1.5.9 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

1.1.6 Territory Without Municipal Organization

1.1.6.1 On *rural lands* located in territory without municipal organization, the focus of development activity shall be related to the sustainable management or use of resources and resource-based recreational uses (including recreational dwellings).

1.1.6.2 Development shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this *infrastructure*.

1.1.6.3 The establishment of new permanent townsites shall not be permitted.

1.1.6.4 In areas adjacent to and surrounding municipalities, only development that is related to the sustainable management or use of resources and resource-based recreational uses (including recreational dwellings) shall be permitted. Other uses may only be permitted if:

a) the area forms part of a planning area;
b) the necessary *infrastructure* and *public service facilities* are planned or available to support the development and are financially viable over their life cycle; and
c) it has been determined, as part of a *comprehensive review*, that the impacts of development will not place an undue strain on the *public service facilities* and *infrastructure* provided by adjacent municipalities, regions and/or the Province.

1.2 Coordination

1.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including:

a) managing and/or promoting growth and development;
b) economic development strategies;
c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;
d) *infrastructure*, electricity generation facilities and transmission and distribution systems, *multimodal transportation systems*, *public service facilities* and *waste management systems*;
e) ecosystem, shoreline, watershed, and Great Lakes related issues;
f) natural and human-made hazards;
g) population, housing and employment projections, based on *regional market areas*; and
h) addressing housing needs in accordance with provincial policy statements such as the Ontario Housing Policy Statement.

1.2.2 Planning authorities are encouraged to coordinate planning matters with Aboriginal communities.

1.2.3 Planning authorities should coordinate emergency management and other economic, environmental and social planning considerations to support efficient and resilient communities.

1.2.4 Where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with lower-tier municipalities shall:

a) identify, coordinate and allocate population, housing and employment projections for lower-tier municipalities. Allocations and projections by upper-tier municipalities shall be based on and reflect *provincial plans* where these exist;
b) identify areas where growth or development will be directed, including the identification of nodes and the corridors linking these nodes;
c) identify targets for *intensification* and *redevelopment* within all or any of the lower-tier municipalities, including minimum targets that should be met before expansion of the boundaries of *settlement areas* is permitted in accordance with policy 1.1.3.8;
d) where transit corridors exist or are to be developed, identify density targets for areas adjacent or in proximity to these corridors, including minimum targets that should be met before expansion of the boundaries of *settlement areas* is permitted in accordance with policy 1.1.3.8; and
e) identify and provide policy direction for the lower-tier municipalities on matters that cross municipal boundaries.

1.2.5 Where there is no upper-tier municipality, planning authorities shall ensure that policy 1.2.4 is addressed as part of the planning process, and should coordinate these matters with adjacent planning authorities.

1.2.6 Land Use Compatibility

1.2.6.1 *Major facilities* and *sensitive land uses* should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of *major facilities*.

1.3 Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;
b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
c) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and
d) ensuring the necessary *infrastructure* is provided to support current and projected needs.

1.3.2 Employment Areas

1.3.2.1 Planning authorities shall plan for, protect and preserve *employment areas* for current and future uses and ensure that the necessary *infrastructure* is provided to support current and projected needs.

1.3.2.2 Planning authorities may permit conversion of lands within *employment areas* to non-employment uses through a *comprehensive review*, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

1.3.2.3 Planning authorities shall protect *employment areas* in proximity to *major goods movement facilities and corridors* for employment uses that require those locations.

1.3.2.4 Planning authorities may plan beyond 20 years for the long-term protection of employment areas provided lands are not designated beyond the planning horizon identified in policy 1.1.2.

1.4 Housing

1.4.1 To provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the *regional market area*, planning authorities shall:

a) maintain at all times the ability to accommodate residential growth for a minimum of 10 years through *residential intensification* and *redevelopment* and, if necessary, lands which are *designated and available* for residential development; and
b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.

1.4.2 Where planning is conducted by an upper-tier municipality:

a) the land and unit supply maintained by the lower-tier municipality identified in policy 1.4.1 shall be based on and reflect the allocation of population and units by the upper-tier municipality; and
b) the allocation of population and units by the upper-tier municipality shall be based on and reflect *provincial plans* where these exist.

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the *regional market area* by:

a) establishing and implementing minimum targets for the provision of housing which is *affordable* to *low and moderate income households*. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;
b) permitting and facilitating:
    1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including *special needs* requirements; and
    2. all forms of *residential intensification*, including second units, and *redevelopment* in accordance with policy 1.1.3.3;
c) directing the development of new housing towards locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs;
d) promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use

of *active transportation* and transit in areas where it exists or is to be developed; and

e) establishing development standards for *residential intensification*, *redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

1.5 Public Spaces, Recreation, Parks, Trails and Open Space

1.5.1 Healthy, active communities should be promoted by:

a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate *active transportation* and community connectivity;
b) planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for *recreation*, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;
c) providing opportunities for public access to shorelines; and
d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.

1.6 Infrastructure and Public Service Facilities

1.6.1 *Infrastructure,* electricity generation facilities and transmission and distribution systems, and *public service facilities* shall be provided in a coordinated, efficient and cost-effective manner that considers impacts from climate change while accommodating projected needs.

Planning for *infrastructure,* electricity generation facilities and transmission and distribution systems, and *public service facilities* shall be coordinated and integrated with land use planning so that they are:

a) financially viable over their life cycle, which may be demonstrated through asset management planning; and
b) available to meet current and projected needs.

1.6.2 Planning authorities should promote g*reen infrastructure* to complement *infrastructure*.

1.6.3 Before consideration is given to developing new *infrastructure* and *public service facilities*:

a) the use of existing *infrastructure* and *public service facilities* should be optimized; and
b) opportunities for adaptive re-use should be considered, wherever feasible.

1.6.4 *Infrastructure* and *public service facilities* should be strategically located to support the effective and efficient delivery of emergency management services.

1.6.5 *Public service facilities* should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and *active transportation*.

1.6.6 Sewage, Water and Stormwater

1.6.6.1 Planning for *sewage and water services* shall:

a) direct and accommodate expected growth or development in a manner that promotes the efficient use and optimization of existing:
   1. *municipal sewage services* and *municipal water services*; and
   2. *private communal sewage services* and *private communal water services*, where *municipal sewage services* and *municipal water services* are not available;
b) ensure that these systems are provided in a manner that:
   1. can be sustained by the water resources upon which such services rely;
   2. is feasible, financially viable and complies with all regulatory requirements; and
   3. protects human health and the natural environment;
c) promote water conservation and water use efficiency;
d) integrate servicing and land use considerations at all stages of the planning process; and
e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5.

1.6.6.2 *Municipal sewage services* and *municipal water services* are the preferred form of servicing for *settlement areas*. *Intensification* and *redevelopment* within *settlement areas* on existing *municipal sewage services* and *municipal water services* should be promoted, wherever feasible.

1.6.6.3 Where *municipal sewage services* and *municipal water services* are not provided, municipalities may allow the use of *private communal sewage services* and *private communal water services*.

1.6.6.4 Where *municipal sewage services* and *municipal water services* or *private communal sewage services* and *private communal water services* are not provided, *individual on-site sewage services* and *individual on-site water services* may be used provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*. In *settlement areas*, these services may only be used for infilling and minor rounding out of existing development.

1.6.6.5 *Partial services* shall only be permitted in the following circumstances:

a) where they are necessary to address failed *individual on-site sewage services* and *individual on-site water services* in existing development; or
b) within *settlement areas*, to allow for infilling and minor rounding out of existing development on *partial services* provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*.

1.6.6.6 Subject to the hierarchy of services provided in policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5 planning authorities may allow lot creation only if there is confirmation of sufficient *reserve sewage system capacity* and *reserve water system capacity* within *municipal sewage services* and *municipal water services* or *private communal sewage services* and *private communal water services*. The determination of sufficient *reserve sewage system capacity* shall include treatment capacity for hauled sewage from *private communal sewage services* and *individual on-site sewage services*.

1.6.6.7 Planning for stormwater management shall:

a) minimize, or, where possible, prevent increases in contaminant loads;
b) minimize changes in water balance and erosion;
c) not increase risks to human health and safety and property damage;
d) maximize the extent and function of vegetative and pervious surfaces; and
e) promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.

1.6.7 Transportation Systems

1.6.7.1 *Transportation systems* should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.

1.6.7.2 Efficient use shall be made of existing and planned *infrastructure*, including through the use of *transportation demand management* strategies, where feasible.

1.6.7.3 As part of a *multimodal transportation system*, connectivity within and among *transportation systems* and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries.

1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and *active transportation*.

1.6.7.5 Transportation and land use considerations shall be integrated at all stages of the planning process.

1.6.8 Transportation and Infrastructure Corridors

1.6.8.1 Planning authorities shall plan for and protect corridors and rights-of-way for *infrastructure*, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.

1.6.8.2 *Major goods movement facilities and corridors* shall be protected for the long term.

1.6.8.3 Planning authorities shall not permit *development* in *planned corridors* that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

New *development* proposed on *adjacent lands* to existing or *planned corridors* and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.

1.6.8.4 The preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics should be encouraged, wherever feasible.

1.6.8.5 When planning for corridors and rights-of-way for significant transportation, electricity transmission, and *infrastructure* facilities, consideration will be given to the significant resources in Section 2: Wise Use and Management of Resources.

1.6.9 Airports, Rail and Marine Facilities

1.6.9.1 Planning for land uses in the vicinity of *airports*, *rail facilities* and *marine facilities* shall be undertaken so that:

a) their long-term operation and economic role is protected; and

b) *airports*, *rail facilities* and *marine facilities* and *sensitive land uses* are appropriately designed, buffered and/or separated from each other, in accordance with policy 1.2.6.

1.6.9.2 *Airports* shall be protected from incompatible land uses and development by:

a) prohibiting new residential *development* and other sensitive land uses in areas near *airports* above 30 NEF/NEP;
b) considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the *airport*; and
c) discouraging land uses which may cause a potential aviation safety hazard.

1.6.10 Waste Management

1.6.10.1 *Waste management systems* need to be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate, encourage and promote reduction, reuse and recycling objectives. Planning authorities should consider the implications of development and land use patterns on waste generation, management and diversion.

Waste management systems shall be located and designed in accordance with provincial legislation and standards.

1.6.11 Energy Supply

1.6.11.1 Planning authorities should provide opportunities for the development of energy supply including electricity generation facilities and transmission and distribution systems, to accommodate current and projected needs.

1.6.11.2 Planning authorities should promote *renewable energy systems* and *alternative energy systems*, where feasible, in accordance with *provincial and federal requirements*.

1.7 Long-Term Economic Prosperity

1.7.1 Long-term economic prosperity should be supported by:

a) promoting opportunities for economic development and community investment-readiness;

b) optimizing the long-term availability and use of land, resources, *infrastructure*, electricity generation facilities and transmission and distribution systems, and *public service facilities*;
c) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;
d) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including *built heritage resources* and *cultural heritage landscapes*;
e) promoting the redevelopment of *brownfield sites*;
f) providing for an efficient, cost-effective, reliable *multimodal transportation system* that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;
g) providing opportunities for sustainable tourism development;
h) providing opportunities to support local food, and promoting the sustainability of agri-food and agri-product businesses by protecting agricultural resources, and minimizing land use conflicts;
i) promoting energy conservation and providing opportunities for development of *renewable energy systems* and *alternative energy systems*, including district energy;
j) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and
k) encouraging efficient and coordinated communications and telecommunications infrastructure.

1.8 Energy Conservation, Air Quality and Climate Change

1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns which:

a) promote compact form and a structure of nodes and corridors;
b) promote the use of *active transportation* and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;
c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;
d) focus freight-intensive land uses to areas well served by major highways, *airports*, *rail facilities* and *marine facilities*;
e) improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;
f) promote design and orientation which:

1. maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation; and
2. maximizes opportunities for the use of *renewable energy systems* and *alternative energy systems*; and

g) maximize vegetation within *settlement areas*, where feasible.

2.0 Wise Use and Management of Resources

Ontario's long-term prosperity, environmental health, and social well-being depend on conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.

Accordingly:

2.1 Natural Heritage

2.1.1 Natural features and areas shall be protected for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas*, *surface water features* and *ground water features*.

2.1.3 *Natural heritage systems* shall be identified in Ecoregions 6E & 7E[1], recognizing that *natural heritage systems* will vary in size and form in *settlement areas*, *rural areas*, and *prime agricultural areas*.

2.1.4 *Development* and *site alteration* shall not be permitted in:

a) *significant wetlands* in Ecoregions 5E, 6E and 7E[1]; and
b) *significant coastal wetlands*.

2.1.5 *Development* and *site alteration* shall not be permitted in:

a) *significant wetlands* in the Canadian Shield north of Ecoregions 5E, 6E and 7E[1];
b) *significant woodlands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)[1];
c) *significant valleylands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)[1];
d) *significant wildlife habitat*;
e) *significant areas of natural and scientific interest*; and
f) *coastal wetlands* in Ecoregions 5E, 6E and 7E[1] that are not subject to policy 2.1.4(b)

unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.

[1] Ecoregions 5E, 6E and 7E are shown on Figure 1.

2.1.6 *Development* and *site alteration* shall not be permitted in *fish habitat* except in accordance with *provincial and federal requirements*.

2.1.7 *Development* and *site alteration* shall not be permitted in *habitat of endangered species and threatened species*, except in accordance with *provincial and federal requirements*.

2.1.8 *Development* and *site alteration* shall not be permitted on *adjacent lands* to the *natural heritage features and areas* identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the *ecological function* of the *adjacent lands* has been evaluated and it has been demonstrated that there will be no *negative impacts* on the natural features or on their *ecological functions*.

2.1.9 Nothing in policy 2.1 is intended to limit the ability of *agricultural uses* to continue.

2.2 Water

2.2.1 Planning authorities shall protect, improve or restore the *quality and quantity of water* by:

a) using the *watershed* as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
b) minimizing potential *negative impacts*, including cross-jurisdictional and cross-*watershed* impacts;
c) identifying water resource systems consisting of *ground water features*, *hydrologic functions*, *natural heritage features and areas*, and *surface water features* including shoreline areas, which are necessary for the ecological and hydrological integrity of the *watershed*;
d) maintaining linkages and related functions among *ground water features*, *hydrologic functions*, *natural heritage features and areas*, and *surface water features* including shoreline areas;
e) implementing necessary restrictions on *development* and *site alteration* to:
    1. protect all municipal drinking water supplies and *designated vulnerable areas*; and
    2. protect, improve or restore *vulnerable* surface and ground water, *sensitive surface water features* and *sensitive ground water features*, and their *hydrologic functions*;
f) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;
g) ensuring consideration of environmental lake capacity, where applicable; and

h) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.

2.2.2 *Development* and *site alteration* shall be restricted in or near *sensitive surface water features* and *sensitive ground water features* such that these features and their related *hydrologic functions* will be protected, improved or restored.

Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore *sensitive surface water features*, *sensitive ground water features*, and their *hydrologic functions*.

2.3 Agriculture

2.3.1 *Prime agricultural areas* shall be protected for long-term use for agriculture.

Prime agricultural areas are areas where *prime agricultural lands* predominate. *Specialty crop areas* shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the *prime agricultural area*, in this order of priority.

2.3.2 Planning authorities shall designate *prime agricultural areas* and *specialty crop areas* in accordance with guidelines developed by the Province, as amended from time to time.

2.3.3 Permitted Uses

2.3.3.1 In *prime agricultural areas*, permitted uses and activities are: *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses*.

Proposed *agriculture-related uses* and *on-farm diversified uses* shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

2.3.3.2 In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards.

2.3.3.3 New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the *minimum distance separation formulae*.

2.3.4 Lot Creation and Lot Adjustments

2.3.4.1 Lot creation in *prime agricultural areas* is discouraged and may only be permitted for:

a) *agricultural uses*, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
b) *agriculture-related uses*, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*;
c) a *residence surplus to a farming operation* as a result of farm consolidation, provided that:
    1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*; and
    2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and
d) *infrastructure*, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

2.3.4.2 Lot adjustments in *prime agricultural areas* may be permitted for *legal or technical reasons*.

2.3.4.3 The creation of new residential lots in *prime agricultural areas* shall not be permitted, except in accordance with policy 2.3.4.1(c).

2.3.5 Removal of Land from Prime Agricultural Areas

2.3.5.1 Planning authorities may only exclude land from *prime agricultural areas* for expansions of or identification of *settlement areas* in accordance with policy 1.1.3.8.

2.3.6 Non-Agricultural Uses in Prime Agricultural Areas

2.3.6.1 Planning authorities may only permit non-agricultural uses in *prime agricultural areas* for:

a) extraction of *minerals*, *petroleum resources* and *mineral aggregate resources*, in accordance with policies 2.4 and 2.5; or

b) limited non-residential uses, provided that all of the following are demonstrated:
   1. the land does not comprise a *specialty crop area*;
   2. the proposed use complies with the *minimum distance separation formulae*;
   3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use; and
   4. alternative locations have been evaluated, and
      i. there are no reasonable alternative locations which avoid *prime agricultural areas*; and
      ii. there are no reasonable alternative locations in *prime agricultural areas* with lower priority agricultural lands.

2.3.6.2 Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible.

2.4 Minerals and Petroleum

2.4.1 *Minerals* and *petroleum resources* shall be protected for long-term use.

2.4.2 Protection of Long-Term Resource Supply

2.4.2.1 *Mineral mining operations* and *petroleum resource operations* shall be identified and protected from *development* and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

2.4.2.2 Known *mineral deposits*, known *petroleum resources* and *significant areas of mineral potential* shall be identified and *development* and activities in these resources or on *adjacent lands* which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

a) resource use would not be feasible; or
b) the proposed land use or development serves a greater long-term public interest; and
c) issues of public health, public safety and environmental impact are addressed.

2.4.3 Rehabilitation

2.4.3.1 Rehabilitation to accommodate subsequent land uses shall be required after extraction and other related activities have ceased. Progressive rehabilitation should be undertaken wherever feasible.

2.4.4 Extraction in Prime Agricultural Areas

2.4.4.1 Extraction of *minerals* and *petroleum resources* is permitted in *prime agricultural areas* provided that the site will be rehabilitated.

2.5 Mineral Aggregate Resources

2.5.1 *Mineral aggregate resources* shall be protected for long-term use and, where provincial information is available, *deposits of mineral aggregate resources* shall be identified.

2.5.2 Protection of Long-Term Resource Supply

2.5.2.1 As much of the *mineral aggregate resources* as is realistically possible shall be made available as close to markets as possible.

Demonstration of need for *mineral aggregate resources*, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of *mineral aggregate resources* locally or elsewhere.

2.5.2.2 Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.

2.5.2.3 *Mineral aggregate resource conservation* shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible.

2.5.2.4 *Mineral aggregate operations* shall be protected from *development* and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing *mineral aggregate operations* shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the *Planning Act*. When a license for extraction or operation ceases to exist, policy 2.5.2.5 continues to apply.

2.5.2.5 In known *deposits of mineral aggregate resources* and on *adjacent lands*, *development* and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

a) resource use would not be feasible; or
b) the proposed land use or development serves a greater long-term public interest; and
c) issues of public health, public safety and environmental impact are addressed.

2.5.3 Rehabilitation

2.5.3.1 Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration.

2.5.3.2 *Comprehensive rehabilitation* planning is encouraged where there is a concentration of mineral aggregate operations.

2.5.3.3 In parts of the Province not designated under the *Aggregate Resources Act*, rehabilitation standards that are compatible with those under the Act should be adopted for extraction operations on private lands.

2.5.4 Extraction in Prime Agricultural Areas

2.5.4.1 In *prime agricultural areas*, on *prime agricultural land,* extraction of *mineral aggregate resources* is permitted as an interim use provided that the site will be rehabilitated back to an *agricultural condition*.

Complete rehabilitation to an *agricultural condition* is not required if:

a) outside of a *specialty crop area*, there is a substantial quantity of *mineral aggregate resources* below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;
b) in a *specialty crop area*, there is a substantial quantity of *high quality mineral aggregate resources* below the water table warranting extraction, and the depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible;
c) other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 through 7 lands, resources on lands identified as *designated growth areas*, and resources

on *prime agricultural lands* where rehabilitation is feasible. Where no other alternatives are found, *prime agricultural lands* shall be protected in this order of priority: *specialty crop areas*, Canada Land Inventory Class 1, 2 and 3 lands; and

d) agricultural rehabilitation in remaining areas is maximized.

2.5.5 Wayside Pits and Quarries, Portable Asphalt Plants and Portable Concrete Plants

2.5.5.1 *Wayside pits and quarries*, *portable asphalt plants* and *portable concrete plants* used on public authority contracts shall be permitted, without the need for an official plan amendment, rezoning, or development permit under the *Planning Act* in all areas, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.

2.6 Cultural Heritage and Archaeology

2.6.1 *Significant built heritage resources* and *significant cultural heritage landscapes* shall be *conserved*.

2.6.2 *Development* and *site alteration* shall not be permitted on lands containing *archaeological resources* or *areas of archaeological potential* unless *significant archaeological resources* have been *conserved*.

2.6.3 Planning authorities shall not permit *development* and *site alteration* on *adjacent lands* to *protected heritage property* except where the proposed *development* and *site alteration* has been evaluated and it has been demonstrated that the *heritage attributes* of the *protected heritage property* will be *conserved*.

2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.

2.6.5 Planning authorities shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.

3.0 Protecting Public Health and Safety

Ontario's long-term prosperity, environmental health and social well-being depend on reducing the potential for public cost or risk to Ontario's residents from natural or human-made hazards.

Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

Accordingly:

3.1 Natural Hazards

3.1.1 Development shall generally be directed to areas outside of:

a) *hazardous lands* adjacent to the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes* which are impacted by *flooding hazards*, *erosion hazards* and/or *dynamic beach hazards*;
b) *hazardous lands* adjacent to *river*, *stream and small inland lake systems* which are impacted by *flooding hazards* and/or *erosion hazards*; and
c) *hazardous sites.*

3.1.2 *Development* and *site alteration* shall not be permitted within:

a) the *dynamic beach hazard*;
b) *defined portions of the flooding hazard along connecting channels* (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);
c) areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards*, *erosion hazards* and/or *dynamic beach hazards*, unless it has been demonstrated that the site has safe access appropriate for the nature of the *development* and the natural hazard; and
d) a *floodway* regardless of whether the area of inundation contains high points of land not subject to flooding.

3.1.3 Planning authorities shall consider the potential impacts of climate change that may increase the risk associated with natural hazards.

3.1.4 Despite policy 3.1.2, *development* and *site alteration* may be permitted in certain areas associated with the *flooding hazard* along *river*, *stream and small inland lake systems*:

a) in those exceptional situations where a *Special Policy Area* has been approved. The designation of a *Special Policy Area*, and any change or modification to the official plan policies, land use designations or boundaries applying to *Special Policy Area* lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources prior to the approval authority approving such changes or modifications; or
b) where the *development* is limited to uses which by their nature must locate within the *floodway*, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.

3.1.5 *Development* shall not be permitted to locate in *hazardous lands* and *hazardous sites* where the use is:

a) an *institutional use* including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
b) an *essential emergency service* such as that provided by fire, police and ambulance stations and electrical substations; or
c) uses associated with the disposal, manufacture, treatment or storage of *hazardous substances*.

3.1.6 Where the *two zone concept* for *flood plains* is applied, *development* and *site alteration* may be permitted in the *flood fringe*, subject to appropriate floodproofing to the *flooding hazard* elevation or another *flooding hazard* standard approved by the Minister of Natural Resources.

3.1.7 Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, *development* and *site alteration* may be permitted in those portions of *hazardous lands* and *hazardous sites* where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

a) *development* and *site alteration* is carried out in accordance with *floodproofing standards*, *protection works standards*, and *access standards*;
b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
c) new hazards are not created and existing hazards are not aggravated; and
d) no adverse environmental impacts will result.

3.1.8 *Development* shall generally be directed to areas outside of lands that are unsafe for *development* due to the presence of *hazardous forest types for wildland fire*.

Development may however be permitted in lands with *hazardous forest types for wildland fire* where the risk is mitigated in accordance with *wildland fire assessment and mitigation standards.*

3.2 Human-Made Hazards

3.2.1 Development on, abutting or adjacent to lands affected by *mine hazards*; *oil*, *gas and salt hazards*; or former *mineral mining operations*, *mineral aggregate operations* or *petroleum resource operations* may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.

3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no *adverse effects*.

4.0 Implementation and Interpretation

4.1 This Provincial Policy Statement applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after April 30, 2014.

4.2 In accordance with section 3 of the *Planning Act*, a decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Municipal Board, in respect of the exercise of any authority that affects a planning matter, "shall be consistent with" this Provincial Policy Statement.

Comments, submissions or advice that affect a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government "shall be consistent with" this Provincial Policy Statement.

4.3 This Provincial Policy Statement shall be implemented in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the *Constitution Act*, *1982*.

4.4 This Provincial Policy Statement shall be read in its entirety and all relevant policies are to be applied to each situation.

4.5 In implementing the Provincial Policy Statement, the Minister of Municipal Affairs and Housing may take into account other considerations when making decisions to support strong communities, a clean and healthy environment and the economic vitality of the Province.

4.6 This Provincial Policy Statement shall be implemented in a manner that is consistent with the Ontario *Human Rights Code* and the *Canadian Charter of Rights and Freedoms*.

4.7 The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.

Official plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required.

Official plans should also coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial solutions. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of an official plan.

4.8 Zoning and development permit by-laws are important for implementation of this Provincial Policy Statement. Planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and this Provincial Policy Statement.

4.9 The policies of this Provincial Policy Statement represent minimum standards. This Provincial Policy Statement does not prevent planning authorities and decision-makers from going beyond the minimum standards established in specific policies, unless doing so would conflict with any policy of this Provincial Policy Statement.

4.10 A wide range of legislation, regulations, policies, and plans may apply to decisions with respect to *Planning Act* applications. In some cases, a *Planning Act* proposal may also require approval under other legislation or regulation, and policies and plans issued under other legislation may also apply.

4.11 In addition to land use approvals under the *Planning Act*, *infrastructure* may also require approval under other legislation and regulations. An environmental assessment process may be applied to new *infrastructure* and modifications to existing *infrastructure* under applicable legislation.

There may be circumstances where land use approvals under the *Planning Act* may be integrated with approvals under other legislation, for example, integrating the planning processes and approvals under the *Environmental Assessment Act* and the *Planning Act*, provided the intent and requirements of both Acts are met.

4.12 *Provincial plans* shall be read in conjunction with this Provincial Policy Statement and take precedence over policies in this Provincial Policy Statement to the extent of any conflict, except where legislation establishing *provincial plans* provides otherwise. Examples of these are plans created under the *Niagara Escarpment Planning and Development Act*, the *Ontario Planning and Development Act*, *1994*, the *Oak Ridges Moraine Conservation Act*, *2001*, the *Greenbelt Act*, *2005* and the *Places to Grow Act*, *2005*.

4.13 Within the Great Lakes - St. Lawrence River Basin, there may be circumstances where planning authorities should consider agreements related to the protection or restoration of the Great Lakes - St. Lawrence River Basin. Examples of these agreements include Great Lakes agreements between Ontario and Canada, between Ontario, Quebec and the Great Lakes States of the United States of America, and between Canada and the United States of America.

4.14 The Province, in consultation with municipalities, other public bodies and stakeholders shall identify performance indicators for measuring the effectiveness of some or all of the policies. The Province shall monitor their implementation, including reviewing performance indicators concurrent with any review of this Provincial Policy Statement.

4.15 Municipalities are encouraged to establish performance indicators to monitor the implementation of the policies in their official plans.

5.0 Figure 1

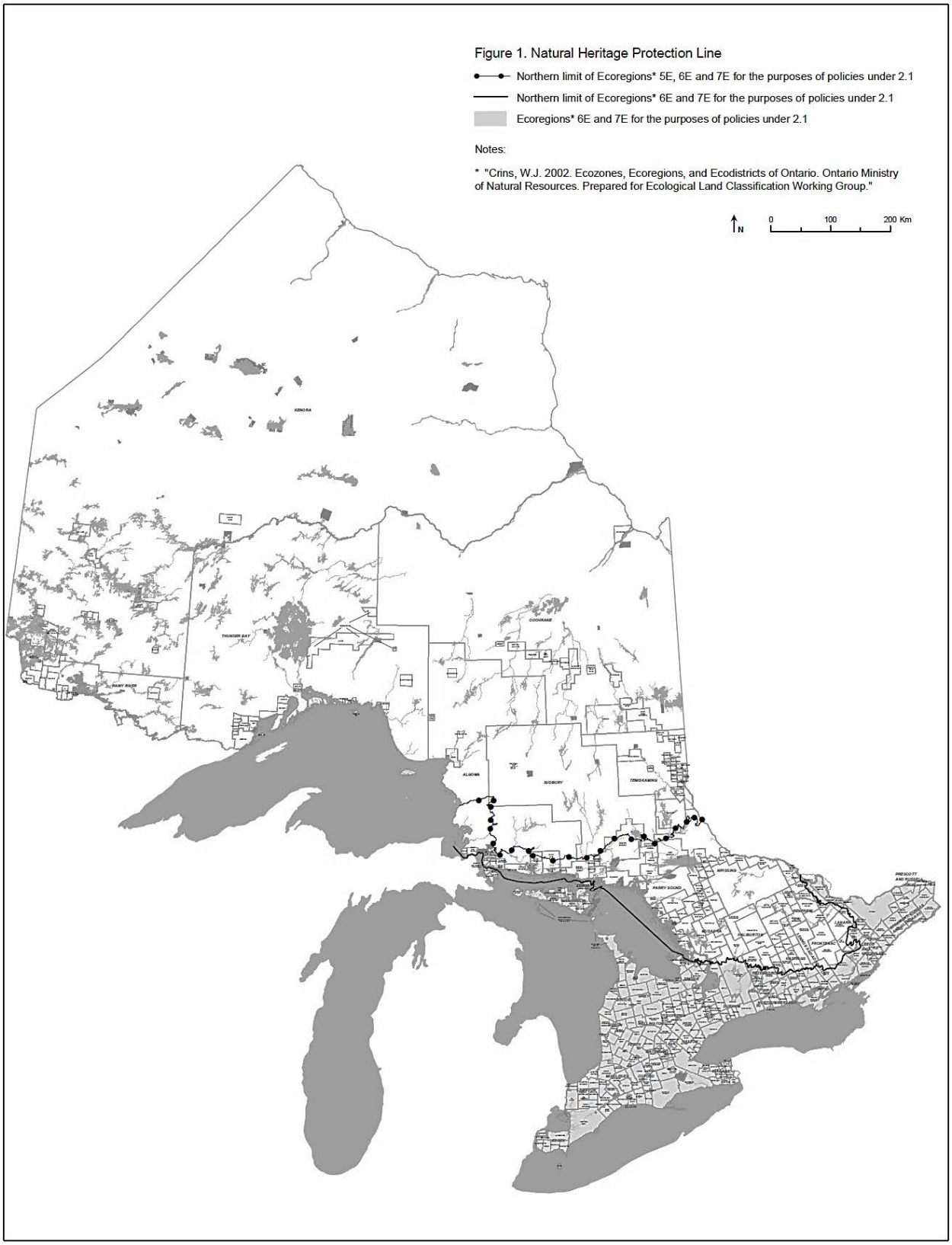
Figure 1. Natural Heritage Protection Line
Northern limit of Ecoregions* 5E, 6E and 7E for the purposes of policies under 2.1
Northern limit of Ecoregions* 6E and 7E for the purposes of policies under 2.1
Ecoregions* 6E and 7E for the purposes of policies under 2.1
Notes:
* "Crins, W.J. 2002. Ecozones, Ecoregions, and Ecodistricts of Ontario. Ontario Ministry of Natural Resources. Prepared for Ecological Land Classification Working Group."
N
0
100
200 Km

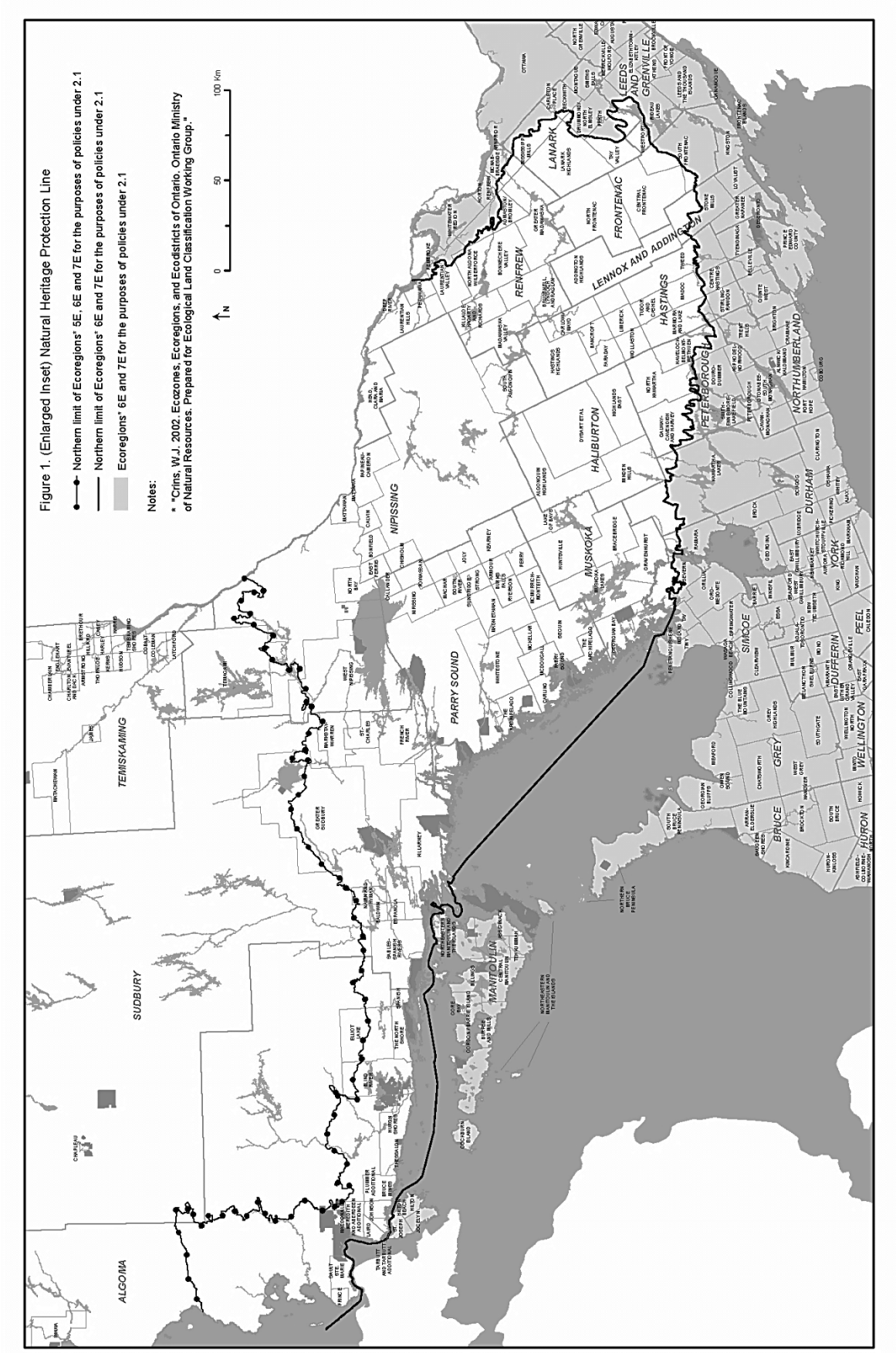
Figure 1. (Enlarged Inset) Natural Heritage Protection Line
Northern limit of Ecoregions* 5E, 6E and 7E for the purposes of policies under 2.1
Northern limit of Ecoregions* 6E and 7E for the purposes of policies under 2.1
Ecoregions* 6E and 7E for the purposes of policies under 2.1
Notes:
* "Crins, W.J. 2002. Ecozones, Ecoregions, and Ecodistricts of Ontario. Ontario Ministry of Natural Resources. Prepared for Ecological Land Classification Working Group."
0
50
100 Km
N
ALGOMA
SUDBURY
TEMISKAMING
NIPISSING
PARRY SOUND
MUSKOKA
HALIBURTON
PETERBOROUGH
NORTHUMBERLAND
DURHAM
YORK
PEEL
HALTON
WELLINGTON
DUFFERIN
SIMCOE
GREY
BRUCE
HURON
LENNOX AND ADDINGTON
HASTINGS
FRONTENAC
LANARK
RENFREW
LEEDS AND GRENVILLE

6.0 Definitions

Access standards: means methods or procedures to ensure safe vehicular and pedestrian movement, and access for the maintenance and repair of protection works, during times of *flooding hazards*, *erosion hazards* and/or *other water-related hazards*.

Active transportation: means human-powered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed.

Adjacent lands: means

a) for the purposes of policy 1.6.8.3, those lands contiguous to existing or planned corridors and transportation facilities where *development* would have a negative impact on the corridor or facility. The extent of the *adjacent lands* may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives;
b) for the purposes of policy 2.1.8, those lands contiguous to a specific *natural heritage feature or area* where it is likely that *development* or *site alteration* would have a *negative impact* on the feature or area. The extent of the *adjacent lands* may be recommended by the Province or based on municipal approaches which achieve the same objectives;
c) for the purposes of policies 2.4.2.2 and 2.5.2.5, those lands contiguous to lands on the surface of known *petroleum resources*, *mineral deposits*, or *deposits of mineral aggregate resources* where it is likely that *development* would constrain future access to the resources. The extent of the *adjacent lands* may be recommended by the Province; and
d) for the purposes of policy 2.6.3, those lands contiguous to a *protected heritage property* or as otherwise defined in the municipal official plan.

Adverse effects: as defined in the *Environmental Protection Act*, means one or more of:

a) impairment of the quality of the natural environment for any use that can be made of it;
b) injury or damage to property or plant or animal life;
c) harm or material discomfort to any person;
d) an adverse effect on the health of any person;
e) impairment of the safety of any person;
f) rendering any property or plant or animal life unfit for human use;
g) loss of enjoyment of normal use of property; and
h) interference with normal conduct of business.

Affordable: means

a) in the case of ownership housing, the least expensive of:
    1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for *low and moderate income households*; or
    2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the *regional market area*;
b) in the case of rental housing, the least expensive of:
    1. a unit for which the rent does not exceed 30 percent of gross annual household income for *low and moderate income households*; or
    2. a unit for which the rent is at or below the average market rent of a unit in the *regional market area*.

Agricultural condition: means

a) in regard to *specialty crop areas*, a condition in which substantially the same areas and same average soil capability for agriculture are restored, the same range and productivity of specialty crops common in the area can be achieved, and, where applicable, the microclimate on which the site and surrounding area may be dependent for specialty crop production will be maintained or restored; and
b) in regard to *prime agricultural land* outside of *specialty crop areas*, a condition in which substantially the same areas and same average soil capability for agriculture are restored.

Agricultural uses: means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals

for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

Agri-tourism uses: means those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.

Agriculture-related uses: means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

Airports: means all Ontario airports, including designated lands for future airports, with Noise Exposure Forecast (NEF)/Noise Exposure Projection (NEP) mapping.

Alternative energy system: means a system that uses sources of energy or energy conversion processes to produce power, heat and/or cooling that significantly reduces the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

Archaeological resources: includes artifacts, archaeological sites, marine archaeological sites, as defined under the *Ontario Heritage Act*. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

Areas of archaeological potential: means areas with the likelihood to contain *archaeological resources*. Methods to identify archaeological potential are established by the Province, but municipal approaches which achieve the same objectives may also be used. The *Ontario Heritage Act* requires archaeological potential to be confirmed through archaeological fieldwork.

Areas of mineral potential: means areas favourable to the discovery of *mineral deposits* due to geology, the presence of known *mineral deposits* or other technical evidence.

Areas of natural and scientific interest (ANSI): means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

Brownfield sites: means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

Built heritage resource: means a building, structure, monument, installation or any manufactured remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Aboriginal community. Built heritage resources are generally located on property that has been designated under Parts IV or V of the *Ontario Heritage Act*, or included on local, provincial and/or federal registers.

Coastal wetland: means

a) any *wetland* that is located on one of the Great Lakes or their connecting channels (Lake St. Clair, St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers); or
b) any other *wetland* that is on a tributary to any of the above-specified water bodies and lies, either wholly or in part, downstream of a line located 2 kilometres upstream of the 1:100 year floodline (plus wave run-up) of the large water body to which the tributary is connected.

Comprehensive rehabilitation: means rehabilitation of land from which *mineral aggregate resources* have been extracted that is coordinated and complementary, to the extent possible, with the rehabilitation of other sites in an area where there is a high concentration of *mineral aggregate operations*.

Comprehensive review: means

a) for the purposes of policies 1.1.3.8 and 1.3.2.2, an official plan review which is initiated by a planning authority, or an official plan amendment which is initiated or adopted by a planning authority, which:

1. is based on a review of population and employment projections and which reflect projections and allocations by upper-tier municipalities and *provincial plans*, where applicable; considers alternative directions for growth or development; and determines how best to accommodate the development while protecting provincial interests;
2. utilizes opportunities to accommodate projected growth or development through *intensification* and *redevelopment*; and considers physical constraints to accommodating the proposed development within existing *settlement area* boundaries;
3. is integrated with planning for *infrastructure* and *public service facilities*, and considers financial viability over the life cycle of these assets, which may be demonstrated through asset management planning;
4. confirms sufficient water quality, quantity and assimilative capacity of receiving water are available to accommodate the proposed development;
5. confirms that sewage and water services can be provided in accordance with policy 1.6.6; and
6. considers cross-jurisdictional issues.

b) for the purposes of policy 1.1.6, means a review undertaken by a planning authority or comparable body which:
   1. addresses long-term population projections, *infrastructure* requirements and related matters;
   2. confirms that the lands to be developed do not comprise *specialty crop areas* in accordance with policy 2.3.2; and
   3. considers cross-jurisdictional issues.

In undertaking a *comprehensive review* the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary or development proposal.

Conserved: means the identification, protection, management and use of *built heritage resources, cultural heritage landscapes* and *archaeological resources* in a manner that ensures their cultural heritage value or interest is retained under the *Ontario Heritage Act*. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

Cultural heritage landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act*; villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance; and areas recognized by federal or international designation authorities (e.g. a National Historic Site or District designation, or a UNESCO World Heritage Site).

Defined portions of the flooding hazard along connecting channels: means those areas which are critical to the conveyance of the flows associated with the *one hundred year flood level* along the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers, where *development* or *site alteration* will create *flooding hazards*, cause updrift and/or downdrift impacts and/or cause adverse environmental impacts.

Deposits of mineral aggregate resources: means an area of identified *mineral aggregate resources*, as delineated in Aggregate Resource Inventory Papers or comprehensive studies prepared using evaluation procedures established by the Province for surficial and bedrock resources, as amended from time to time, that has a sufficient quantity and quality to warrant present or future extraction.

Designated and available: means lands designated in the official plan for urban residential use. For municipalities where more detailed official plan policies (e.g. secondary plans) are required before development applications can be considered for approval, only lands that have commenced the more detailed planning process are considered to be *designated and available* for the purposes of this definition.

Designated growth areas: means lands within *settlement areas* designated in an official plan for growth over the long-term planning horizon provided in policy 1.1.2, but which have not yet

been fully developed. *Designated growth areas* include lands which are *designated and available* for residential growth in accordance with policy 1.4.1(a), as well as lands required for employment and other uses.

Designated vulnerable area: means areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source.

Development: means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act*, but does not include:

a) activities that create or maintain *infrastructure* authorized under an environmental assessment process;
b) works subject to the *Drainage Act*; or
c) for the purposes of policy 2.1.4(a), underground or surface mining of *minerals* or advanced exploration on mining lands in *significant areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as under the *Mining Act*. Instead, those matters shall be subject to policy 2.1.5(a).

Dynamic beach hazard: means areas of inherently unstable accumulations of shoreline sediments along the *Great Lakes - St. Lawrence River System* and *large inland lakes*, as identified by provincial standards, as amended from time to time. The *dynamic beach hazard* limit consists of the *flooding hazard* limit plus a dynamic beach allowance.

Ecological function: means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

Employment area: means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

Endangered species: means a species that is listed or categorized as an "Endangered Species" on the Ontario Ministry of Natural Resources' official Species at Risk list, as updated and amended from time to time.

Erosion hazard: means the loss of land, due to human or natural processes, that poses a threat to life and property. The *erosion hazard* limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

Essential emergency service: means services which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion.

Fish: means fish, which as defined in the *Fisheries Act*, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

Fish habitat: as defined in the *Fisheries Act*, means spawning grounds and any other areas, including nursery, rearing, food supply, and migration areas on which *fish* depend directly or indirectly in order to carry out their life processes.

Flood fringe: for *river*, *stream and small inland lake systems*, means the outer portion of the *flood plain* between the *floodway* and the *flooding hazard* limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the *floodway*.

Flood plain: for *river*, *stream and small inland lake systems*, means the area, usually low lands adjoining a watercourse, which has been or may be subject to *flooding hazards*.

Flooding hazard: means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

a) along the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes*, the *flooding hazard* limit is based on the *one hundred year flood level* plus an allowance for *wave uprush* and *other water-related hazards*;
b) along *river*, *stream and small inland lake systems*, the *flooding hazard* limit is the greater of:
    1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions,

where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
2. the *one hundred year flood*; and
3. a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources;

except where the use of the *one hundred year flood* or the actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

Floodproofing standard: means the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate *flooding hazards*, *wave uprush* and *other water-related hazards* along the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes*, and *flooding hazards* along *river*, *stream and small inland lake systems*.

Floodway: for *river*, *stream and small inland lake systems*, means the portion of the *flood plain* where *development* and *site alteration* would cause a danger to public health and safety or property damage.

Where the one zone concept is applied, the *floodway* is the entire contiguous *flood plain*.

Where the *two zone concept* is applied, the *floodway* is the contiguous inner portion of the *flood plain*, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the *two zone concept* applies, the outer portion of the *flood plain* is called the *flood fringe*.

Freight-supportive: in regard to land use patterns, means transportation systems and facilities that facilitate the movement of goods. This includes policies or programs intended to support efficient freight movement through the planning, design and operation of land use and transportation systems. Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

Great Lakes - St. Lawrence River System: means the major water system consisting of Lakes Superior, Huron, St. Clair, Erie and Ontario and their connecting channels, and the St. Lawrence River within the boundaries of the Province of Ontario.

Green infrastructure: means natural and human-made elements that provide ecological and hydrological functions and processes. *Green infrastructure* can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs.

Ground water feature: means water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

Habitat of endangered species and threatened species: means

a) with respect to a species listed on the Species at Risk in Ontario List as an endangered or threatened species for which a regulation made under clause 55(1)(a) of the *Endangered Species Act*, *2007* is in force, the area prescribed by that regulation as the habitat of the species; or
b) with respect to any other species listed on the Species at Risk in Ontario List as an endangered or threatened species, an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding, as approved by the Ontario Ministry of Natural Resources; and

places in the areas described in clause (a) or (b), whichever is applicable, that are used by members of the species as dens, nests, hibernacula or other residences.

Hazardous forest types for wildland fire: means forest types assessed as being associated with the risk of high to extreme wildland fire using risk assessment tools established by the Ontario Ministry of Natural Resources, as amended from time to time.

Hazardous lands: means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the *Great Lakes - St. Lawrence River System*, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the *flooding hazard*, *erosion hazard* or *dynamic beach hazard* limits. Along the shorelines of *large inland lakes*, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the *flooding hazard*, *erosion hazard* or *dynamic beach hazard* limits. Along *river*, *stream and small inland lake systems*, this means the land, including that covered by water, to the furthest landward limit of the *flooding hazard* or *erosion hazard* limits.

Hazardous sites: means property or lands that could be unsafe for *development* and *site alteration* due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

Hazardous substances: means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

Heritage attributes: means the principal features or elements that contribute to a *protected heritage property*'s cultural heritage value or interest, and may include the property's built or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (including significant views or vistas to or from a *protected heritage property*).

High quality: means primary and secondary sand and gravel resources and bedrock resources as defined in the Aggregate Resource Inventory Papers (ARIP).

Hydrologic function: means the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

Individual on-site sewage services: means sewage systems, as defined in O. Reg. 332/12 under the *Building Code Act*, *1992*, that are owned, operated and managed by the owner of the property upon which the system is located.

Individual on-site water services: means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

Infrastructure: means physical structures (facilities and corridors) that form the foundation for development. *Infrastructure* includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

Institutional use: for the purposes of policy 3.1.5, means land uses where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.

Intensification: means the development of a property, site or area at a higher density than currently exists through:

a) *redevelopment*, including the reuse of *brownfield sites*;
b) the development of vacant and/or underutilized lots within previously developed areas;
c) infill development; and
d) the expansion or conversion of existing buildings.

Large inland lakes: means those waterbodies having a surface area of equal to or greater than 100 square kilometres where there is not a measurable or predictable response to a single runoff event.

Legal or technical reasons: means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

Low and moderate income households: means
a) in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the *regional market area*; or
b) in the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the *regional market area*.

Major facilities: means facilities which may require separation from *sensitive land uses*, including but not limited to airports, transportation infrastructure and corridors, *rail facilities*, *marine facilities*, sewage treatment facilities, *waste management systems*, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

Major goods movement facilities and corridors: means transportation facilities and corridors associated with the inter- and intra-provincial movement of goods. Examples include: inter-modal facilities, ports, *airports, rail facilities*, truck terminals, freight corridors, freight facilities, and haul routes and primary transportation corridors used for the movement of goods. Approaches that are freight-supportive may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

Marine facilities: means ferries, harbours, ports, ferry terminals, canals and associated uses, including designated lands for future *marine facilities*.

Mine hazard: means any feature of a mine as defined under the *Mining Act*, or any related disturbance of the ground that has not been rehabilitated.

Minerals: means metallic minerals and non-metallic minerals as herein defined, but does not include *mineral aggregate resources* or *petroleum resources*.

Metallic minerals means those minerals from which metals (e.g. copper, nickel, gold) are derived.

Non-metallic minerals means those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal. They are generally synonymous with industrial minerals (e.g. asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite).

Mineral aggregate operation: means
a) lands under license or permit, other than for *wayside pits and quarries*, issued in accordance with the *Aggregate Resources Act*;
b) for lands not designated under the *Aggregate Resources Act*, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
c) associated facilities used in extraction, transport, beneficiation, processing or recycling of *mineral aggregate resources* and derived products such as asphalt and concrete, or the production of secondary related products.

Mineral aggregate resources: means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*.

Mineral aggregate resource conservation: means
a) the recovery and recycling of manufactured materials derived from mineral aggregates (e.g. glass, porcelain, brick, concrete, asphalt, slag, etc.), for re-use in construction, manufacturing, industrial or maintenance projects as a substitute for new mineral aggregates; and
b) the wise use of mineral aggregates including utilization or extraction of on-site *mineral aggregate resources* prior to development occurring.

Mineral deposits: means areas of identified *minerals* that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction.

Mineral mining operation: means mining operations and associated facilities, or, past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use.

Minimum distance separation formulae: means formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

Multimodal transportation system: means a transportation system which may include several forms of transportation such as automobiles, walking, trucks, cycling, buses, rapid transit, rail (such as commuter and freight), air and marine.

Municipal sewage services: means a sewage works within the meaning of section 1 of the *Ontario Water Resources Act* that is owned or operated by a municipality.

Municipal water services: means a municipal drinking-water system within the meaning of section 2 of the *Safe Drinking Water Act*, *2002*.

Natural heritage features and areas: means features and areas, including *significant wetlands*, *significant coastal wetlands*, other *coastal wetlands* in Ecoregions 5E, 6E and 7E, *fish habitat*, *significant woodlands* and *significant valleylands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River), *habitat of endangered species and threatened species*, *significant wildlife habitat*, and *significant areas of natural and scientific interest*, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

Natural heritage system: means a system made up of *natural heritage features and areas*, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include *natural heritage features and areas*, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support hydrologic functions, and working landscapes that enable ecological functions to continue. The Province has a recommended approach for identifying *natural heritage systems*, but municipal approaches that achieve or exceed the same objective may also be used.

Negative impacts: means

a) in regard to policy 1.6.6.4 and 1.6.6.5, degradation to the *quality and quantity of water*, *sensitive surface water features* and *sensitive ground water features*, and their related *hydrologic functions*, due to single, multiple or successive *development*. *Negative impacts* should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards;
b) in regard to policy 2.2, degradation to the *quality and quantity of water*, *sensitive surface water features* and *sensitive ground water features*, and their related *hydrologic functions*, due to single, multiple or successive *development* or *site alteration* activities;
c) in regard to *fish habitat*, any permanent alteration to, or destruction of *fish habitat*, except where, in conjunction with the appropriate authorities, it has been authorized under the *Fisheries Act*; and
d) in regard to other *natural heritage features and areas*, degradation that threatens the health and integrity of the natural features or *ecological functions* for which an area is identified due to single, multiple or successive *development* or *site alteration* activities.

Normal farm practices: means a practice, as defined in the *Farming and Food Production Protection Act*, *1998*, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the *Nutrient Management Act*, *2002* and regulations made under that Act.

Oil, gas and salt hazards: means any feature of a well or work as defined under the *Oil*, *Gas and Salt Resources Act*, or any related disturbance of the ground that has not been rehabilitated.

On-farm diversified uses: means uses that are secondary to the principal agricultural use of the property, and are limited in area. *On-farm diversified uses* include, but are not limited to, home occupations, home industries, *agri-tourism uses*, and uses that produce value-added agricultural products.

One hundred year flood: for *river, stream and small inland lake systems*, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

One hundred year flood level: means

a) for the shorelines of the Great Lakes, the peak instantaneous stillwater level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equalled or exceeded in any given year;
b) in the connecting channels (St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers), the peak instantaneous stillwater level which has a 1% chance of being equalled or exceeded in any given year; and
c) for large inland lakes, lake levels and wind setups that have a 1% chance of being equalled or exceeded in any given year, except that, where sufficient water level records do not exist, the one hundred year flood level is based on the highest known water level and wind setups.

Other water-related hazards: means water-associated phenomena other than *flooding hazards* and *wave uprush* which act on shorelines. This includes, but is not limited to ship-generated waves, ice piling and ice jamming.

Partial services: means

a) *municipal sewage services* or *private communal sewage services* and *individual on-site water services*; or
b) *municipal water services* or *private communal water services* and *individual on-site sewage services*.

Petroleum resource operations: means oil, gas and salt wells and associated facilities and other drilling operations, oil field fluid disposal wells and associated facilities, and wells and facilities for the underground storage of natural gas and other hydrocarbons.

Petroleum resources: means oil, gas, and salt (extracted by solution mining method) and formation water resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage for natural gas or other hydrocarbons.

Planned corridors: means corridors or future corridors which are required to meet projected needs, and are identified through *provincial plans*, preferred alignment(s) determined through the *Environmental Assessment Act* process, or identified through planning studies where the Ontario Ministry of Transportation is actively pursuing the identification of a corridor. Approaches for the protection of *planned corridors* may be recommended in guidelines developed by the Province.

Portable asphalt plant: means a facility

a) 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; and
b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

Portable concrete plant: means a building or structure

a) with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
b) which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

Prime agricultural area: means areas where *prime agricultural lands* predominate. This includes areas of *prime agricultural lands* and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. *Prime agricultural areas* may be identified by the Ontario Ministry of Agriculture and Food using guidelines developed by the Province as amended from time to time. A *prime agricultural area* may also be identified through an alternative agricultural land evaluation system approved by the Province.

Prime agricultural land: means *specialty crop areas* and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection.

Private communal sewage services: means a sewage works within the meaning of section 1 of the *Ontario Water Resources Act* that serves six or

more lots or private residences and is not owned by a municipality.

Private communal water services: means a non-municipal drinking-water system within the meaning of section 2 of the *Safe Drinking Water Act*, *2002* that serves six or more lots or private residences.

Protected heritage property: means property designated under Parts IV, V or VI of the *Ontario Heritage Act*; property subject to a heritage conservation easement under Parts II or IV of the *Ontario Heritage Act*; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.

Protection works standards: means the combination of non-structural or structural works and allowances for slope stability and flooding/erosion to reduce the damage caused by *flooding hazards*, *erosion hazards* and *other water-related hazards*, and to allow access for their maintenance and repair.

Provincial and federal requirements: means

a) in regard to policy 1.6.11.2, legislation, regulations, policies and standards administered by the federal or provincial governments for the purpose of protecting the environment from potential impacts associated with energy systems and ensuring that the necessary approvals are obtained;
b) in regard to policy 2.1.6, legislation and policies administered by the federal or provincial governments for the purpose of fisheries protection (including *fish* and *fish habitat*), and related, scientifically established standards such as water quality criteria for protecting lake trout populations; and
c) in regard to policy 2.1.7, legislation and policies administered by the provincial government or federal government, where applicable, for the purpose of protecting species at risk and their habitat.

Provincial plan: means a provincial plan within the meaning of section 1 of the *Planning Act*.

Public service facilities: means land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. *Public service facilities* do not include *infrastructure*.

Quality and quantity of water: is measured by indicators associated with hydrologic function such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime.

Rail facilities: means rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future *rail facilities*.

Recreation: means leisure time activity undertaken in built or natural settings for purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential.

Redevelopment: means the creation of new units, uses or lots on previously developed land in existing communities, including *brownfield sites*.

Regional market area: refers to an area that has a high degree of social and economic interaction. The upper or single-tier municipality, or planning area, will normally serve as the *regional market area*. However, where a *regional market area* extends significantly beyond these boundaries, then the *regional market area* may be based on the larger market area. Where *regional market areas* are very large and sparsely populated, a smaller area, if defined in an official plan, may be utilized.

Renewable energy source: means an energy source that is renewed by natural processes and includes wind, water, biomass, biogas, biofuel, solar energy, geothermal energy and tidal forces.

Renewable energy system: means a system that generates electricity, heat and/or cooling from a *renewable energy source.*

Reserve sewage system capacity: means design or planned capacity in a centralized waste water treatment facility which is not yet committed to existing or approved development. For the purposes of policy 1.6.6.6, reserve capacity for

private communal sewage services and *individual on-site sewage services* is considered sufficient if the hauled sewage from the development can be treated and land-applied on agricultural land under the *Nutrient Management Act*, or disposed of at sites approved under the *Environmental Protection Act* or the *Ontario Water Resources Act*, but not by land-applying untreated, hauled sewage.

Reserve water system capacity: means design or planned capacity in a centralized water treatment facility which is not yet committed to existing or approved development.

Residence surplus to a farming operation: means an existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

Residential intensification: means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

a) redevelopment, including the redevelopment of *brownfield sites*;
b) the development of vacant or underutilized lots within previously developed areas;
c) infill development;
d) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
e) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, second units and rooming houses.

River, stream and small inland lake systems: means all watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event.

Rural areas: means a system of lands within municipalities that may include rural *settlement areas*, *rural lands*, *prime agricultural areas*, natural heritage features and areas, and resource areas.

Rural lands: means lands which are located outside *settlement areas* and which are outside *prime agricultural areas*.

Sensitive: in regard to *surface water features* and *ground water features*, means areas that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

Sensitive land uses: means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more *adverse effects* from contaminant discharges generated by a nearby *major facility*. *Sensitive land uses* may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

Settlement areas: means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:

a) built up areas where development is concentrated and which have a mix of land uses; and
b) lands which have been designated in an official plan for development over the long-term planning horizon provided for in policy 1.1.2. In cases where land in *designated growth areas* is not available, the *settlement area* may be no larger than the area where development is concentrated.

Sewage and water services: includes *municipal sewage services* and *municipal water services*, *private communal sewage services* and *private communal water services*, *individual on-site sewage services* and *individual on-site water services*, and *partial services*.

Significant: means

a) in regard to *wetlands*, *coastal wetlands* and *areas of natural and scientific interest*, an area identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time;
b) in regard to *woodlands*, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria established by the Ontario Ministry of Natural Resources;

c) in regard to other features and areas in policy 2.1, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or *natural heritage system*;
d) in regard to *mineral* potential, an area identified as provincially significant through evaluation procedures developed by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index; and
e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people.

Criteria for determining significance for the resources identified in sections (c)-(e) are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

Site alteration: means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

For the purposes of policy 2.1.4(a), *site alteration* does not include underground or surface mining of *minerals* or advanced exploration on mining lands in *significant areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as in the *Mining Act*. Instead, those matters shall be subject to policy 2.1.5(a).

Special needs: means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of *special needs* housing may include, but are not limited to, housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.

Special Policy Area: means an area within a community that has historically existed in the *flood plain* and where site-specific policies, approved by both the Ministers of Natural Resources and Municipal Affairs and Housing, are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning *development*. The criteria and procedures for approval are established by the Province.

A *Special Policy Area* is not intended to allow for new or intensified *development* and *site alteration*, if a community has feasible opportunities for *development* outside the *flood plain*.

Specialty crop area: means areas designated using guidelines developed by the Province, as amended from time to time. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil, usually resulting from:
a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;
b) farmers skilled in the production of specialty crops; and
c) a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops.

Surface water feature: means water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

Threatened species: means a species that is listed or categorized as a "Threatened Species" on the Ontario Ministry of Natural Resources' official Species at Risk list, as updated and amended from time to time.

Transit-supportive: in regard to land use patterns, means development that makes transit viable and improves the quality of the experience of using

transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities. Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

Transportation demand management: means a set of strategies that result in more efficient use of the *transportation system* by influencing travel behaviour by mode, time of day, frequency, trip length, regulation, route, or cost.

Transportation system: means a system consisting of facilities, corridors and rights-of-way for the movement of people and goods, and associated transportation facilities including transit stops and stations, sidewalks, cycle lanes, bus lanes, high occupancy vehicle lanes, *rail facilities*, parking facilities, park'n'ride lots, service centres, rest stops, vehicle inspection stations, inter-modal facilities, harbours, *airports*, *marine facilities*, ferries, canals and associated facilities such as storage and maintenance.

Two zone concept: means an approach to *flood plain* management where the *flood plain* is differentiated in two parts: the *floodway* and the *flood fringe*.

Valleylands: means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

Vulnerable: means surface and/or ground water that can be easily changed or impacted.

Waste management system: means sites and facilities to accommodate solid waste from one or more municipalities and includes recycling facilities, transfer stations, processing sites and disposal sites.

Watershed: means an area that is drained by a river and its tributaries.

Wave uprush: means the rush of water up onto a shoreline or structure following the breaking of a wave; the limit of wave uprush is the point of furthest landward rush of water onto the shoreline.

Wayside pits and quarries: means a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

Wetlands: means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.

Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

Wildland fire assessment and mitigation standards: means the combination of risk assessment tools and environmentally appropriate mitigation measures identified by the Ontario Ministry of Natural Resources to be incorporated into the design, construction and/or modification of buildings, structures, properties and/or communities to reduce the risk to public safety, infrastructure and property from wildland fire.

Wildlife habitat: means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

Woodlands: means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. *Woodlands* include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels. *Woodlands* may be delineated according to the *Forestry Act* definition or the Province's Ecological Land Classification system definition for "forest."

Provincial Policy Statement

Ministry of Municipal Affairs and Housing

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County of Frontenac Official Plan

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County of Frontenac

By-law 2014-0046

Adoption of an Official Plan for the County of Frontenac

As Amended By:

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SECTION 1 - INTRODUCTION

1.1 Purpose, Basis and Context of the Plan

Purpose

The Frontenac County Official Plan creates the framework for guiding land use changes in the County over the next 20 years to 2034 by protecting and managing the natural environment, directing and influencing growth patterns and facilitating the vision of the County as expressed through its residents. This Plan also provides the avenue through which Provincial Policy is implemented into the local context. The Plan is also a major cornerstone in the implementation of *Directions for Our Future*, the County's sustainability plan.

Basis

The Official Plan for Frontenac County has its basis in the *Planning Act*; the Provincial Policy Statement (2014); and the four sustainability pillars identified in *Directions for Our Future*.

Context of the Plan

Without question Frontenac County is characterized by a predominantly rural landscape with small communities such as Plevna, Cloyne, Ompah, Sharbot Lake, Verona, Harrowsmith, Sydenham, Marysville, Howe Island and many more villages and hamlets throughout the geography.

The County has one of the smallest populations of all counties in Eastern Ontario. The County surrounds the City of Kingston to the north and south and extends beyond Highway 7 northerly towards the Madawaska River and Renfrew County and to the south across Wolfe and Howe Islands to the United States border on the southern side of the St Lawrence River. In terms of surrounding local governments, the Frontenacs are bounded to the east by the Counties of Lanark and Leeds & Grenville, to the north by Renfrew County, and the west by Lennox & Addington County.

In terms of municipal government, the County is composed of four lower-tier municipalities – the Townships of South, Central and North Frontenac and Frontenac Islands. (See Figure 1 – Local Municipalities)

The small population (26,600) and the large geographic area of the Frontenacs (4,000 km^2) result in a low population density. There are only small communities. Of the settlement areas in the County the largest villages have between 200 to 300 homes within their boundaries. In terms of demographics, the number of retirees is increasing as is the number of seasonal residents, in part because of the spectacular natural features of the County. On the other hand, the trends show young people continue to move away, to larger urban centres.

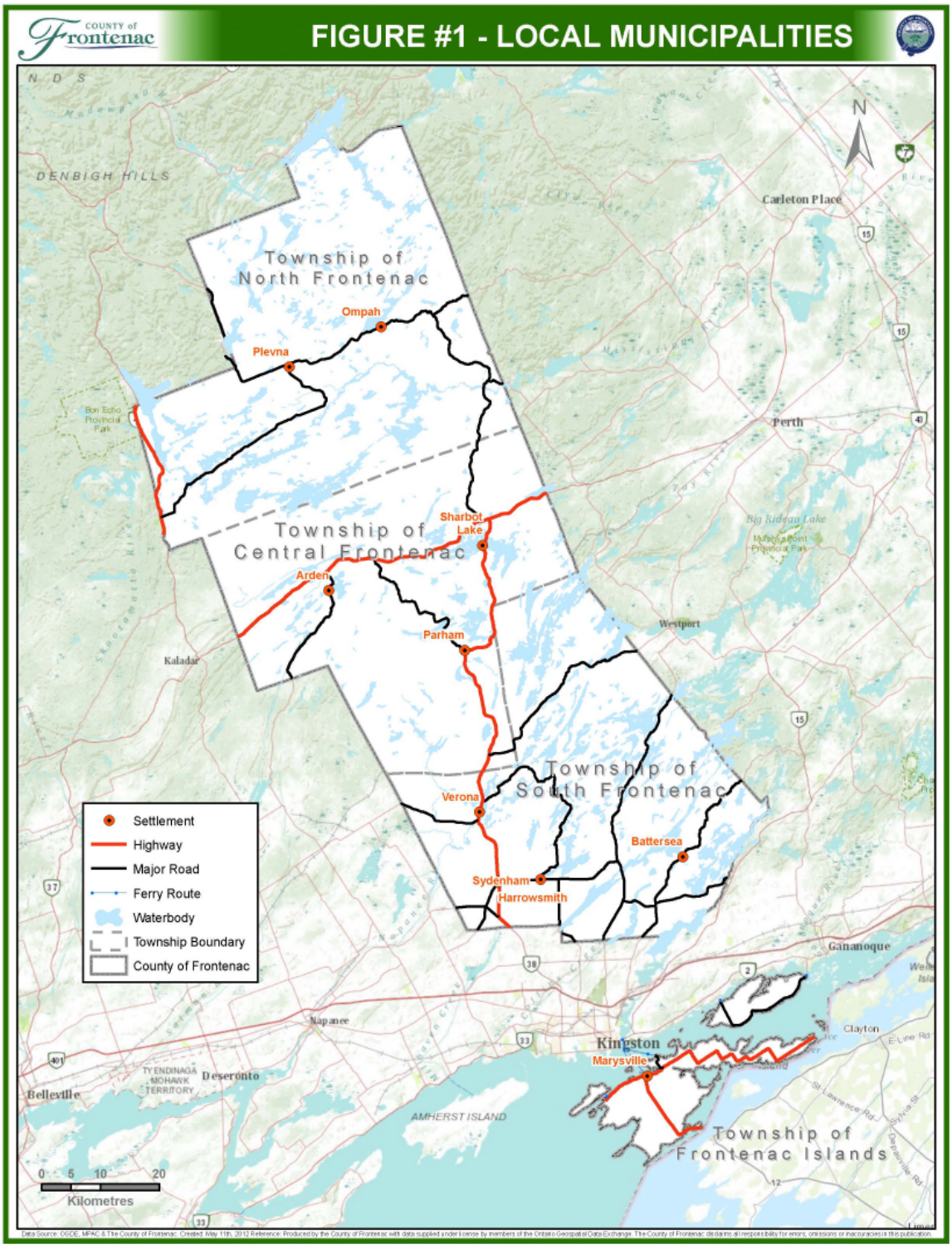


FIGURE #1 - LOCAL MUNICIPALITIES
COUNTY of Frontenac
N
DENBIGH HILLS
Township of North Frontenac
Ompah
Plevna
Township of Central Frontenac
Sharbot Lake
Arden
Parham
Township of South Frontenac
Verona
Battersea
Sydenham
Harrowsmith
Township of Frontenac Islands
Marysville
Kingston
Carleton Place
Perth
Westport
Kaladar
Gananoque
Clayton
Napanee
Deseronto
Belleville
AMHERST ISLAND
Bon Echo Provincial Park
Big Rideau Lake
Settlement
Highway
Major Road
Ferry Route
Waterbody
Township Boundary
County of Frontenac
0 5 10 20
Kilometres

Because the population lives predominately in villages or rural areas, municipal services, such as water and wastewater systems are not provided (with the exception of the water system in Sydenham). As a result, access to clean, reliable drinking water is an issue for some residents. The small size of the communities also means that residents may need to travel to urban centres for health and professional services**,** cultural and recreational opportunities.

The County boasts some of the most beautiful natural features to be found in Ontario, possessing 1000 lakes, Wolfe and Howe Islands that form part of the 1000 Islands, and stretches of uninterrupted forests that include Frontenac and Bon Echo Provincial Parks. The attractiveness of these features draws seasonal residents, outdoor recreationists, and artists, artisans and craftspeople. These people all seek nature for their own reasons, whether it is for adventure and exploration, peace and solitude, or inspiration. The tourism sector is also strongly linked to a pristine environment. The Frontenacs are home to enviable natural resources such as numerous lakes and islands, protected areas, an uninterrupted night sky, and a world renowned biosphere.

In addition to the many lakes within Frontenac, the major waterways of the Cataraqui, Salmon, Mississippi, Napanee, and Fall Rivers all cross through part of the County, and both Wolfe and Howe Islands along with a number of smaller islands are located on the St. Lawrence River at the exit from Lake Ontario. The Rideau Canal system, a designated UNESCO World Heritage site, travels through the southeastern part of the County. The Frontenac Arch Biosphere Reserve is one of sixteen biospheres in Canada and is designated under UNESCO's Man and Biosphere Programme; it covers parts of the United Counties of Leeds and Grenville and Frontenac County, including portions of Central and South Frontenac Townships. All of these features reinforce the value of the natural heritage system we have in the Frontenacs.

The wealth of our natural resources is reinforced by the amount of Crown land, lakes, rivers, and wetlands that are within the County. Figures 2 to 4 illustrate the location and amount of these resources throughout the Frontenacs.

Frontenac County's history is rich in agricultural activity which continues today in the form of commodity farms, small family farms, hobby farms, horse ranches, forestry and other specialty farms. The agricultural roots of the community are celebrated in fairs, ploughing matches, church socials, and other events. Agriculture continues to play an important role in the County's economy.

The Frontenacs are also at the forefront of renewable energy in Eastern Ontario, the most visible project being the eighty-six wind turbines located across Wolfe Island. Over the past few years, numerous ground-mounted and roof-mounted solar panels have been set up on homes, businesses and farms throughout the County.

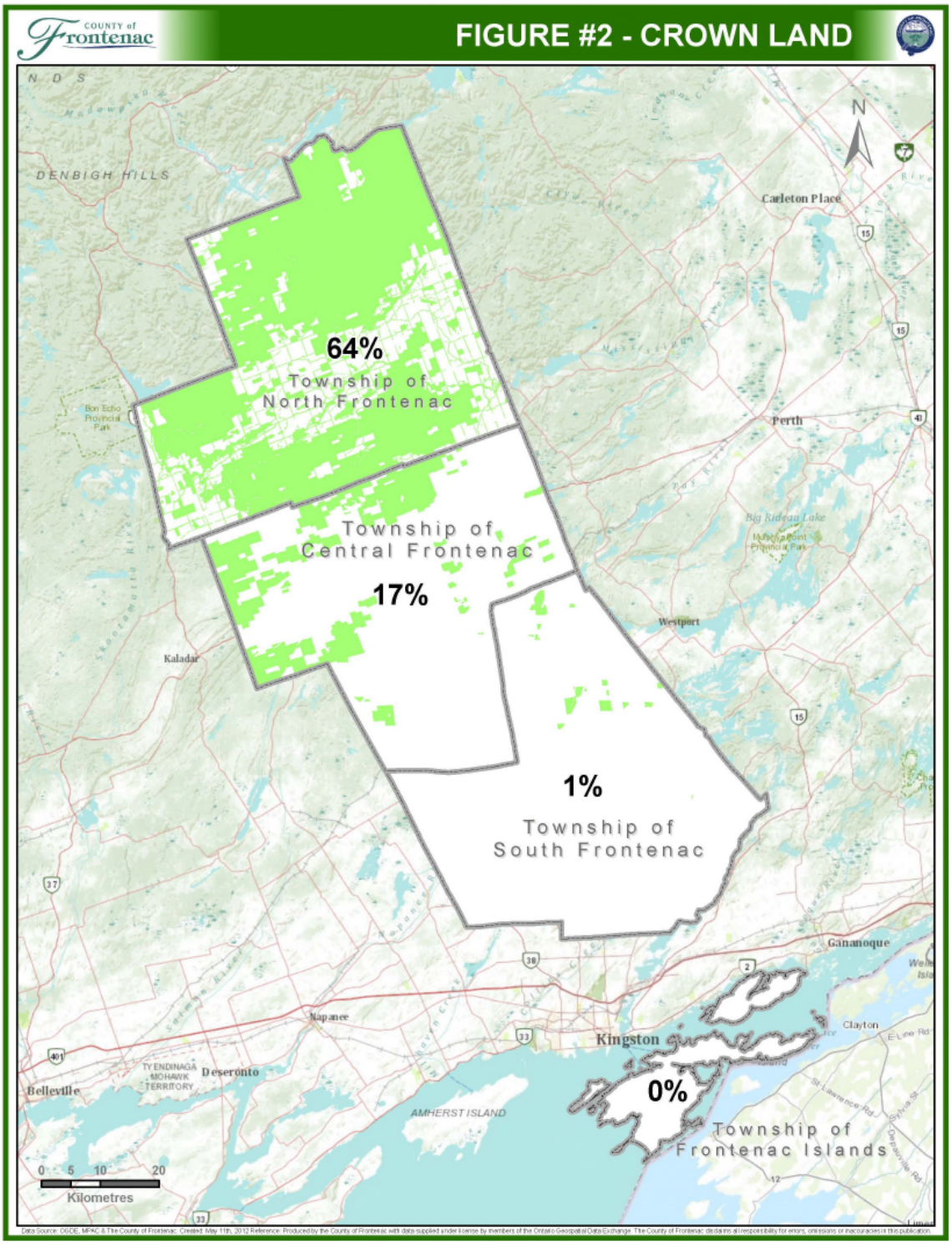


FIGURE #2 - CROWN LAND
64%
Township of North Frontenac
Township of Central Frontenac
17%
1%
Township of South Frontenac
0%
Township of Frontenac Islands
DENBIGH HILLS
Carleton Place
Perth
Westport
Kaladar
Gananoque
Napanee
Kingston
Clayton
Deseronto
Belleville
AMHERST ISLAND
Bon Echo Provincial Park
Big Rideau Lake
Murphys Point Provincial Park
TYENDINAGA MOHAWK TERRITORY
0 5 10 20
Kilometres

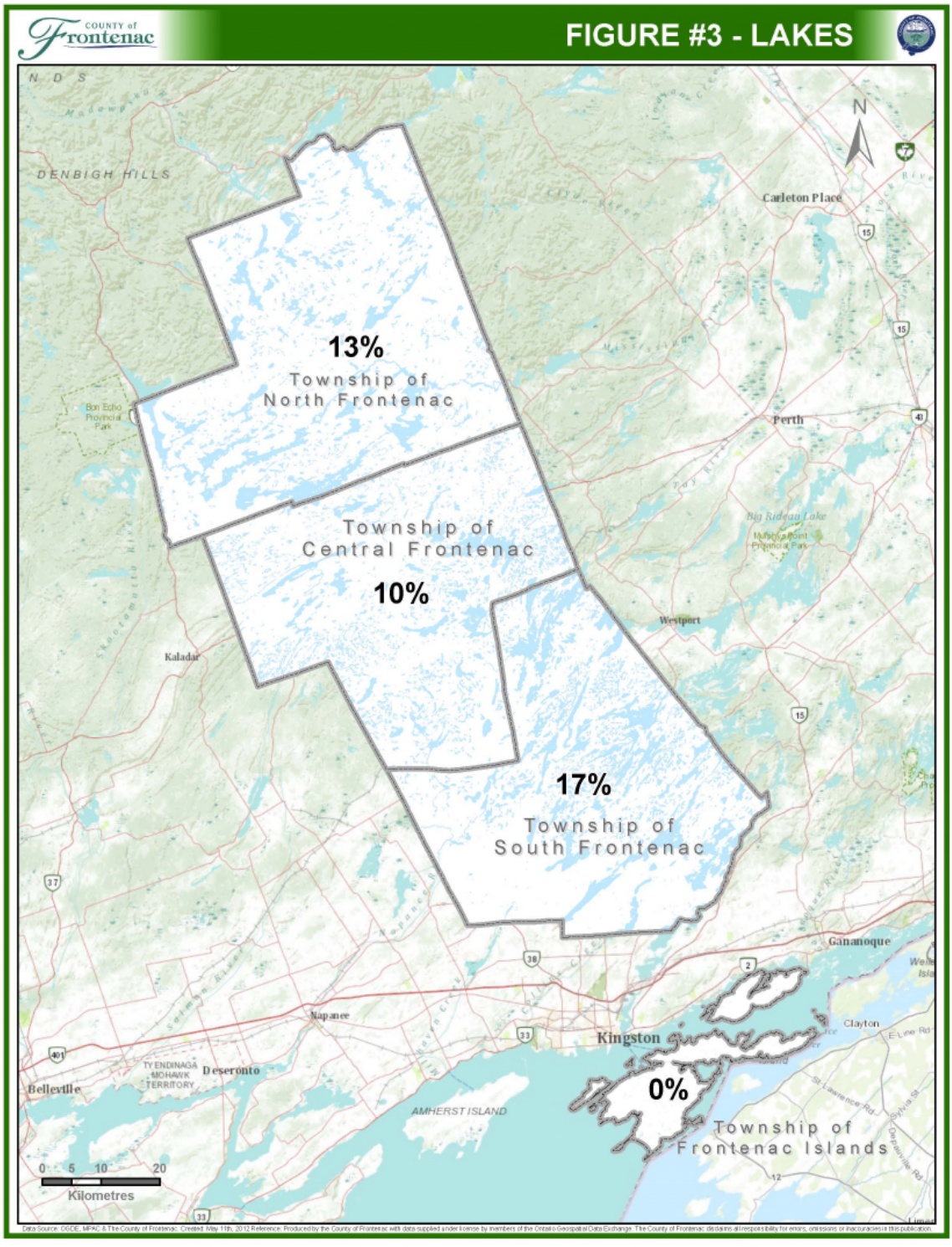


FIGURE #3 - LAKES
13%
Township of
North Frontenac
Township of
Central Frontenac
10%
17%
Township of
South Frontenac
0%
Township of
Frontenac Islands
DENBIGH HILLS
Carleton Place
Perth
Westport
Kaladar
Gananoque
Napanee
Kingston
Clayton
Deseronto
Belleville
AMHERST ISLAND
Bon Echo Provincial Park
Big Rideau Lake
Murphys Point Provincial Park
TYENDINAGA MOHAWK TERRITORY
0 5 10 20
Kilometres
N

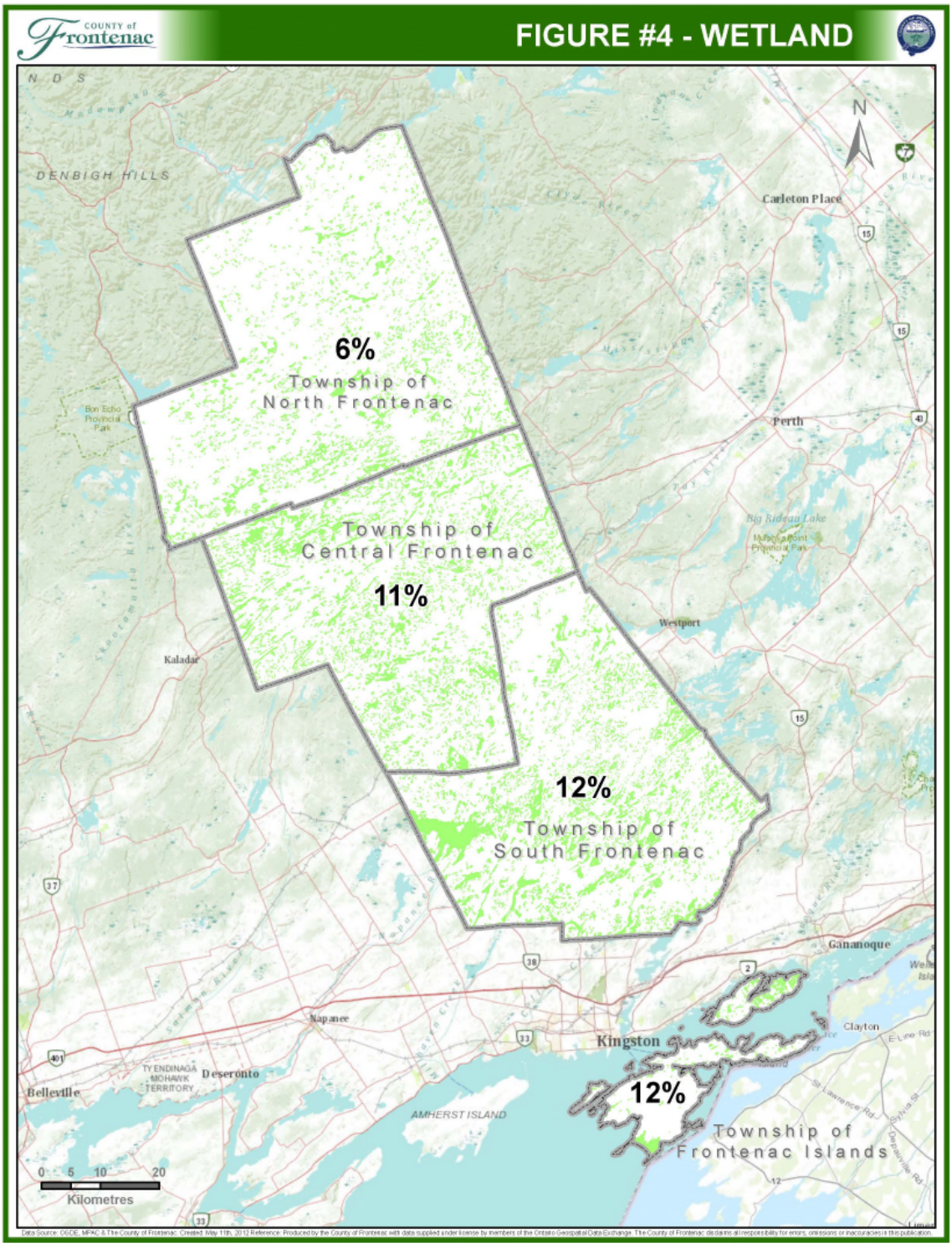


FIGURE #4 - WETLAND
COUNTY of Frontenac
DENBIGH HILLS
N
6%
Township of
North Frontenac
Township of
Central Frontenac
11%
12%
Township of
South Frontenac
12%
Township of
Frontenac Islands
Carleton Place
Perth
Westport
Kaladar
Ganaoque
Napanee
Kingston
Clayton
Deseronto
Belleville
TYENDINAGA MOHAWK TERRITORY
AMHERST ISLAND
Bon Echo Provincial Park
Big Rideau Lake
Murphys Point Provincial Park
0 5 10 20
Kilometres

1.2 How to Read the Plan

This Official Plan is prepared by the County of Frontenac to guide the actions of local municipalities and the County in policy planning and physical planning on a broad 'high level' basis. It is based on a watershed planning approach as set out in Figure 5.

The County Plan serves as the upper tier Official Plan for the County. It establishes a vision in which planning and sustainability protect and enhance the natural landscape, rural lifestyle, and sense of community for the Frontenacs.

This document, hereafter is referred to as "the Plan" or "this Plan" implements a strategic approach to land use planning based on a watershed planning process. This Plan sets out the general direction for planning and development in Frontenac County by defining strategic goals, broad objectives and policies.

It is the intention of the Plan to set the context for planning in the County as a whole and provide regional direction on planning issues.

It is not the intention of the Frontenac County Official Plan to interfere with those planning matters which are considered to be the responsibility of the local municipalities. Local municipal Official Plans complement the Frontenac County Official Plan by providing detailed strategies, policies, and land use designations for planning and development at the local level.

The structure of the Plan is based on six sustainability themes. Each of the themes is developed to function as part of the building blocks that encourage a sustainable balance between the economy, community building, and the environment.

The *Economic Sustainability* theme highlights the natural resources of the Frontenacs and the best management practices for developing and managing those resources for future use. This theme also covers the built economy and how economic practices of commercial, tourism, and industrial type development should take place. Trying to develop a strong and diverse economy in Frontenac County is a major component of these building blocks.

In the future, the County may undertake an enhanced regional role concerning matters which cross municipal boundaries and are considered to be of a County wide/or Provincial interest. This may include conducting County wide studies on cross-jurisdictional issues and enhanced policy direction on matters such as, but not limited to, mineral aggregate resources, source protection planning and economic development.

(MMAH Approval dated January 11, 2016)

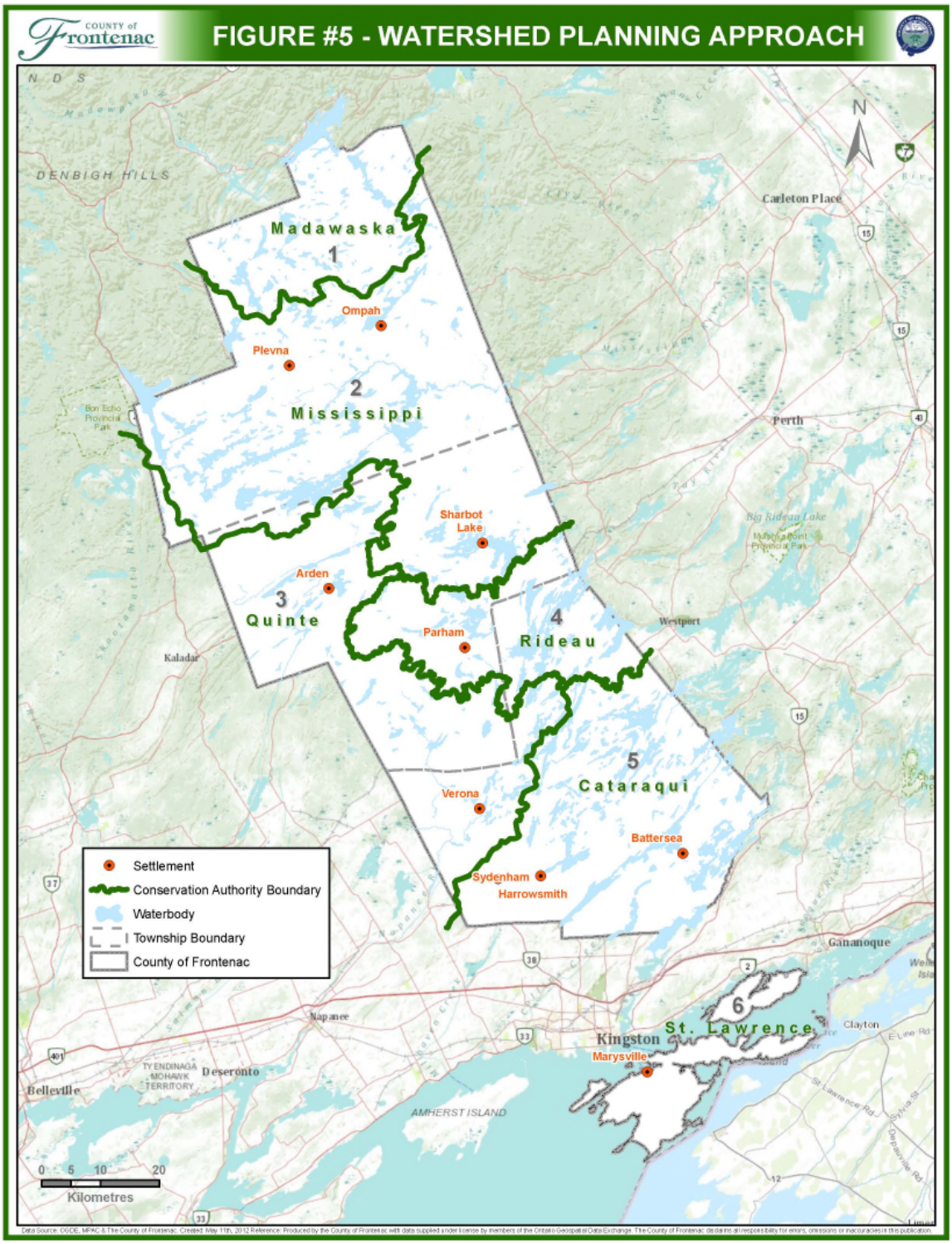


FIGURE #5 - WATERSHED PLANNING APPROACH
COUNTY of Frontenac
DENBIGH HILLS
Madawaska
1
Ompah
Plevna
2
Mississippi
Sharbot Lake
Arden
3
Quinte
4
Rideau
Parham
5
Cataraqui
Verona
Battersea
Sydenham
Harrowsmith
6
St. Lawrence
Kingston
Marysville
Carleton Place
Perth
Westport
Kaladar
Gananoque
Napanee
Deseronto
Belleville
TYENDINAGA MOHAWK TERRITORY
AMHERST ISLAND
Clayton
Settlement
Conservation Authority Boundary
Waterbody
Township Boundary
County of Frontenac
0 5 10 20
Kilometres
N

The *Growth Management* theme deals with future residential development in the County, using the County-wide growth projections as a starting point. This section will include policies to support existing hamlets and new development in rural and waterfront areas.

Community Building is a theme that has the goal of encouraging the development of our community through interaction, collaboration, and cohesiveness. This includes supporting a regional road system, trail development, and ideas for pedestrian movement and rural transit – all of these issues are essential to strengthening both communities and the strength of the economy.

Housing and Social Services will focus on key regional housing issues that are recognized in the Kingston-Frontenac County Municipal Housing Strategy and which are especially important over the long term to the rural area, including seniors housing and affordable housing.

The *Heritage and Culture* theme has the goal of encouraging identification and conservation of cultural heritage resources that are valued for the important contribution that they make to our understanding of the history of places, events, or people in the Frontenacs. This theme will also include policies with regard to the Algonquin Land Claim which covers a large portion of the north and central part of the County and which will result in a variety of potential land use changes in the future.

The *Environmental Sustainability* theme identifies significant natural areas that need to be protected and managed to form a basis for future land use decisions. A level of protection for the environment is required under Provincial policy to ensure development is sustainable to ensure a healthy and high quality of life for existing and future residents of the County.

Appropriate policies for each sustainability theme are included in the Plan to ensure all aspects necessary for a healthy community are protected, managed and made available to existing and future residents.

In addition to the six themes that form the bulk of the policies in the Official Plan, there are two other sections which follow that complete the Plan:

a) The Implementation and Interpretation section which describes interpretation and implementation tools available to the County through the *Planning Act*, public participation, and consultation for planning applications; and

b) The Mapping section which contain Schedule(s) which show the location of the Official Plan designations for all of Frontenac County as well as the regional natural heritage system.

SECTION 2 – ECONOMIC SUSTAINABILITY

The Economic Sustainability section is divided into two pieces. The first piece identifies policies relating to the natural resources of the County. The significant natural resources include agriculture, mineral aggregates, forestry, and renewable energy.

The second subsection highlights policy directions relating to those economic activities stemming from the natural and built environment such as commercial, tourist and potential business park development.

Both of these sections highlight the importance of these sectors to the economic health of Frontenac County.

2.1 Natural Resources

2.1.1 Agriculture

Introduction

A prime component of the County's economy is the extensive area of lands that are used for farming, both in prime agricultural and rural areas. Farming is fundamental to the economic base and rural lifestyle of the County. It is in the County's interest to preserve that lifestyle and to foster the agricultural community. The land base should be protected and the use of the lands must be predominantly agriculturally oriented to achieve these objectives. The farming community forms a core economic basis for the rural community

Policies

1. The agricultural community should be fostered and protected to ensure its viability for the economic and social benefit of the County. In order to accomplish this the County will encourage the Townships to:
   a) protect the prime agricultural land for agricultural purposes; and
   b) encourage the development of agricultural support services within designated hamlets.

2. Local Official Plans shall identify and protect prime agricultural areas.
   (MMAH Approval dated January 11, 2016)

3. Value-Added Uses – land uses that add value to farm products may also be permitted on farms in both Agricultural and Rural designations. For these types of uses located in Prime Agricultural Areas designated in the Township Official Plans, the Agriculture – Permitted Uses section of the Provincial Policy Statement (PPS), shall apply. These uses may include processing, preserving, storing and packaging of farm products and outlets for the retail sale of agricultural products from the farm operation on the property. Facilities that add value to farm products may be used co-operatively; however, the scale of operations may not exceed the needs of the surrounding agricultural

community and will be secondary to the farming activity of the property. The size of the building or facility for these uses will be limited in the implementing zoning by-law of each Township.

(MMAH Approval dated January 11, 2016)

4. The standard for separating residential uses from existing, new or expanding livestock facilities shall be the Minimum Distance Separation (MDS) formulae, as revised from time to time. The MDS formulae shall also be used when considering the creation of new lots and new development in proximity to livestock facilities. Notwithstanding policies relating to new developments on existing lots of record, where there is a vacant lot of record that is impacted by MDS, a dwelling may be permitted provided the dwelling is located on the lot at the furthest distance possible from the impacted livestock facilities. The MDS formulae shall apply in both the rural and prime agricultural land use designations in the Township Official Plans, outside of settlement areas.

   (MMAH Approval dated January 11, 2016)

5. The Townships shall designate Prime Agricultural Areas in their respective Official Plans in accordance with the Provincial Policy Statement (PPS)

   (MMAH Approval dated January 11, 2016)

6. The Townships shall permit agricultural uses, agriculture-related uses and on-farm diversified uses in Prime Agricultural Areas in their respective Official Plans in accordance with the Provincial Policy Statement (PPS).

   (MMAH Approval dated January 11, 2016)

7. The Townships may only permit lot creation and lot adjustments in Prime Agricultural Areas in their respective Official Plans in accordance with the Provincial Policy Statement (PPS).

   (MMAH Approval dated January 11, 2016)

8. The Townships may only permit non-agricultural uses in Prime Agricultural Areas in accordance with the Provincial Policy Statement (PPS).

   (MMAH Approval dated January 11, 2016)

9. The Townships may only permit extraction in Prime Agricultural Areas in their respective Official Plans in accordance with the Provincial Policy Statement (PPS).

   (MMAH Approval dated January 11, 2016)

2.1.2 Minerals and Mineral Aggregate Resources

The County of Frontenac contains many unique minerals and aggregate resources. Mineral and mineral aggregate deposits and operations will be protected. Local official plans will identify mineral and mineral aggregate resources, protect them from incompatible uses so their future use is ensured

and establish buffer areas where incompatible development is not permitted. These resources are identified in Appendices '1D' and '1E' of the Plan.

(MMAH Approval dated January 11, 2016)

The following policies are intended to address both mineral mining operations as well as mineral aggregate extraction.

2.1.2.1 Mineral Mining

1. Mining and related activities shall only be permitted outside identified settlement areas.
2. The creation of new mining and mining related activities shall be subject to the approval of the Ministry of Northern Development and Mines under the *Mining Act* and the *Environmental Protection Act*, and shall be subject to local Official Plan policies and local Zoning By-law regulations.
3. An 'Influence Area' shall be used in order to protect existing land uses in the vicinity of a proposed mineral mining operation. This 'Influence Area' shall also be applied to protect mineral mining operations from the encroachment of incompatible land uses. Local Official Plans shall establish the extent of an influence area in consultation with the Ministry of Northern Development and Mines and the Ministry of the Environment and Climate Change (MOECC). Development may be permitted in an 'Influence Area' as set out in Local Official Plans and only where the impacts of a mining operation can be properly mitigated.

(MMAH Approval dated January 11, 2016)

2.1.2.2 Mineral Aggregates

Frontenac County has a variety of mineral aggregate deposits. The County recognizes that these non-renewable resources are an important component of the economy of the County which must be protected for future use. It is also recognized that the extraction of the aggregates must be undertaken in an environmentally sound manner that adequately protects significant natural environment features and minimizes community disruption.

1. Mineral aggregate resources shall be recognized and managed by the Local Official Plans. These resources shall be mapped on Township Official Plan Schedules.

(MMAH Approval dated January 11, 2016)

2. Recognizing that mineral aggregate resources cross municipal boundaries, the County will undertake a mineral aggregate resources study, in consultation with the Ministry of Natural Resources and Forestry to identify unconstrained aggregate resources that are a high priority for protection. The findings of this study shall be implemented through Official Plan Amendment. In the interim, the County and the

Townships shall use the Township Official Plans and Appendix 1D and 1E to identify aggregate resources.

(MMAH Approval dated January 11, 2016)

3. The Townships, in consultation with the Ministry of Natural Resources and Forestry (MNRF) and the Ministry of Northern Development and Mines shall review development proposals with respect to mineral aggregate resources.

   (MMAH Approval dated January 11, 2016)

4. The Townships shall identify and protect all existing mineral aggregate operations from incompatible uses and activities that would preclude or hinder their expansion or continued use, or which would be incompatible for reasons of public health, public safety, or environmental impact. The Townships shall map the locations of all existing licensed mineral aggregate operations on their official plan land use schedules and zoning by-laws. Existing mineral aggregate operations shall be permitted to continue without the need for an official plan amendment, rezoning or development permit under the *Planning Act.*

   (MMAH Approval dated January 11, 2016)

5. Within or adjacent to known deposits of mineral aggregate resources, development and activities which may preclude or hinder the establishment of new operations or access to the resources may only be permitted if:
   - Resource use would not be feasible; or
   - The proposed land use or development serves a greater long-term public interest; and
   - Issues of public health, public safety and environmental impact are addressed.

   The County or the Townships may require the completion of a study by a qualified professional to demonstrate that the proposed use is consistent with the above policies for development proposals. For the purposes of the above policy, adjacent lands shall be those lands contiguous to lands on the surface of known deposits of mineral aggregate resources where it is likely that development would constrain future access to the resources. The extent of the adjacent lands shall be identified in Township Official Plan and may be recommended by the Province.

   (MMAH Approval dated January 11, 2016)

2.1.3 Forestry

Council shall consider the incorporation of “good forestry practices” along with the impact of the development on the ability to provide a continuous, sustainable forestry industry in the County.

For the purposes of this Plan, “good forestry practices” means the proper implementation of harvest, renewal and maintenance activities known to be

appropriate for the forest and environmental conditions under which they are being applied and that minimize detriments to forest productivity and health, and the aesthetics and recreational opportunities of the landscape. Good forestry practices will ensure that no forest values are diminished by protecting key stand components and by minimizing environmental damage during tree harvesting. Properly managed tree harvest activities shall assure the maintenance of all forest values and a continuous flow of forest products that provide for both short and long-term economic benefits to landowners. Similarly, forest management plans should recognize and recommend mitigation measures on the impacts of forestry operations on the tourism industry and visual amenities of the County.

In partnership with County and local governments, forestry operators will consider developing an inventory of forest resources.

Forest operators will consider undertaking sustainable approaches and are encouraged to develop sustainable forestry plans which may include the development of a plan for rehabilitation and reforestation to preserve the biodiversity and ecological health of the region.

2.1.4 Renewable Energy

2.1.4.1 Introduction

One of the primary 'focus areas' of *Directions for Our Future* deals with the future of energy demand and production in the Frontenacs. The objective is to reduce the amount of energy consumed over the next generation, combined with renewable energy production and encouragement. It is hoped that conservation measures combined with clean, low-impact electrical generation will contribute to a gradual shift away from the reliance on fossil fuels.

2.1.4.2 Policies

The County is committed to further the community's vision of the 'Energy Focus Area' in *Directions for Our Future.*

The County and the Townships will be encouraged to work collaboratively to assist in Green Energy activities such as municipal solar installation, energy conservation, community power, and other related projects.

The County will support the creation of a Community Energy Plan for the Frontenacs to encourage local energy production and increase community capacity with renewable energy.

The County will support economic development opportunities in the local energy sector as they arise.

The County will promote energy conservation to the public and will seek opportunities to facilitate conservation.

2.2 Built Resources

2.2.1 Commercial

Commercial development in Frontenac County is identified under two general policy areas. Both types of commercial use are important for ensuring that a wide range of commercial opportunities as possible exist for County residents, seasonal and year round alike, as well as tourists staying in or traveling through Frontenac County. The two general types of commercial development are:

a) Community Commercial which consists of the business district and historic crossroad or core of each urban area, and also includes highway commercial which serves both travelling and local public; and
b) Resort Commercial uses which provide for commercial facilities and services for tourists and seasonal residents.

The Townships will establish appropriate commercial land use policies in their respective Official Plans.

2.2.2 Tourism

2.2.2.1 Introduction

Tourism and leisure opportunities are some of the key aspects to Frontenac County's economy. This sector includes, but is not limited to, golf courses, resorts, campgrounds, trailer parks, marinas, tourist accommodation facilities, museums, historical and scenic tours and heritage sites. The many lakes and rivers in the Frontenacs play a significant role in providing opportunities for tourism and leisure activities.

2.2.2.2 Policies

The County will work with the local Townships, the Province, Frontenac Community Futures Development Corporation (CFDC), the City of Kingston, and various tourism agencies and organizations to promote tourism activity.

The County will continue to work on development of a regional trail network to help create a recreational use that will travel through the Frontenacs and act as a regional tourist destination.

The County will work with and support tourism-related projects with all of the Townships that are of benefit to tourists and to the community.

2.2.3 Business Parks

Frontenac County currently has a very small industrial base. The majority of industries make up small pockets of uses in the agricultural, rural, and hamlet areas. These uses include home-based activities.

Directions for Our Future also recognizes the opportunity of a new business park in the County as a key economic pillar of sustainability. It notes that the possibility of developing a green business park would be beneficial in having infrastructure in place for businesses considering relocation and could also act as a catalyst by grouping businesses as a hub.

There are very few planned business parks designated in the four Township Official Plans. This Plan recognizes the importance of the goal of attracting businesses to the County to encourage local job creation and investment in the rural economy.

The following policies should be considered as part of the location and development of a business park(s) in the Frontenacs:

1. In order to ensure appropriate and efficient access, business parks should be located on or close to one of the regional roads that are identified on Schedule 'A' (Land Use);
2. A business park development proposal should consider the following development policies:
    1) Business parks may include buildings designed for individual or multiple occupancy on a leasehold or condominium basis;
    2) Business park development may occur on a multiple lot basis or as a single land parcel with single or multiple buildings; and
    3) Buildings in a business park should be designed to a similar and high-quality standard to promote an attractive setting.

3. The County and/or the Townships may assist in the creation of a business park in the following ways:
    1) land acquisition and site preparation;
    2) development of the infrastructure to prepare the business park for development, such as power, servicing, lighting, road construction, and broadband connection;
    3) the preparation of any planning, engineering or other studies to ensure the business park is developed to appropriate standards; and
    4) municipal fiscal incentives to encourage new development such as grants to cover the costs of building permit fees or development charges.

Section 3 – Growth Management

The Growth Management section sets out policies that are intended to help guide new development (residential and non-residential) across Frontenac County. The policies are intended to manage change from a regional level.

The Growth Projections section allocates population and employment growth across the Frontenacs to 2034.

(MMAH Approval dated October 21, 2016)

The Hamlets section is intended to support and strengthen existing communities and their infrastructure.

Rural Areas policies are intended to recognize the importance of the rural areas of the Frontenacs for future growth and to create guidelines for new development that will be sensitive to its surroundings.

Waterfront Development policies will recognize the importance of the abundant lakes and rivers within the Frontenacs and the need to protect the natural environment and character of these areas for future generations and to also establish parameters for new development along or near the water.

3.1 Growth Projections for Frontenac County

In 2014 the County completed the *Population, Housing and Employment Projections for the Frontenacs*. The projections indicate that the permanent population base of the County is forecasted to steadily increase over the next 25 years from 27,900 in 2011 to 32,900 in 2034.

A share of the population and household unit growth is projected throughout the four Townships in the County. Also included is projected growth of the seasonal population of the County, which has a significant influence throughout the Frontenacs but especially in the northern portion. The future share of household growth is allocated upon a number of factors including:

(a) Frontenac County's adjacency to the City of Kingston will allow some areas of the County, notably South Frontenac Township, to attract new growth. South Frontenac is allocated 70 % of the projected growth of permanent population in the County because of the employment opportunities available in the city;

(MMAH Approval dated January 11, 2016)

(b) The remaining growth shall be allocated accordingly: Frontenac Islands (7%), Central Frontenac (16%) and North Frontenac (7%).

(MMAH Approval dated October 21, 2016)

(c) The lack of full municipal water and wastewater services in any of the hamlets or villages of the County will constrain the ability to increase the density of these areas, and may impact the ability to focus new development within these settlement areas;

(MMAH Approval dated January 11, 2016)

(d) Rural residential development will continue to be an important component of household growth in the County, given that overall residential development is projected to be limited. Demonstration of limited rural residential development in Township Official Plans may include such measures as limits to the number of lots granted through consent and plans of subdivision; and

(MMAH Approval dated January 11, 2016)

(e) The population, housing and employment forecast will be monitored and reviewed periodically to determine its accuracy. Adjustments to the forecasted growth will be made during the five year reviews of the Official Plan; and

(f) Settlement areas are identified in the Provincial Policy Statement (PPS), 2014 as villages and hamlets where development is concentrated and which have a mix of land uses. It is recognized that some of the historical settlement areas identified on Schedule 'A' of this Plan may not meet this definition and are better described as crossroad. As a result, the County will undertake a settlement area study to examine and rationalize settlement areas identified on Schedule 'A' in order to determine where growth shall be focused over the long term planning horizon.

(MMAH Approval dated January 11, 2016)

3.1.1 Employment

In order to meet the long term needs of the County by providing a mix and range of employment opportunities, the County shall explore ways to enhance the local employment base in strategic locations such as settlement areas and along major transportation routes.

(MMAH Approval dated January 11, 2016)

3.1.2 Housing Supply

The land and residential unit supply in the lower-tier official plans shall reflect the growth allocations set out in this section and be consistent with the regional marketing housing requirements of Section 1.4.1 of the PPS.

(MMAH Approval dated January 11, 2016)

3.2 Settlement Areas

3.2.1 Introduction

As Frontenac County has developed over time, it contains of a number of small villages and hamlets, scattered rural housing, waterfront cottages and homes, and rural subdivisions. There is no village or hamlet that has full municipal services. The village of Sydenham had water servicing installed in 2006 to service the existing community.

These settlement area policies are intended to set a planning framework that will encourage and support the existing Settlement Areas, both mixed use and primarily residential.

The policies will allow each Township to have the ability to develop their communities based on local characteristics and needs, as well as fiscal capacity. The policies also recognize that due to the lack of municipal water and sewer services, the County supports new development in both the settlement areas as well as in rural locations.

Settlement area locations are identified on Schedule “A“of this Plan.

3.2.2 Settlement Area Policies

3.2.2.1 General

Based on its historic settlement pattern, Frontenac County has many villages and hamlets scattered throughout the region. Some of these villages have a mix of residential, commercial, and institutional uses, while other hamlets are primarily residential and small in size. Traditionally, these communities have developed as residential, social and commercial centres serving the surrounding agricultural, mining, or forestry community. While this traditional role will continue to be encouraged, it is also recognized that changes and improvements to transportation facilities over time have lessened the emphasis on hamlets as rural service centres and increased their role as residential settlements.

The following general policies shall apply to Settlement Areas which are identified on Schedule ‘A’ of this Plan:

1. Local Official Plans shall designate Settlement Areas and determine their boundaries.

2. Efficient development patterns and road connections will be encouraged in Settlement Areas to optimize public services and to make the most efficient use of land and resources.

3. Local Official Plans shall, where feasible, promote mixed use development in Settlement Areas including residential, commercial, institutional, parks, and employment areas.

3.2.2.2 Settlement Area Boundary Expansions

The County’s long term prosperity, environmental health, and social well-being depend on wisely managing change and promoting efficient land use and development patterns. On this basis, Settlement Area boundary expansions shall be determined by the Local Official Plans and shall require an Official Plan Amendment to the Local Plan. As none of the

Settlement Areas in the Frontenacs have full municipal services, a settlement area capability study (comprehensive review) is required by this Plan for any boundary expansion to determine:

a. that the Settlement Area can adequately accommodate new development without having a negative impact on groundwater used for drinking purposes and/or the ability of the soils in the area to assimilate effluent;
b. the potential impacts of new development on the road network and other municipal infrastructure such as community facilities;
c. justification for the need to expand the settlement area;
d. an analysis of alternatives that may be considered to settlement expansion, including redevelopment and infill; and
e. a review to determine compliance with the Minimum Distance Separation (MDS) formulae.

It is not anticipated that any of the settlement areas in the Frontenacs will require expansion in the life of this plan. If a settlement area expansion is being considered, in addition to the aforementioned criteria, the settlement area expansion policies of the Provincial Policy Statement (PPS), shall apply.

(MMAH Approval dated January 11, 2016)

3.3 Rural Lands

3.3.1 Introduction

The Rural designation comprises all lands outside of settlement areas in the County that are not:

- Natural Heritage Areas or other natural resources listed in Section 7;
- Resource Lands such as minerals, mineral aggregate, forestry, and prime agricultural set out in Section 2.1.; and
- Waste Disposal Sites

(MMAH Approval dated January 11, 2016)

Traditionally, these lands have been utilized as an alternative location for those persons preferring a rural residential lifestyle.

These non-resource lands have also provided a location for commercial and industrial uses requiring a location in the rural area because of land use requirements and/or proximity to natural resources. The Rural designation also includes areas containing viable farming operations that need to be protected, through the application of the MDS I and II formulas.

Low density residential development as well as rural-related commercial, industrial, recreational and institutional development is desirable, provided it is appropriately located. The Rural designation is intended to guide rural type development while at the same time protecting the rural character, heritage and

natural resources of the County. In addition, the designation is intended to manage growth in an environmentally and fiscally responsible manner.

More specifically, on rural lands, permitted uses are:

- The management and use of resources;
- Resource-based recreational uses (including recreational/cottage dwellings);
- Residential development of a limited scale;
- Home based industries and home occupations;
- Cemeteries
- Other rural land uses that are compatible with the nature of the rural area.

(MMAH Approval dated January 11, 2016)

Development shall proceed in accordance with the policies of Section 4.2 – Servicing, Section 6 – Heritage & Culture and Section 7 – Environmental Sustainability.

(MMAH Approval dated October 21, 2016)

3.3.2 Objectives

(1) To preserve the open space, rural character, topography and landscape of the rural area;
(2) To promote rural living in a manner sensitive to the ecological balance, sensitive to the farming and forestry communities and sensitive to the protection of groundwater and surface water quantity and quality;
(3) To maintain economic stability in the County by considering factors such as municipal servicing limitations, environmental factors, compatibility of land uses, and land capability when reviewing development proposals;
(4) To promote the tourism economy of the County by ensuring suitable lands are available to satisfy demands for tourism and tourism-related development;
(5) To encourage economic diversification including greater flexibility for on-farm activities, home-based businesses, and agri-tourism, and new small scale industrial-type ventures that are connected to the farm economy such as milk processing, cheese factories, and craft breweries; and
(6) To preserve the farming community as an important economic and cultural resource for the Frontenacs;

3.3.3 Policies

(MMAH Approval dated January 11, 2016)

(1) In recognition of the potential impacts that new growth and development may have on entire watershed systems, the County encourages communication between the local Townships within the same watershed area when a new development proposal is considered to have a potential impact on the quality and function of the watershed.

(2) Residential development is permitted in the Rural designation in accordance with the following policies:

a. Lot creation should take place either through Plan of Subdivision, Plan of Condominium, or Consent;
b. Rural residential development shall reflect the intent of preserving the rural, open space character of the County. This will mean that, to the extent possible, the appearance of such development should be unobtrusive and blend in with the rural landscape.
c. New residential development should not be located on lands which would involve major public expense in opening up or maintaining access routes, providing drainage, or providing other public services and facilities, unless major public services, access, and/or facilities are provided at the developer's expense.
d. It is recognized that the majority of existing and new rural residential development will be serviced by private wells and septic tanks; however, the County and the Townships may be interested in the investigation of new technologies and communal servicing options where it is deemed feasible for such areas and is supported by the Ministry of the Environment and Climate Change (MOECC).

(MMAH Approval dated January 11, 2016)

e. In determining the location and suitability of any proposed residential plan of subdivision, the following criteria shall be considered by both the County and the Townships:
    i. the design of the subdivision should provide for a range of lot sizes directly related to the site's topography, vegetation and soil and drainage characteristics;
    ii. based on the varying topography across the County, the Local Official Plans should establish a base minimum lot size;
    iii. the minimum area of lot sizes should be determined by a hydrogeological study and a terrain analysis;
    iv. the subdivision should have direct access to a public road that is maintained year round and is improved to acceptable municipal standards;
    v. Lots need to be of adequate size to provide for proper installation of private services;
    vi. Any proposed subdivision should not land lock any other adjacent parcel of land, and future connection links to adjacent properties shall be provided where determined appropriate;
    vii. In order to maintain the rural character of the landscape, the development should be located in areas having natural amenities such as varied topography, mature tree cover, scenic views and should blend in with the natural landscape so that the rural environment is left relatively undisturbed;
    viii. Rural residential development should avoid locating on lands having significant agricultural capability and near areas where any significant impact on established agricultural activities will occur; and
    ix. The use should be compatible with adjacent land uses.

3.3.3.4 Special Policies -- Waterfront Areas

3.3.3.4.1 Introduction

Frontenac County is blessed with hundreds of lakes and rivers covering its geography, including pristine lakes on the Canadian Shield, Lake Ontario and the Saint Lawrence River waterbodies surrounding Wolfe and Howe Islands, as well as the southern section of the Rideau Canal National Historic Site and UNESCO World Heritage Site.

In terms of sustainability, waterfront protection covers all four 'pillars' contained in the County's sustainability plan, *Directions for Our Future*: social, cultural, environmental, and economic.

Cottage development and tourist operations have developed on many of the County's lakes and rivers since the early twentieth century. While originally summer areas with basic cabin structures, more and more buildings have been converted to year round use and the majority of new development is being built to be habitable all year. Almost all of this development relies on private water and sewage systems.

For the purposes of this Plan, Waterfront Areas shall generally include all lands extending inland 150 metres (500 feet) from the ordinary high water mark of any lake, river, or waterway. This is a general boundary intended to recognize that development within this area may have an impact on lake quality and those impacts may need to be considered for any development within the boundary. Lands and land uses that are more than 150 metres from shore but which are physically or functionally related to the Waterfront Areas shall be considered to be part of the Waterfront Area. All lands that are less than 150 metres from shore but which do not physically or functionally relate to the Waterfront Areas are not considered to be part of a Waterfront Area. The entire areas of islands, excluding Wolfe and Howe Islands, shall normally be considered to be part of a Waterfront Area. The Waterfront Area shall not extend into any Settlement Area identified in this Plan, or into any prime agricultural or other agricultural areas that are identified in the Township Official Plans.

(MMAH Approval dated January 11, 2016)

3.3.3.4.2 Goal

The overall goal of this Plan is to improve and protect the waterfront areas in Frontenac County as a significant cultural, recreational, economic, and natural environment resource and to maintain or enhance the quality of the land areas adjacent to the shore.

3.3.3.4.3 Objectives

(1) To encourage appropriate public access to Waterfront Areas where accessibility is permitted;
(2) To permit shoreland development that allows for sustainable growth of existing and new tourist developments and innovative and appropriately designed new residential developments;
(3) To protect and enhance the heritage character of the Rideau Canal National Historic Site and UNESCO World Heritage Site and its associated cultural and natural heritage resources and scenic landscape setting;
(4) To maintain or improve water quality on a watershed-wide basis;
(5) To ensure that the built form along a shoreline is not overly concentrated or dominating to the detriment of the natural form;
(6) To maintain, enhance and/or restore the majority of the developed and undeveloped shorelines in their natural state by promoting property stewardship; and
(7) To preserve and enhance fish and wildlife habitat areas and other natural heritage features that are within and along Waterfront Areas.

3.3.3.4.4 Policies

(1) The character of Waterfront Areas is linked to the natural and built form that is associated with the lakes and rivers in the County. Generally the *natural* form includes vegetated shorelines with thin soils over bedrock. The *built* form is predominated by residential development including resorts and marinas. In this context, new development or redevelopment occurring in the Waterfront Areas should, where possible enhance and protect those qualities that contribute to the area's character;
(2) All Waterfront Areas should be considered to be a major recreation resource area that, where appropriate, should be accessible to both public and private users;
(3) Shoreline alterations shall require approval by the municipality and/or the appropriate agency (Conservation Authority, Ministry of Natural Resources and Forestry (MNRF), Canada Fisheries and Oceans, Parks Canada). Township Official Plans may include shoreline alteration policies that are more restrictive than those of the approval agencies;
(MMAH Approval dated January 11, 2016)
(4) The County may participate with the Townships and/or community groups and cottage associations in promoting public responsibility for water quality and the visual objectives of shoreline management on a watershed basis;

(5) The County will encourage and support lake associations to conduct lake stewardship planning. Any such lake plan may be considered as part of the input to planning decisions at the Township level;
(6) Tree cover and vegetation is encouraged to be retained along the shoreline to maintain the visual and environmental integrity of Waterfront Areas. Where development is proposed along shorelines, Township Official Plans should contain policies relating to the preservation of a natural undisturbed buffer between the water's edge and new development;
(7) To maintain the shoreline character and water quality, Local Official Plans and Zoning By-laws shall require that all new development and leaching beds be set back at least 30 metres (100 feet) from the ordinary high water marks of all waterbodies. Any proposed reduction to the 30 metre minimum setback shall be in accordance with policies in Local Official Plans which establish criteria for considering such reductions. A setback of greater than 30 metres from the ordinary high water mark may be required in some locations; and
(8) Township Official Plans shall include criteria for determining an appropriate setback where an existing lot of record cannot achieve the minimum setback of 30 metres (100 feet). However, the greatest setback possible will be required.

3.4 Crown Lands

Crown lands are a significant resource for the County and most of the local Townships. The policies in this Plan are not binding on Crown land activities; use of Crown land will be determined by the Province with regard for established planning policies of the County and the local municipalities. Local official plans will contain policies that state that where Crown land becomes privately-owned, the policies of the Official Plan apply. Township official plans shall map Crown lands as a distinct land use category on their Schedules. Conversion will not require an amendment to the County Official Plan but change of use following disposition may require an amendment to the Local Official Plan and/or Zoning By-law.

Section 4 – Community Building

The Community Building section sets out policies that are intended to help ensure that the public infrastructure that ties the region together and is key to its sustainability can be maintained and possibly enhanced over the next twenty years. The provision of transportation, water, waste water, and solid waste is crucial to ensuring that Frontenac County can accommodate any future growth in a manner which is environmentally, socially, and economically sustainable.

This Plan recognizes that it is the responsibility of the local municipalities to plan, construct, and maintain most of the public infrastructure. Continued efforts to find solutions to local infrastructure problems by local municipalities are considered appropriate and in conformity with the policies of the County Official Plan. County Council may also consider undertaking regional level studies in order to help plan future capital improvements.

The Transportation section sets out the vision for a regional transportation system that is key for helping citizens and visitors move through the Frontenacs, including roads, transit, trail development, pedestrian safety, ferries, and important scenic routes.

The Servicing section is intended to establish a long-term approach to dealing with servicing in some of the County's villages to ensure safe and plentiful drinking water. The section also contains policy direction for applying storm water management over a watershed area.

Solid Waste Management policies are intended to recognize the importance of long term planning for waste management across the County and to support a collaborative approach to ensure a positive outcome from both an environmental, economical**,** and health perspective.

Transmission Corridors and Communication/Telecommunication Facilities policies will establish a set of general policies for direction to Provincial and Federal agencies to reduce incompatibility with the existing County land base.

The Community Improvement Plan policies will establish goals and objectives for creating new plans throughout the County, and supporting County Council's financial investment as a basis for local improvements.

The Parks and Open Space policy section will recognize the importance of providing a full range of parks, open space, and recreational facilities for the enjoyment, health and welfare of Frontenac residents as a means of increasing the County's appeal as a tourist destination. It will also recognize the importance of Crown lands and Provincial Parks as recreation resource areas.

Infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities shall be provided in a coordinated, efficient and cost-

effective manner that considers impacts from climate change while accommodating projected needs. Planning for infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities shall be coordinated and integrated with land use planning so that they are:

- Financially viable over their life cycle, which may be demonstrated through asset management planning; and
- Available to meet current and projected needs.

Public service facilities should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and active transportation.

(MMAH Approval dated January 11, 2016)

4.1 Transportation

4.1.1 Roads

4.1.1.1 Introduction

Frontenac County is served by an extensive road network that includes municipal roads that serve both a local and regional purpose as well as Provincial Highways 7 and 41 which travel across the upper portion of the County. Following municipal amalgamation in 1998, more than 400 kilometres (250 miles) of Provincial Highways and County Roads were downloaded to the four Frontenac Townships. As a result, it is the responsibility of each Township to carry the financial cost of maintaining and repairing these roads, including those roads which handle regional traffic which were never designed for local traffic.

The importance of our roads in maintaining and improving the economy of Frontenac County cannot be underestimated. The Frontenacs are dependent on the road system for the movement of goods and services, as well as for access to health and social services and for tourism use.

4.1.1.2 Goal

The goal of recognizing a County-wide road network is to support the long-term viability of a regional road system to ensure access throughout the Frontenacs and connections to the surrounding region.

4.1.1.3 Regional Road Network

This Plan identifies a regional road network on Schedule “A”. These are roads that are recognized as having regional importance in moving people and goods within and outside the County. It is recognized that these roads are owned and maintained by each of the four local Townships. It is the intention of County Council to recognize that this road system is an essential part of the infrastructure that supports the County.

The County supports a cross-jurisdictional collaborative approach to managing and maintaining these regional roads, and to develop a transportation system that will encourage unity within the County and will satisfy local municipal transportation demands.

The County will investigate and support all senior government programs that will provide financial investment in the regional transportation infrastructure.

The County supports collaboration with the City of Kingston on efforts to maintain and improve road connections between the County and the City.

4.1.1.4 Provincial Highway 7

Highway 7 is identified on Schedule “A“. Highway 7 is a Provincial Highway that runs east-west through the middle of the County just north of the main village of Sharbot Lake. Historically, Highway 7 has been an important transportation route within Frontenac County. As growth continues in the Greater Toronto Area as well as the Ottawa Region it is expected that Highway 7 will undergo changes and handle additional traffic. The County will support improvements to Highway 7 that enhance safety and convenience for its residents and the travelling public.

Highway 7 is designated by the Province as a special controlled access highway. Any development adjacent to or impacting Highway 7 requires the issue of permits from the Ministry of Transportation so that the long term function of the highway is maintained.

The Highway 7 / Highway 38 intersection is an important commercial node for both the travelling public and for local residents. The County supports the continued viability of this area and any policies or measures to strengthen the commercial uses at this intersection. The County will support and work with the Township of Central Frontenac on any measures to request the Ministry of Transportation to reduce speed levels through this area for safety and also to allow for easier access to the stores and gas stations at this intersection.

4.1.1.5 Provincial Highway 41

Highway 41 is identified on Schedule “A" and is the major north-south link in the northwestern part of the County. It provides access to Bon Echo Provincial Park and contains many services for residents and cottagers in the northern Frontenac County. Highway 41 is a Provincial Highway that provides access to Pembroke and beyond, and should continue to be maintained by the Province.

4.1.1.6 Private Roads

The County is undertaking a private roads study in 2016. The results of this work will assist the County and its lower-tiers in developing a measurable and enforceable mechanism aimed at creating reasonable and safe development of private roads.

(MMAH Approval dated January 11, 2016)

4.1.2 Rural Public Transportation

4.1.2.1 Introduction

Providing public transportation options in a rural setting such as Frontenac County is challenging. The rural transportation problem is based on the fact that residents need mobility of some form in order to access their basic needs in a rural context, where distances are long and people and services are spread out. Transportation of some form is essential. Frontenac County is not unique in that reliable alternatives to the automobile to a large degree do not exist, and transportation access directly equates to personal vehicle access or ownership.

Transportation provides access to social programs, pharmacies, banking facilities, post offices, and health centres. In terms of economic development, public transportation can provide access to training, education, and employment opportunities that allow people to remain living in the rural area of the Frontenacs.

4.1.2.2 Goal

To provide a safe, convenient, effective transportation system for all citizens of Frontenac County, including those citizens who do not have access to a personal vehicle.

4.1.2.3 Policies

The County will support efforts to develop a public transportation system that is sustainable in the long term and which is based on four cornerstones of a functional system: affordability; availability; accessibility; and acceptability.

The County recognizes and supports the efforts of *Frontenac Transportation Services (FTS)* to provide volunteer-led transportation for individuals throughout the Frontenacs. County Council will consider a longer term investment (e.g., five years) to *FTS* to allow it to plan services beyond an annual basis.

The County will explore alternatives and consider various rural transportation models that could be effective in the context of the rural density of the Frontenacs, including community-based models.

The County will work with community groups such as community care organizations, charities, and volunteers to review their potential involvement and operation of a rural transportation system.

The County will investigate various funding options from senior levels of government and other organizations to operate and maintain a public rural transportation system.

The County will work with the Townships to support carpooling initiatives and the development of new and expanded carpool lots along major transportation routes, including the Road 38 corridor, Perth Road, Battersea Road, and/or Sydenham Road.

The County will investigate collaborative operations with the City of Kingston to improve public transportation options into the rural area of the City and into the County.

The County encourages the development of transit-supportive communities in order to increase the future potential of efficient rural transit in the Frontenacs. This includes the creation of active transportation connections within and between settlement areas and the clustering of transit-supportive uses such as schools, businesses, social services, and health facilities within settlement areas.

4.1.3 Pedestrian

4.1.3.1 Policies

Providing facilities for convenient pedestrian movement is important. The provision of sidewalks on one side of local roads and both sides of collector and arterial roads is encouraged wherever practical.

To encourage pedestrian travel, streetscapes in villages and hamlets should be safe, convenient, and attractive for pedestrians. This may include providing sidewalks, locating commercial uses at street level, providing appropriate lighting, street furniture, landscaping, and ensuring that it meets accessibility requirements.

Sidewalks are encouraged in conjunction with the development of new roads within settlement areas.

The County will encourage the development and enhancement of pedestrian trails throughout the Frontenacs, including multiple use trails.

The County supports trail routes created by a linked system between community facilities and major parks and open space areas.

4.1.4 Trail Development

4.1.4.1 Policies

County Council recognizes that trails (both for walking and cycling) can provide significant health, transportation, environmental, and economic benefits, including the following:

- Active transportation modes use no fossil fuels and emit no gas emissions;
- Cycling and walking provide an enjoyable, convenient, and affordable means of travel;
- Physical activity improves cardiovascular and mental health, and is linked to the prevention of a number of diseases; and
- Cycle tourism can benefit the economy of businesses across the Frontenacs.

The County's goal is to establish a well-connected system of trails throughout the Frontenacs that will provide residents and visitors the opportunity to engage in active healthy lifestyles, to travel to key destinations, and experience the vistas provided by the County's natural features and cultural resources.

The County supports trail routes created by a linked system between community facilities and major parks and open space areas.
The County will use the *County of Frontenac Trails Master Plan (2009)* to direct trail development, uses, location, and implementation that will guide future development of a trails system for the next 20 years.

The County will build on existing trail systems in the Frontenacs, including the Frontenac K&P Trail, the Rideau Trail, and the Cataraqui (TransCanada) Trail, to connect into the County's hamlets and villages, roads and waterbodies, with the goal of developing a user-friendly network.

The public shall be consulted on trail development and the implementation of routes and facilities.

The County will use the following trail selection principles as a basis for new trail creation:

- Safety
- Visibility
- Destination-Oriented
- Attractive and Scenic
- Connectivity

4.1.4.2 Special Policies: K & P Trail

The Frontenac K&P Trail is named after the Kingston & Pembroke Railway, a rail line that was built from Kingston to Renfrew between 1871

and 1885. The railway was established by a local group of Kingston businessmen who wanted to see the construction of a rail line north to the Ottawa Valley for the purpose of gaining access to the natural resources (logging and mining) and to potential markets in the north. The expected volume of rail activity never materialized and the railway was eventually purchased by the Canadian Pacific Railway in 1901. Over time the entire line was abandoned, with the final active portion between Tichborne and Kingston shut down in 1986.

The Frontenac K&P Trail right-of-way runs in a north-south direction across the mainland of the County and into the City of Kingston. The County owns a large portion of the southern section of the right-of-way, other portions are owned by North and Central Frontenac Townships, and other portions are privately owned. To the south, the City of Kingston owns the K&P right-of-way and has converted the majority of it to an active trail which the County trail can connect into.

Conversion of the rail right-of-way to an active trail began in 2012 with the trail developed between Orser Road – connecting with the City trail – north to Highway 38 just south of Harrowsmith.

The main purpose of the Frontenac K&P Trail is to develop a trail spine through the Frontenacs that can provide linkages with other trails throughout the area.

The completion of the Frontenac K&P Trail through to the developed portion of the K&P which starts in the Township of Central Frontenac at Sharbot Lake, travels through the Township of North Frontenac, into Lanark Highlands and finally meeting up with Greater Madawaska south of Calabogie, will greatly enhance trail systems in the Frontenacs and recognize our rich heritage.

4.1.4.2.1 Policies

The County will use the *K&P Implementation Plan (2009)* as the guiding policy document to direct trail development, uses, land acquisition, and phasing program to guide the development of the K&P trail system.

In conjunction with the Townships the County will endeavour to keep the trail continuous in order to make it more attractive to users and more identifiable as a linear trail. Re-routing may take place where the County does not own the property and an easement agreement cannot be established with the landowner.

The County will work with the City of Kingston to ensure that the K&P trail system is maintained and/or enhanced to a common standard.

4.1.5 Ferry Services

4.1.5.1 Background

The Township of Frontenac Islands relies on ferry services to access the mainland.

Howe Island is served by two ferries: a fifteen car cable ferry located at the west end of the island that is operated by the County and owned and maintained by the Ministry of Transportation which operates on demand on a continual basis and docks at Howe Island Ferry Road in the City of Kingston; and a three car cable ferry (known as the Foot Ferry) located at the east end of the island which also operates on demand over an 18 hour period and which docks at Howe Island Ferry Road East in the Township of Leeds and the Thousand Islands.

Wolfe Island is served by a fifty-five car ferry (*Wolfe Islander III*) that docks at the Island at both the village of Marysville and, in the winter, at Dawson's Point, and at the Barrack Street dock in downtown Kingston.

Simcoe Island is served by a three car cable ferry that connects to Wolfe Island.

There is also a privately operated ferry (Horne's Ferry) that runs from May to October from the south side of Wolfe Island to Cape Vincent, New York.

4.1.5.2 Policies

County Council recognizes that the ferry transportation system is essential to the sustainability of these islands, and that this ferry service is an integral part of Frontenac County's regional transportation system.

The County will support efforts by Frontenac Islands to maintain adequate service, including:

- the monitoring of ferry capacity and usage;
- the review, from time to time, of opportunities to improve the ferry service both through expanded capacity and improvements to infrastructure such as terminals and parking facilities;
- seeking support from the Province of Ontario in the ongoing maintenance and possible future expansion of ferry operations;
- consideration of public/private partnerships and development opportunities which would result in a net improvement to access to Wolfe and Howe Islands; and

- pursue opportunities with neighbouring municipalities in seeking joint solutions which result in ferry access improvements.

The County intends to support and work with the Township of Frontenac Islands in any identification, survey, analysis and design of any ferry facilities expansion or improvement on lands within the City of Kingston to ensure the provision of appropriate vehicle access, pedestrian and bicycle access routes which can be integrated into the City's transportation system.

4.1.6 Scenic Routes

A scenic route or by-way is a specially designated road, waterway, or trail that travels through an area of cultural or natural beauty. Frontenac County's location and scenic assets provide ample opportunities for creating scenic or heritage routes. These scenic routes draw both local residents and tourists to the scenic areas of the County.

County Council supports the development of scenic routes across the County, and the development of a regional signage strategy to promote these routes. Scenic routes should be designated for roadways and also for trail systems throughout the Frontenacs.

4.2 Servicing

4.2.1 Long Range Planning For Municipal Services

4.2.1.1 Introduction

The provision of municipal infrastructure such as roads, street lighting, and municipal water is necessary to support long term viability of the communities located in the Frontenacs.

Frontenac County recognizes the importance of providing municipal infrastructure in a timely fashion and that the maintenance and sustainability of existing infrastructure assets is fundamental to the continued variety and growth of settlement areas across the County.

This Plan recognizes that the responsibility for the planning, construction, and maintenance of municipal infrastructure is the responsibility of the Townships. This Plan also supports the continued revitalization of local infrastructure.

4.2.1.2 Goal

To ensure that there is adequate provision of services and utilities consistent with the environmental, cultural, and economic goals of the County.

4.2.1.3 Objectives

To encourage the provision of adequate municipal services to achieve and facilitate orderly growth.

To improve the natural environment and maintain a clean and healthy level of water quality based on a watershed approach.

To ensure that citizens of Frontenac County have access to potable drinking water.

To promote waste reduction and waste management as per Section 4.3.

To encourage techniques for energy conservation including measures set out in Section 2.1.4

To accommodate growth in an organized manner to minimize capital and operating costs for the Townships.

4.2.1.4 Policies

All new development within Settlement Areas will be provided with appropriate services to sustain permanent occupancy.

The County supports and can work with the Townships to coordinate infrastructure and public service facilities such as potential municipal water and sewage, and will ensure that such facilities are strategically located to support effective and efficient delivery of services across Township boundaries. Accordingly, Frontenac County Council may authorize the development of regional level strategies in order to plan collaboratively for future capital improvements.

Both the County and the Townships will monitor new technologies – in areas such as broadband, water treatment, and septic systems – that would be beneficial to residents and businesses and which would best be coordinated across municipal boundaries and will work together to develop strategies to ensure that optimal services can be provided in a timely and efficient manner.

4.2.1.4.1 Special Policies: Future Village Services Planning

(MMAH Approval dated January 11, 2016)

With the exception of the village of Sydenham, not one of the villages and hamlets in Frontenac County has a municipal water supply. Villages such as Sharbot Lake, Marysville, Verona, Plevna, and Harrowsmith are historical settlements that date back to the mid-nineteenth century in development. Many of the building lots in the village cores are too small relative to today's health and safety standards with regard to the minimum lot size of approximately 1 hectare (2 acres) to ensure a long term potable

water supply on private well and septic systems. The fact that most of the County is set on the Precambrian Shield, which is prone to cracking and seepage, increases the risk of septage movement over a large area. Scientific research has identified the bacteriological contamination of groundwater as a local concern in parts of the Shield area.

Significant investment in public infrastructure is common in all villages in the Frontenacs including road maintenance, sidewalk construction, street lighting, signage, and parks and recreation facilities. Also, the majority of commercial assessment in the County is located in the villages. This reinforces the importance of the stability and improvement of all the County's villages which serve as community focal points for the surrounding region.

To help ensure that these villages can sustain commercial and residential use and remain a valuable part of sustaining rural living, the County supports long-term planning for potential municipal services in villages. This planning shall include the following:

(MMAH Approval dated January 11, 2016)

- Facilitate the preparation**,** implementation and monitoring of the Source Water Protection Plans;
- Work with the Townships to investigate and analyze lands adjacent to a village that could be purchased by the County or the Townships for the future site of a municipal well; and further, if necessary, work with the Townships to apply land use controls to surrounding properties to ensure long-term protection of the water source.
- Prepare a region-wide review of villages and hamlets which could require municipal services in the future and develop a priority list for local government investment.

  (MMAH Approval dated January 11, 2016)
- Establishment of a County reserve fund for drinking water protection that can be used in the investment of municipal infrastructure for water systems when required.
- Work with provincial and federal governments to seek funding to invest in municipal services.

  (MMAH Approval dated January 11, 2016)
- Partial services shall only be permitted in the following circumstances:
  - Where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; or

- Within settlement areas, to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

(MMAH Approval dated January 11, 2016)

4.2.1.5 Private Services

Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services sand individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

Negative Impacts shall be defined for the purposes of this section and Section 4.2.1.5 as degradation to the quality and quantity of water, sensitive surface water features and sensitive groundwater features, and their related hydrologic functions, due to single, multiple or successive development. Negative Impacts should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards.

(MMAH Approval dated January 11, 2016)

4.2.2 Storm Water Management Planning

4.2.2.1 Introduction

Storm water management plans are usually required for new Greenfield development. Many new Greenfield developments are proposed through a plan of subdivision or plan of condominium and are therefore subject to approval by Frontenac County Council. The purpose of such a plan is to develop methods to control flooding, ponding, erosion, and sedimentation. Storm water plans also help to protect water quality and aquatic habitat and other natural habitat which depend upon watercourses and other water bodies for their existence. This is especially important considering the many lakes within the Frontenacs and the continuing demand for waterfront lots.

4.2.2.2 Policies

Storm water management plans may be required for any new development consisting of more than four lots or for commercial or industrial developments with large areas of impervious surface (e.g., asphalt parking and loading areas).

Storm water plans shall be prepared in accordance with the Ontario Ministry of the Environment and Climate Change (MOECC) Guideline, *Stormwater Management Planning and Design Manual*.

(MMAH Approval dated January 11, 2016)

When reviewing any such development proposals the approval authorities will encourage the retention of existing tree cover or natural vegetation and the provision of significant grassed and natural areas shall be encouraged to facilitate absorption of surface water into the ground.

4.3 Waste Management

4.3.1 Introduction

One of the major infrastructure and land use planning issues that the Frontenacs will be dealing with over the next twenty years is planning ahead for waste management across the County.

This Plan recognizes that each of the four Townships are proactive in their approach to reducing solid waste reaching landfill sites, and also working to continually increase the amount of materials that are being recycled. The challenge of innovation is affected to some degree by the financial capabilities of each municipality in balancing waste management with other infrastructure issues such as roads and the relatively low tax base to apply to capital investment. In the long term, a collaborative approach to waste management may lead to both a reduction in waste and cost efficiencies.

With landfills reaching carrying capacity throughout the County, there is a need to plan to reduce the production of wasteful materials. This, combined with new and innovative waste management technologies, can establish the Frontenacs as leaders in responsible and timely action to mitigate County-wide issues relating to solid waste management.

4.3.2 Goal

That the Frontenacs should become part of an integrated waste management system that ensures environmentally responsible methods of waste management and reaches beyond its borders for solutions that are scaled to achieve regional efficiencies.

4.3.3 Objectives

To ensure that all Frontenac County citizens have access to waste management facilities (or pick up) within close proximity to their homes and businesses.

To continue to reduce solid waste to improve the environment.

To encourage new methods of waste management to extend the life of existing landfill sites across the County.

To encourage the governments of the Frontenacs to work together over the long term to develop a collaborative approach to waste management and recycling over the next twenty years.

To recognize waste management as one of the primary focus areas of the County's sustainability plan, *Directions for Our Future*, and to explore a waste management approach that responds to local needs, with the ultimate goal of achieving 'Zero Waste'.

4.3.4 Policies

This Plan encourages the application of the principles of "reduce, reuse and recycle" in order to reduce solid waste disposal needs and increase the lifespan of landfill sites. A Waste Management Strategy will outline targets for waste reduction in accordance with Ministry of Environment requirements.

The County and the Townships may collaborate on initiatives that support consider working together to create a region-wide Waste Management Plan that deals with recycling, diversion, collection, and disposal to accommodate present and future requirements.

The Townships and the County may work together to explore new technologies and waste diversion options.

Waste management systems shall be located and designed in accordance with provincial legislation and standards.

(MMAH Approval dated January 11, 2016)

4.4 Utility and Communications Facilities Corridors

4.4.1 Introduction

The sustainability, health, and safety of Frontenac residents and its economy is closely linked to the hydroelectric corridors and utilities networks and related facilities that serve the region. These facilities and corridors include a wide variety of utilities that are owned and operated by both public and private entities, including broadband and fibre optic networks. Also, some waterfront areas are serviced by underwater utilities.

4.4.2 Policies

The development of utility and communications facilities and corridors are permitted throughout the County provided that they are in full compliance with applicable Federal or Provincial requirements.

To ensure compatibility, the following criteria should be considered and brought to the attention of the public or private operator:

- The use is necessary in the proposed location;
- Due consideration has been given to alternative locations that may result in better compatibility; and
- The proposed utility will be designed to be as compatible as practical with surrounding land uses.

The multiple use of corridors, new or existing, shall be encouraged.

Easements are preferred over severances in the establishment of utility corridors so as to prevent the unnecessary fragmentation of land.

4.5 Community Improvement Plans

4.5.1 Introduction

Community Improvement Plans (CIPs) are one of the many sustainable community planning tools found in the *Planning Act*. They can help communities and municipalities address challenges that prevent optimization of areas that are currently underutilized. This tool provides a means of planning and financing development activities that effectively assist in use, reuse and restoring lands, buildings and infrastructure. It is a tool that ties together economic development, infrastructure, and planning.

The typical focus of these plans is on the revitalization and improvement of the main street of a town, village or hamlet. CIPs can also touch on a wide range of related topics including green energy, brownfields, and recreational opportunities. They are in wide use across the province and have recently been implemented for the first time in Frontenac County as a result of Council's investment arising from *Directions for Our Future*.

CIPs allow municipalities to provide grants and loans to owners and tenants, with the goal of supporting the improvement and rehabilitation of a targeted area. This can include projects such as improving the facade of a main street store and providing incentives to redevelop vacant properties. CIPs can also help to coordinate infrastructure and public space improvements, and can be used by municipalities to acquire, rehabilitate and dispose of land (e.g., a former industrial site).

County Council has recognized that there are a number of communities that could potentially benefit from a Community Improvement Plan and have begun investing in these communities through the sustainability plan.

4.5.2 Goal

It shall be the goal of using Community Improvement Plans to promote the coordinated implementation of community planning and land use planning

programs, comprised of maintaining, rehabilitating, and redeveloping the physical, social, and economic components of an area in the Frontenacs.

4.5.3 Objectives

It is the intent of this Plan for the County to work with the Townships to provide for the on-going maintenance, improvement, rehabilitation and upgrading of residential, commercial, recreational, commercial and industrial areas in the region.

4.5.4 Policies

This Plan supports the development of Community Improvement Plans in all areas of the Frontenacs, whether they are focused on one community or village, or whether they cover a larger area, including an entire Township.
It shall be a policy of County Council to provide a financial investment for at least one CIP in each of the four Townships to help facilitate investment by both property owners and the respective municipality. To support community revitalization and economic development, Council may consider investments in additional CIPs.

County and Township Councils may collaborate with other public agencies such as the Community Futures Development Corporation (CFDC) to seek additional investment opportunities in a designated CIP area.

4.5.4.1 Special Policy – Regional Community Improvement Plans

There a number of planning and sustainability issues that may be better addressed at a regional level to allow for greater participation in a CIP program and to deal with cross-boundary community improvement issues (e.g., trails, renewable energy projects, transportation corridors).

County Council shall seek to become a prescribed municipality for the purposes of Section 28 of the *Planning Act* immediately following approval of this Plan.

4.6 Parks and Open Space

4.6.1 Introduction

Frontenac County contains a rich natural environment that is thriving. The Frontenacs strive to balance the protection of natural areas with opportunity for discovering the outdoors. The result is a healthy mix of managed forest, trails, farmland, wetlands and watersheds. Within this system, the Frontenacs contain a large number of regional public parks and open space systems that allow both citizens and visitors to enjoy the expansive natural setting.

Four Provincial Parks are present in the County: Bon Echo, Sharbot Lake, Silver Lake, and Frontenac Parks. All provide access to lakes and allow for many recreational activities. The County also contains a large area of Crown Land,

mostly in the northern half of the region. Crown Land and the lakes within them are used for a variety of purposes, including logging, hunting, backpacking, canoeing/boating, and trail use.

North Frontenac Township also maintains almost 200 backcountry campsites and hiking trails on twelve lakes and they form another important part of public open space areas.

At the southern end of the Frontenacs the public have the opportunity to visit the 400 hectare (1,000 acre) Big Sandy Bay area on Wolfe Island, a crown land area which is managed by the Ministry of Natural Resources and Forestry (MNRF) and Frontenac Islands Township.

Also, there are the lockstations along the portion of the Rideau Canal within the County that serve as passive, recreational, and cultural heritage open spaces for both land and boating visitors alike.

(MMAH Approval dated January 11, 2016)

4.6.2 Policies

The County supports the continued operation and long term use of all regional park systems throughout the Frontenacs.

The County will coordinate with the Townships, Ontario Parks (MNR), and other agencies on the establishment of regionally significant open space networks and linkages across jurisdictional boundaries that will complement local parks planning.

The County will explore funding mechanisms to support regionally significant open space and parkland acquisitions.

The County recognizes the possible creation of a new regional park that is proposed to be created around Crotch Lake as part of the Algonquin Land Claim, and supports public participation and involvement in the development of such a park.

Section 5 – Housing and Social Services

The Housing and Social Services section contains policies that establish that Frontenac County is committed to providing a variety of housing types and social services to allow residents to enjoy a good quality of life. Services delivered include child-care, educational facilities and services, assisted living or long term care, employment services, affordable housing, transitional shelters, group homes, long term care and support services, and health facilities. The City of Kingston is responsible as the Service Manager for both the City and the County to make sure these services are available in the Frontenacs. Some of the social services are provided and funded directly by the Province or community agencies while others are provided through partnerships with the County. Volunteer groups also play an important role in the provision of social and health services within the community. The County will continue to partner with the Townships and various government and non-government agencies to deliver social services that are appropriate, effective and accessible.

The Municipal Housing Strategy (MHS) forms the basis for housing policy across the Frontenacs and in the City of Kingston as a result of its City/County approval. The MHS serves as the primary strategic plan to help guide and align local housing efforts, and is the foundation for the housing policies of this Plan.

5.1 Municipal Housing Strategy

5.1.1 Introduction

County Council and Kingston City Council adopted the Municipal Housing Strategy in 2011. The Municipal Housing Strategy & the Housing and Homelessness Plan work together. The Municipal Housing Strategy has been updated to align with the 10-year Housing and Homelessness Plan developed in 2013. It will help provide guidance for County Council to ensure that the citizens of the Frontenacs are housed in affordable, safe, sanitary, and adequate accommodation.

(MMAH Approval dated January 11, 2016)

5.1.2 Policies

The Municipal Housing Strategy shall be considered the primary strategic plan to help guide and align local housing efforts across the County.

The County endorses the targets in the Municipal Housing Strategy for residential units to be added to the current housing stock over the next ten years and the goal of providing more affordable housing**.**

This Plan acknowledges that the Municipal Housing Strategy is being updated in 2013 to include policies and strategies to reduce homelessness in both Kingston and Frontenac County. The County will work with the City as Service Manager to develop programs and projects to try to end homelessness in our region.

It is the intent of this Plan to encourage the use of surplus municipal land or facilities for the provision of housing. Each Township may consider adopting a 'Housing First' approach to coordinate surplus or disposal protocols for municipal lands and institutional agencies such as the local school boards.

The Municipal Housing Strategy will promote the periodic identification and monitoring of demographic changes and housing needs within the County to determine whether housing demands and needs are not or will not be met.

5.2 Affordable Housing

5.2.1 Introduction

Frontenac County contains many households where the annual income is below the Provincial average. This situation makes it challenging for people to find housing that is affordable within their budget. For the long term health of the community it is important that a wide variety of housing choices be made available.

5.2.2 Policies

The County and the Townships will work jointly to provide for affordable housing by enabling a wide range of housing types to meet the projected demographic and market requirements of existing and future residents of the County.

County Council will establish and monitor an affordable housing target of 35% for low and moderate income households in the Frontenacs, with a focus on methods of providing housing for the low-income residents of the County. Where specific needs are identified, Council will work with the City of Kingston (service manager for all of Frontenac County and the City) and the Ministry of Municipal Affairs and Housing to meet identified needs.

(MMAH Approval dated January 11, 2016)

The local Townships will, where appropriate, promote intensification in settlement areas through their planning documents. Examples include: allowing for the conversion of single detached houses into multiple units and permitting land severances on large underutilized properties which will allow for new residential development on the vacant severed parcel.

The County and the Townships will work to ensure a minimum 10-year supply of residential land across the Frontenacs at all times.

County Council will encourage and facilitate the efforts of non-profit housing and co-operative housing to provide affordable housing.

County Council will work with other levels of government to ensure that adequate resources are permitted to public sector housing programs and initiatives.

County Council may participate in the provision of housing, both directly and indirectly, in accordance with the general policy and program directions established in the Official Plan and other specific direction as may be identified in the Municipal Housing Strategy as updated from time to time.

County Council may assess different forms of housing design which make housing more affordable, and may investigate alternative dwelling design standards that may contribute to more affordable housing.

Community Improvement Plans should consider initiatives to promote affordable housing projects in each Township.

5.3 Seniors Housing

5.3.1 Introduction

The Municipal Housing Strategy has indicated that one of the biggest challenges across Frontenac County over the next twenty years to be confronted is providing housing choices for seniors who wish to remain in their community. With the existing residents aging, and with the migration of seniors settling in the County after converting their cottages to full time residential use, this issue will become a priority. The goal is to look at ways and means of finding housing types that will allow seniors to stay close to their communities and families.

5.3.2 Policies

The County and the Townships may work jointly to provide opportunities for new development or redevelopment that is sustainable in a rural context and which encourages housing that will help address the evolving needs of an aging population.

County Council supports the principle of aging in place as a way to address seniors housing options while at the same time encouraging more sustainable settlement areas.

This plan encourages identifying affordable seniors housing projects at a variety of scales as an eligible community improvement activity in the creation of Community Improvement Plans.

Where practical, it is the intent of this Plan to encourage the expansion of municipal servicing to help support appropriate multi-residential development to accommodate a seniors housing project.

It is recognized that Zoning By-laws can be barriers to the development of housing for senior citizens if these types of dwellings are only allowed in certain areas of a community. Therefore it is the intent of this Plan that the County and Townships work together to create any necessary revisions to Zoning By-laws

that will help facilitate the development of seniors housing on a consistent and inclusive basis across the Frontenacs.

5.4 Group Homes

5.4.1 Introduction

Group homes are generally defined as residences licensed or funded under a federal or provincial statute for the accommodation of three to ten persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being.

5.4.2 Policies

A group home shall be licensed and/or approved for funding under provincial statutes and in compliance with municipal by-laws. (Note: as defined under Section 163 of the *Municipal Act*).

Group homes shall be permitted in the local Official Plans in all designations that permit residential use.

Group homes may be subject to Site Plan Control by the local Townships to address such matters as ensuring that the site design is in keeping with the character of the area and that sufficient space is available to accommodate the needs of the residents.

5.5 Homes for the Aged (Long-Term Care Complexes)

5.5.1 Introduction

There are currently no public long-term care complexes located in Frontenac County. There are two large-scale privately owned facilities nearby in Northbrook and in Perth that are used in part by Frontenac County residents. There are other small scale facilities scattered throughout the County.

The Frontenac County home for the aged – Fairmount – is located in the rural area of the City of Kingston and accommodates Frontenac County residents.

5.5.2 Policies

It is the intent of this Plan to recognize the value of long-term care complexes to residents of Frontenac County.

The predominant uses for these complexes shall include resident rooms and beds, resident care and nursing facilities, therapy facilities, kitchen and dining facilities, offices, meeting rooms, recreation facilities, resident places of assembly, pharmacies, and open space areas.

Complementary uses can include such facilities as residential dwelling units for the elderly, day care facilities, and parking lots.

This Plan recognizes Fairmount Home as the County owned and operated long term care home that provides care for residents of Frontenac County, the City of Kingston, and other communities.

5.6 Secondary Suites

5.6.1 Introduction

The provision of affordable housing in communities is now considered to be a provincial interest in the Ontario *Planning Act*. As a result, the provincial government now has changed legislation to facilitate the creation of second units in dwellings.

5.6.2 Policies

Township Official Plans shall permit the use of a second residential unit in a detached house, semi-detached house or rowhouse if no building or structure ancillary to the house contains a second residential unit; and further, to allow the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house, or rowhouse if the house contains a single residential unit. This policy shall not apply to existing sleeping cabins or 'bunkies' located on waterfront properties.

(MMAH Approval dated January 11, 2016)

5.7 Accessibility

5.7.1 Introduction

Frontenac County is committed to improve access and opportunities for persons with disabilities in accordance with the *Ontarians with Disabilities Act*.

5.7.2 Policies

As part of the commitment to improve accessibility in the Frontenacs, the County will:

a) Have regard to accessibility for persons with disabilities when considering draft plans of subdivision;
b) Establish a process to identify barriers and gaps in by-laws, policies, programs, practices, and services;
c) Continue to improve the level of accessibility of by-laws, policies, programs, practices, and services;
d) Actively encourage input from the community and the Accessibility Advisory Committee appointed by the Frontenac County Council in the design, development and operation of new, renovated, purchased or leased municipal services and facilities;

e) Improve accessibility to persons with disabilities to encourage their integration into the economic, political, social, cultural and educational mainstream; and
f) Provide resources and support to obtain these objectives.

Section 6 – Heritage and Culture

The County of Frontenac is rich with history, heritage, and culture, and as such it is recognized as one of the key focus areas in *Directions for Our Future.* Heritage is a crucial part of what makes the Frontenacs a great place to live. It has the power to allow citizens to understand where we have come from and helps promote an appreciation of local identity and shared community.

In recognition of the non-renewable nature of cultural heritage resources, the County of Frontenac shall identify and conserve those resources in a manner that respects their heritage value, ensures their viability for the future, and allows them to continue their contribution to the character, community pride, tourism attraction potential, economic development, and historical appreciation of the region.

(MMAH Approval dated January 11, 2016)

6.1 General Policies

It is the intent of this Plan that the County's significant cultural heritage resources be identified, conserved and whenever practical, enhanced and that new development take place in a manner that respects the County's rich cultural heritage. The cultural heritage resources of the County generally include:

(MMAH Approval dated January 11, 2016)

a) Built heritage resources;
b) Cultural heritage landscapes; and
c) Archaeological resources.

Township Official Plans shall include policies that are intended to implement this policy direction, including the requirement of a heritage impact assessment prior to development taking place on lands that contain or are adjacent to cultural heritage resources. A heritage impact assessment should generally outline the context of the proposal, any potential impacts the proposal may have on the heritage resource, and any mitigative measures that are necessary to avoid or lessen the negative impact on the heritage resource to ensure their cultural heritage value or interest is retained under the *Ontario Heritage Act*.

(MMAH Approval dated January 11, 2016)

The Townships are encouraged to establish Municipal Heritage Committees pursuant to the *Ontario Heritage Act*.

The Townships are encouraged to support the use of Community Improvement Plans under the *Planning Act* to help protect, promote and support cultural heritage resources, especially the adaptive re-use of old or heritage buildings.

The County and the Townships shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.

(MMAH Approval dated January 11, 2016)

6.2 Archaeological Resources

The County recognizes that there are archaeological resources of pre-contact and early historic habitation as well as areas of archaeological potential within the County that can be adversely affected by development or redevelopment.

The Townships and/or the County will require archaeological assessments and the preservation or excavation of significant archaeological resources including significant marine archaeological resources in accordance with Provincial screening criteria.

(MMAH Approval dated January 11, 2016)
(MMAH Approval dated October 21, 2016)

Designation:

The Townships are encouraged to utilize the Ontario Heritage Act to conserve, protect and enhance the cultural heritage resources in their municipality through the designation by by-law of individual properties, conservation heritage districts and cultural heritage landscapes.

Council shall encourage the conservation of cultural heritage resources by:

- conserving and mitigating impacts to all significant cultural heritage resources, when undertaking public works;
- respecting the heritage designations and other heritage conservation efforts by area municipalities.

6.3 Algonquin Aboriginal Interests

This Plan recognizes that lands within the boundaries of the Frontenac County lie within the historic Algonquin Territory that is part of current Treaty Negotiations with the Federal and Provincial Crowns. Some lands within North Frontenac, Central Frontenac, and South Frontenac Townships are within the Algonquin land claim area. Figure 6 illustrates the general boundary of the land claim within the Frontenacs. As such, this Plan will respond to direction from the Federal and Provincial Crowns as to the progress of these negotiations and will incorporate any Official Plan requirements that arise from the Settlement Agreement. In the interim, the County will seek opportunities for mutually beneficial engagement with the Algonquins on matters that affect aboriginal history and culture.

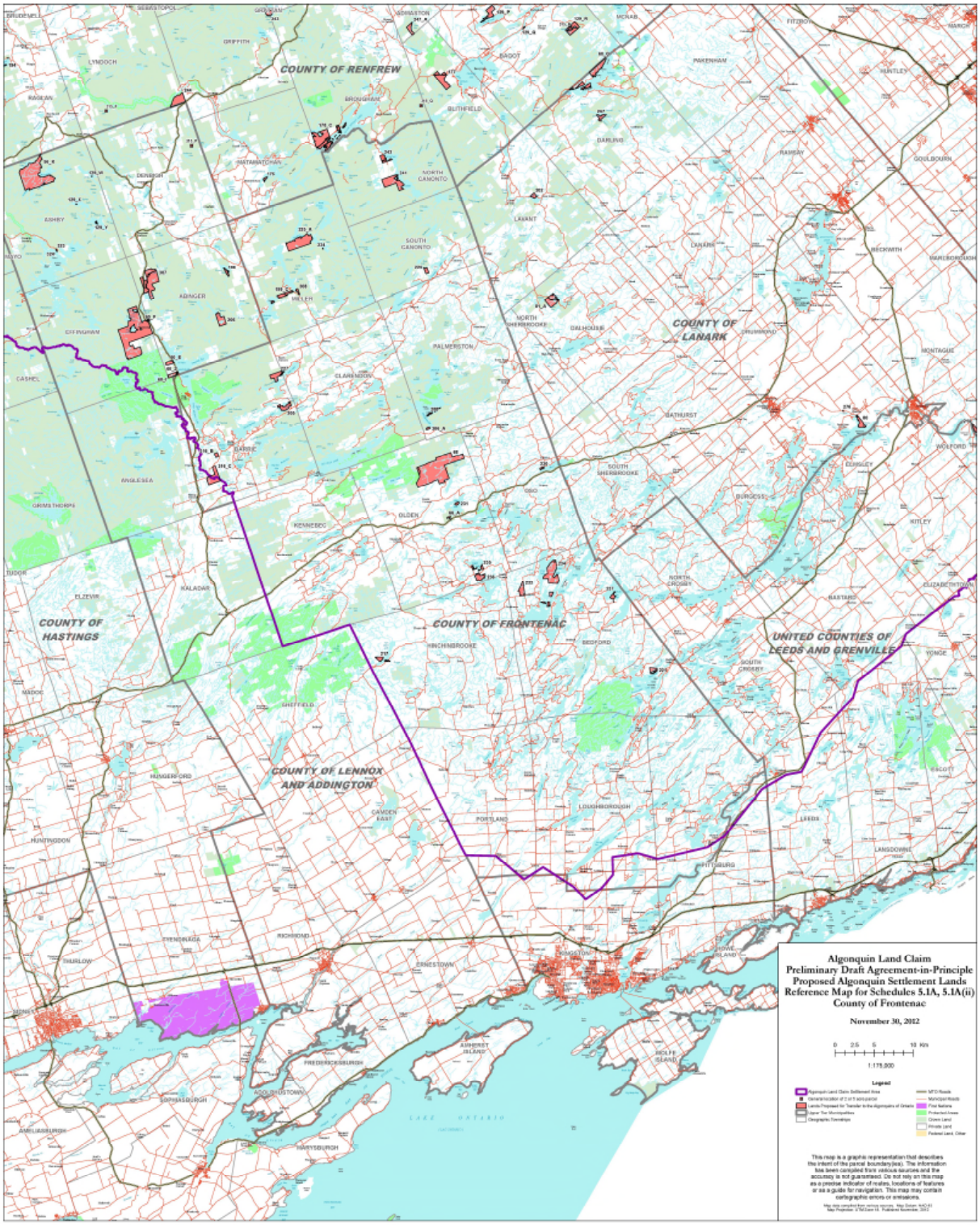
6.3.1 Policies

The County of Frontenac and/or the Townships may consult with the Algonquins of Ontario with regard to land use planning affecting any of the following matters within the land claim area:

a) Protection of water quality and utilization of lakes and rivers including the Rideau Canal within the land claim area;

b) Any development that would have an impact on navigable waterways and their waterbeds;
c) Any archaeological studies related to proposed development where areas of Algonquin interest have been identified; and
d) Any Environmental Impact Studies related to proposed development where areas of Algonquin interest have been identified.

Figure 6
Algonquin Land Claim Territory



6.4 Rideau Canal UNESCO World Heritage Site

The Rideau Canal National Historic Site and UNESCO World Heritage Site, administered by Parks Canada, travels through the southeast portion of South Frontenac Township. The canal's value lies in a combination of the engineering and military achievement of the construction of the canal and the associated canal structures and buildings, the continuity and integrity of the lockstations, its continuous seasonal operation since 1832, and the unique historical environment, which together constitute a cultural heritage resource of national significance and outstanding universal value. Parks Canada's jurisdiction includes the bed of the canal up to the upper controlled water elevation and the lockstations.

In order to recognize and protect the cultural heritage resource significance of the Rideau Canal UNESCO World Heritage Site, the County has participated in an initiative, the Rideau Corridor Landscape Strategy, along with representatives from First Nations, federal and provincial agencies, municipalities, non-governmental organizations, property owners and others. A goal of the Strategy is to develop and recommend planning and management tools for municipalities and other jurisdictions that:

a) identify and protect the cultural heritage landscapes, Algonquin history, and built heritage resources of the waterway;
b) introduce design guidelines that can be implemented through the site plan control process, for new development along the waterway; and
c) identify measures to conserve the terrestrial and marine archaeological resources of the Rideau Canal.

Both this Plan and the South Frontenac Township Official Plan will recognize the policy directions coming out of this Strategy.

6.5 Frontenac Arch UNESCO Biosphere Reserve

The Frontenac Arch can be described as an ancient granite 'bridge' between the Canadian Shield and the Adirondack Mountains. Due to both its rich natural environment and its human history it was recognized in 2002 as a UNESCO World Biosphere Reserve.

The Frontenac Arch Biosphere lies on the Central Canadian portion of the Frontenac Arch. It covers approximately 2,700 sq km and covers part of both Frontenac County and the Leeds-Grenville County, including communities such as Brockville, Gananoque, Westport, Harrowsmith, Verona and Godfrey. Figure 7 illustrates the Biosphere area and its coverage within the Frontenacs.

It is the intent of this Plan to recognize the natural and historic value of the Frontenac Arch to our region and to promote its long term viability.

FIGURE #7 - Frontenac Arch Biosphere Reserve
County of Frontenac
OTTAWA
N
417
7
15
Township of North Frontenac
Township of Central Frontenac
Murphys Point Provincial Park
FRONTENAC ARCH BIOSPHERE RESERVE
Frontenac Provincial Park
Charleston Lake Provincial Park
Brockville
Township of South Frontenac
38
401
Kingston
Township of Frontenac Islands
JEFFERSON
33
Fort Drum
Watertown
155 m
0 5 10 20
Kilometres

Section 7 – Environmental Sustainability

The County of Frontenac covers a large geographic area which is comprised of a rich natural environment that makes the region a unique place to live, work and play. This natural environment includes natural assets, natural sites, and natural attractions. The value of the natural environment for the County is more than just ecological health; it contributes to our economy and our society as well.

In addition to the Township Official Plans the following policy sections will apply:

- The Environmental Sustainability section sets out policies that are intended to help ensure that the environment that is so valued by residents in Frontenac County can be maintained and enhanced for future generations, and the health of humans and of the environment is protected.

- The Natural Environment section outlines the natural heritage system in the County and provides policies for protection of natural features in the Frontenacs.

- The Water Resources section includes policies recognizing the role of a watershed planning approach and of the importance of sourcewater protection plans in ensuring safe and plentiful drinking water.

- Hazard Lands Policies ensure that development is prohibited or strictly limited in areas that could have potential for natural hazards such as flooding and erosion.

7.1 Natural Environment

7.1.1 Introduction

The County of Frontenac natural heritage system is defined as an ecologically based delineation of nature and natural function – a system of connected, or to be connected, green and natural areas that provide ecological functions over a long period of time and enable movement of species. Natural heritage systems encompass or incorporate natural features, functions and linkages as component parts within them and across the landscape. A natural heritage system also supports natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems.

The natural heritage system illustrated on Appendices “1A”, “1B”, and “1C” use current standards and procedures such as the Natural Heritage Reference Manual (MNR 2010) and Provincial Policy Statement to identify natural features of interest, which include significant wetlands, significant coastal wetlands, fish habitat, significant woodlands, significant valleylands, habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest.

Responsibility for the environment is shared among Federal and Provincial governments, the County, Townships, the Conservation Authorities (Quinte Conservation, Cataraqui Region Conservation Authority, Rideau Valley Conservation Authority, and Mississippi Valley Conservation) and private landowners. All have an important role in enhancing the natural environment within the County, and all have the responsibility to be good stewards. As a result, preserving a natural heritage system requires co-operation among agencies, private landholders and the wider community.

The natural heritage system, and the ecological functions it provides, contributes to maintaining the environmental health of the County of Frontenac. This Section of the Official Plan establishes a policy framework for a co-operative approach to the identification of the environmental features that comprise the natural heritage system. It also outlines how provincially and regionally significant features should be maintained, enhanced or, wherever feasible, restored and encourages the establishment of linkages among elements of the natural heritage system.

The natural heritage system is a layered approach to environmental protection comprised of features delineated on Appendices “1A”, “1B, and “1C”, and described in this section of the Official Plan. Each layer contains policies that provide appropriate protection to areas of environmental significance. Notably, the County of Frontenac’s natural heritage system includes natural linkages and biodiversity areas. Through linkages and biodiversity areas, we acknowledge that our system is not an isolated one. We are interconnected to the natural heritage beyond our boundaries and we value our local biosphere – the Frontenac Arch – as well as our global biosphere, Earth.

In this context it is important for Frontenac County to use a regional approach to ensure that significant natural heritage characteristics are protected for future generations.

Nothing in Section 7 is intended to limit the ability of the agricultural uses to continue.

(MMAH Approval dated January 11, 2016)

7.1.2 Goal

The goal of the natural heritage system is to work with the Province, Townships, the Conservation Authorities and private landowners to maintain, enhance and restore a comprehensive natural heritage system within the County.

7.1.3 Objectives

To achieve the goal of maintaining and enhancing a comprehensive natural heritage system, this Official Plan will:

- Identify and describe the component environmental features of the natural heritage system;

- Incorporate policies addressing land use and environmental preservation, conservation, and management that conform to the Provincial Policy Statement;
- Illustrate the natural heritage system on Official Plan mapping at the regional scale;
- Provide a mechanism for the refinement of the natural heritage system at the site-specific level;
- Identify, describe, and incorporate polices addressing County of Frontenac-specific natural linkages and biodiversity areas; and,
- Encourage local Townships to refine the natural heritage system to include important local features and linkages, where appropriate.

7.1.4 Policies

7.1.4.1 Wetlands

Introduction

Wetlands are an important part of the County's biodiversity. They provide a wide variety of ecological, economic and social benefits for both humans and wildlife. Wetlands help reduce erosion, decrease flood damage, improve and maintain good water quality, provide important fish and wildlife habitat, ensure a stable, long-term supply of groundwater (by contributing to the recharge and discharge), provide recreation and tourism opportunities, limit greenhouse gas emissions (by acting as carbon sinks), and provide valuable economic products, such as timber, commercial baitfish, wild rice and natural medicines.

Council recognizes that the ecology of water systems contains a complex environment of plants, animals, and water which represents a highly valued resource in the Frontenacs, and that wetlands and riparian vegetation are part of the make-up of that ecology.

Policies

- The County of Frontenac recognizes the importance and value of wetlands in the County and supports their protection.
- Appendices "1A", "1B", and "1C" illustrate the County-wide natural heritage system, and generally identify provincially significant wetlands, coastal wetlands and significant other wetlands.
  (MMAH Approval dated January 11, 2016)
- The Township Official Plans shall designate on a land use schedule and protect those wetlands where development and site alteration is prohibited. Including provincially significant wetlands and significant coastal wetlands. If at any time during the duration of this Plan any additional provincially significant wetlands are identified in the County of Frontenac by the Ministry of Natural Resources and Forestry (MNRF), the policies in this Plan and the Township Official Plans related to significant wetlands shall apply and the appropriate

schedules shall be updated to reflect the new provincially significant wetlands without amendment to the plan.

(MMAH Approval dated January 11, 2016)

- The County of Frontenac encourages local municipalities to adopt mechanisms (such as site plan control, consent or development agreements) that would minimize and control the removal of vegetation, and ensure the protection of naturally vegetated buffers adjacent to any provincially significant wetlands.
- Other wetlands have also been identified on the Natural Heritage mapping in Appendices "1A" and "1B" and may also be identified on the Land Use Schedules of the Township Official Plans. Impacts on these wetlands should be considered in the evaluation of development applications in or adjacent to them, a wetland evaluation prepared by a qualified person in accordance with the Ontario Wetland Evaluation System and submitted to MNRF for approval and/or an Environmental Impact Study may be required if significant characteristics are observed and/or to demonstrate that appropriate alternatives have been assessed and negative impacts to the feature and its function have been prevented or minimized to the degree reasonably possible.

(MMAH Approval dated January 11, 2016)

- Development and site alteration shall not be permitted within lands adjacent to provincially significant wetlands or significant coastal wetlands unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on their features or their functions. Adjacent lands shall include lands contiguous to the wetland or areas where it is likely that development or site alteration will have a negative impact on the wetland. The extent of the adjacent lands shall be defined in the Township Official Plans, based on approaches recommended by the Province or based on Township approaches which achieve the same objective.

(MMAH Approval dated January 11, 2016)

- Development and site alteration in or adjacent to coastal wetlands (other than significant coastal wetlands) shall not be permitted unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on their features or their functions. Adjacent lands shall include lands contiguous to the wetland or areas where it is likely that development or site alteration will have a negative impact on the wetland. The extent of the adjacent lands shall be defined in the Township Official Plans, based on approaches recommended by the Province or based on Township approaches which achieve the same objective.

(MMAH Approval dated January 11, 2016)

7.1.4.2 Significant Areas of Natural and Scientific Interest (ANSI)

Introduction

An ANSI is an area of land and water that contains natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education. ANSIs are a critical complement to Provincial Parks and Conservation Reserves as they represent important natural features that are not found in protected areas.

Policies

- The County recognizes the importance and value of regionally and provincially significant ANSIs and supports their protection. Appendix "1A" generally identifies ANSIs within the County's natural heritage system.
- The Township Official Plans shall identify and protect those regional or provincially significant ANSI's where no development shall permitted in or adjacent to them unless it can be demonstrated that there will be no negative impacts on the ANSI and its ecological function. Adjacent lands shall include lands contiguous to the ANSI or areas where it is likely that development or site alteration will have a negative impact on the ANSI. The extent of the adjacent lands shall be defined in the Township Official Plans, based on approaches recommended by the Province or based on Township approaches which achieve the same objective.

(MMAH Approval dated January 11, 2016)

7.1.4.3 Significant Wildlife Habitat

Introduction

Wildlife habitat, as defined by the PPS, means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Wildlife habitats are important since they are areas where species concentrate at a vulnerable point in their annual or life cycle, and are areas which are important to both migratory and non-migratory species.

Policies

- The County of Frontenac recognizes the importance and value of wildlife and supports the protection of significant wildlife habitat
- Appendix "1A" may identify the location of known wildlife habitat. Development and/or site alteration in or adjacent to significant wildlife habitat shall not be permitted unless it can be demonstrated that there will be no negative impacts on the significant wildlife habitat and its ecological function through an Environmental Impact Study. Adjacent lands shall include lands contiguous to the habitat or areas where it is likely that development or site alteration will have a negative impact on the habitat. The extent of the adjacent lands shall be defined in the

Township Official Plans, based on approaches recommended by the Province or based on Township approaches which achieve the same objective.

(MMAH Approval dated January 11, 2016)

- Wildlife habitats occur throughout the County but may not be shown on Appendix “1A" because the exact habitat location needs to be refined at the local scale by site specific field work. If development or site alteration is planned in or adjacent to the natural heritage system, the proponent of the development may be required to document for consideration by the local Township, whether there is potential for significant wildlife habitat to occur in the area and whether an Environmental Impact Study is required to identify significant wildlife habitat for consideration during Planning Act decisions.
- The local Townships shall adopt appropriate development controls to protect significant wildlife habitat. If development or site alteration is planned near these sites, the local Townships may contact the Ministry of Natural Resources and Forestry (MNRF) for technical advice regarding the proposed development.

(MMAH Approval dated January 11, 2016)

- Natural linkages shall be protected in order to maintain, restore and/or improve the diversity and connectivity of natural features and the long-term ecological function and biodiversity of natural heritage systems.
- Removal of vegetation shall be minimized in significant wildlife habitat areas.
- The County and local municipalities shall investigate ways to minimize and control the removal of vegetation for buildings, site alteration or accessory activities such as landscaping.

7.1.4.4 Fish Habitat

Introduction

Fish habitat, as defined by the Fisheries Act, means spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes. The aquatic ecosystem is most often described as fish habitat since fish communities are important resources, and as such, have a long history of being used as indicators of aquatic ecosystem health. Aquatic habitat is an integral part of the watershed’s ecosystem as it provides feeding, breeding and rearing areas for resident and migratory fish and invertebrate species.

Policies

- The County of Frontenac recognizes the importance and value of the fisheries in the municipality and supports protection of their habitat.
- Development and/or site alteration in fish habitat shall not be permitted except in accordance with federal and provincial legislation and can be

demonstrated through an Environmental Impact Study that there will be no negative impact on fish habitat and its ecological function.

- Development and site alteration in fish habitat shall require an Environmental Impact Study, to demonstrate that there will be no negative impacts on the fish habitat or on their ecological functions.
- New development along watercourses and waterbodies which have demonstrated no negative impact on the fish habitat or on their ecological functions shall require a minimum setback of 30 metres. These setbacks shall remain undisturbed and naturally vegetated, where possible.
- The County encourages the use of best management practices, stewardship and habitat management that promotes healthy fish habitat and natural riparian areas.
- Development and site alteration shall not be permitted within lands adjacent to fish habitat unless it has been demonstrated through an EIS that there will be no negative impacts to the features or functions of the habitat. Adjacent lands shall include lands contiguous to the fish habitat or areas where it is likely that development or site alteration would have a negative impact on fish habitat. The extent of adjacent lands shall be defined in the Township Official Plans, based on approaches recommended by the Province or based on Township approaches which achieve the same objectives.

7.1.4.4.1 Lake Trout Lakes

Preamble

Lake trout lakes are rare. While only about one percent of Ontario's lakes (i.e. approximately 2,300) are designated by policy and managed by the Ministry of Natural Resources and Forestry (MNRF) for lake trout, this resource represents 20-25% of all lake trout lakes in the world. The lake trout is an important fishery resource in Ontario and Frontenac County and is a preferred species among many anglers.

(MMAH Approval dated January 11, 2016)

The lake trout is the only major, indigenous sport fish in Ontario that is adapted to "oligotrophic" lakes (i.e. lakes with low levels of nutrients, high dissolved oxygen levels and typically deep areas with very cold water). The lake trout's slow growth, late maturity, low reproductive potential and slow replacement rate make it a unique species in the province. As a top predator, the lake trout is an important part of the province's natural heritage and an excellent indicator of the health of these fragile aquatic ecosystems.

Approximately 5% of the province's lake trout populations have already become extinct. Lake trout and lake trout lakes are particularly vulnerable to the impacts of human activities including harvesting, increased phosphorus inputs from cottage septic systems and other

sources of nutrient enrichment, acidification, species introductions, and habitat destruction. Development on lake trout lakes may result in habitat degradation, diminished lake trout populations and a lower quality fishing experience.

The Frontenacs, therefore, have a great responsibility to manage them wisely. The lake trout is particularly vulnerable to the impacts of human activities and is an indicator of the health of aquatic ecosystems. Special protection is required for these lakes and their lake trout populations.

Policies

- New lot creation shall not be allowed within 300 metres of at-capacity lake trout lakes located in Frontenac County. The list of such designated lakes are identified on Appendix "1B" and listed in Appendix "2" and shall be included in Local Official Plans.
- In consultation with the Ministry of Environment, the County will review and revise the list of at-capacity lake trout lakes in Appendix "2" on annual basis.
- Township Official Plans shall contain policies to protect these lakes, including the following:
  - Exceptions to the prohibition of development near at-capacity lakes, such as tile field setbacks;
  - Under such exceptional circumstances, new development requiring approval under the Planning Act that would, for example, prohibit removal of vegetation, require a 30 metre setback for all new buildings, or prohibit the use of fertilizers.
- The Townships are encouraged to identify the moderately sensitive at-capacity lake trout lakes in their Official Plans with policies addressing development around these lakes to ensure their long-term sustainability.

7.1.4.5 Endangered and Threatened Species

Preamble

Endangered and Threatened species, as defined by the PPS, means a species that is listed or categorized as an "Endangered or Threatened Species" on the Ontario Ministry of Natural Resources and Forestry (MNRF) official species at risk list, as updated and amended from time to time; Saving Endangered and Threatened species is important for their sake, and for ours since humans are dependent on the earth's diversity of species for our own survival. The existing habitat sites of any endangered or threatened species in the County are not identified in this Plan or in Local Official Plans in order to protect endangered or threatened flora or fauna.

(MMAH Approval dated January 11, 2016)

Policies

- The County of Frontenac recognizes the importance and value of the endangered and threatened species in the County and supports their protection.
- Habitat of endangered or threatened species is approved by the Province or the Federal government. This habitat is necessary for the maintenance, survival and/or recovery of naturally occurring or reintroduced populations of endangered or threatened species, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle. Mapping of the habitat of these species are not shown on Appendix "1C" in order to protect such species and their habitat, or because the exact location and habitat needs to be refined by site specific field work.

  (MMAH Approval dated January 11, 2016)
- Information regarding occurrences of endangered and threatened species will be obtained from provincial databases and used, in confidence, for development application screening purposes. The Municipality recognized that information regarding the locations of endangered and threatened species and habitat is incomplete.

  (MMAH Approval dated January 11, 2016)
- No new development or site alteration shall be permitted within the habitat of endangered or threatened species, except in accordance with provincial and federal requirements. Development and site alteration shall not be permitted on the adjacent lands of endangered or threatened species, unless it has been demonstrated through the preparation of an Environmental Impact Study that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified. Adjacent lands shall include lands contiguous to the habitat of endangered and threatened specifies or areas where it is likely that development or site alteration will have a negative impact on the habitat. The extent of the adjacent lands shall be defined in the Township Official Plans, based on approaches recommended by the Province or based on Township approaches which achieve the same objective.

  (MMAH Approval dated January 11, 2016)
- New development proposals shall require an appropriate level of site assessment to identify potential presence or absence of endangered or threatened species and their potential habitats. The MNRF can be contacted for technical advice.

  (MMAH Approval dated January 11, 2016)
- Where potential habitat is identified, a more detailed site assessment may be required by an Environmental Impact Study to provide information on current habitat conditions, to address any applicable permit requirements under the Endangered Species Act (as appropriate), and to delineate significant habitat for approval by Ministry of Natural Resources and Forestry (MNRF).

(MMAH Approval dated January 11, 2016)

- No new development and/or site alteration shall be permitted within 120 metres of significant habitats of endangered and threatened species unless it has been demonstrated that there would be no negative impacts on the natural features or its ecological function.
- If development or site alteration is planned near these sites, the local Township shall contact Ministry of Natural Resources and Forestry (MNRF) for technical advice regarding the proposed development.

(MMAH Approval dated January 11, 2016)

7.1.4.6 Significant Woodlands

Preamble

Woodlands, as defined by the PPS, means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels. Woodlands are important for their aesthetic value, economic value, as species habitat, to minimize erosion, to mitigate greenhouse gases (as a carbon sink), and as providing animal species with corridors for movement.

Policies

- The County recognizes the importance and value of woodlands and supports the protection of significant woodlands. These woodlands have value in the County, both natural and human. Examples include maintaining and/or improving the air quality, preventing soil erosion, helping to retain water and recharge ground water, producing economic value (firewood, maple syrup, lumber), providing recreational opportunities, and contributing to the overall beauty of the Frontenacs.
- Appendix “1C” identifies all woodlands within the County, but does not identify any significant woodland.
- Township Official Plans within Ecoregion 6E shall identify and protect significant woodlands. These are to be identified using criteria established by the Ontario Ministry of Natural Resources and Forestry.

(MMAH Approval dated January 11, 2016)

- Development and/or site alteration in or adjacent to significant woodlands that may be identified in the majority of South Frontenac and all of Frontenac Islands (i.e., within MNR Ecoregion 6E of the PPS) shall not be permitted unless it can be demonstrated that there will be no negative impacts on the significant woodland and its ecological function. Adjacent lands shall include lands contiguous to the significant woodland or areas where it is likely that development or site alteration will have a negative impact on the woodland. The extent

of the adjacent lands shall be defined in the Township Official Plans, based on approaches recommended by the Province or based on Township approaches which achieve the same objective.

(MMAH Approval dated January 11, 2016)

- When new significant woodlands are identified, consideration and protection of the areas shall be assessed prior to approving new land use planning applications.

7.1.4.7 Significant Valleylands

Preamble

Valleylands, as defined by the PPS, means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year. Valleylands are often defining landscape features essential to the character of an area, help buffer waterbodies from the effects of human settlement, provide linkages to the rest of the watershed, and provide important corridors allowing the dispersion of plants and movement of animals. Significant valleylands may be identified in the southern part of the County (i.e., within MNR Ecoregion 6E of the PPS).

Policies

- The County recognizes the importance and value of valleylands and supports the protection of significant valleylands.
- Significant valleylands are not shown on the Natural Heritage System mapping and can be identified in consultation with the Townships and/ or the local Conservation Authority based on local factors and conditions.
- The Township Official Plans shall contain policies that ensure that development and site alteration shall not be permitted in significant valleylands and its adjacent lands unless it has been determined, via an Environmental Impact Study, that there will be no negative impacts on the natural features or their ecological functions.
- The Township Official Plans shall contain policies that ensure that when new significant valleylands are identified, consideration and protection of the areas shall be assessed prior to approving new land use planning applications.

7.1.4.8 Linkages and Biodiversity Areas

Preamble

The County of Frontenac's natural heritage system as mapped in Appendices "1A", "1B", and "1C" includes natural linkages and biodiversity areas. Through linkages and biodiversity areas, we acknowledge that our system is not an isolated one. We are interconnected to the natural heritage beyond our boundaries and we value our local biosphere – the Frontenac Arch – as well as our global biosphere, Earth.

7.1.4.8.1 Linkages

Preamble

The County of Frontenac is home to wildlife that traverses eastern Ontario and by identifying linkages; the County is able to support the valuable wildlife that contributes to the County's high quality natural environment. The County has undertaken a geographic information systems (GIS) analysis to determine regional scale linkages.

Policies

- Linkages mapped in this plan on Appendix "1A" are intended to promote regional connectivity in the natural heritage system and the County of Frontenac encourages municipalities to establish and maintain linkages by incorporating them into their Official Plans.
- Where appropriate, the Townships are encouraged to add local linkages which facilitate greater connections between natural features of the natural heritage system.
- Linkage mapping has been completed at a regional scale, and the boundaries are intended to be refined at the site level. When development is proposed within a linkage, this plan encourages that linkages be incorporated into the development, retained in its natural state and an Environmental Impact Study be completed to document management recommendations for the protection of the linkage.
- Linkages may be considered as priority areas for ecological stewardship projects, re-naturalization projects, or environmental land acquisition projects, or as potential lands for conservation easements granted to the municipality by the property owner.
- Existing development and activities within linkages may continue.

7.1.4.8.2 Biodiversity Areas (Overlay)

Preamble

The County of Frontenac benefits from having a large undeveloped area that is rich in natural heritage and contains a wide range of species, habitats and ecosystems. Biodiversity Areas protect species, habitat and ecosystems that are representative of the County's natural heritage system. Protecting biodiversity is a way to promote stewardship and ensure that impacts to the environment through challenges such as climate change are mitigated. The County has undertaken a geographic information systems (GIS) analysis to determine specific areas for the protection of biodiversity.

Policies

- Biodiversity areas are identified on Appendix "1A".
- Biodiversity areas may receive priority consideration for the creation of new conservation areas, conservation easements, or new ecological stewardship programs;
- Notwithstanding the policies of the underlying land use designation, lands within Biodiversity Areas may be:
  - Discouraged from lot severance or subdivision unless immediately abutting existing development;
  - Discouraged from the creation of new buildings unless on an existing previously undeveloped lot; and,
  - If developed, encouraged to develop by minimizing changes to topography and vegetation, and by using materials and a built form that integrates well with a natural area.

7.1.4.9 Mineral Aggregate Operations

Policies

- New mineral aggregate operations may be permitted in the natural heritage system where the policies of this plan and the Township Official Plans allow and:
  - progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, and to recognize the interim nature of extraction;
  - the assessment of the natural features and restoration plan taking into account the natural heritage system will be incorporated into the Natural Environment Report required under the Aggregate Resources Act.

7.1.4.10 Environmental Impact Study

Preamble

An Environmental Impact Study is an important tool used during the development review process which helps delineate, characterize, analyze, and plan for the protection and conservation of the natural heritage system and its components.

Policies

- Where the policies in this Plan provide for the preparation of an Environmental Impact Study EIS), it is understood that, on the basis of consultation with the appropriate review agency, the EIS may be scoped or eliminated in those instances where the potential impact of development is reduced or is non-existent.

- Where County Council is the planning approval authority, it shall require an impact assessment for development and site alteration proposed in designated natural heritage features and adjacent lands.

An Environmental Impact Study shall be prepared to support land use planning applications and prior to the approval of the proposed development or site alteration. Depending on the type of planning application and the approval authority, the County, Townships and/or the Conservation Authorities will co-ordinate the requirements for the preparation of an Environmental Impact Study which shall be undertaken in accordance with the Natural Heritage Reference Manual and any other applicable guidelines.

- The potential scope required for the preparation of an EIS is listed in APPENDIX "3".

7.1.4.11 Land Uses and Zoning

Policies

The County of Frontenac encourages the Townships to identify appropriate land uses and other performance standards in their Zoning By-laws that provide for protection of the features identified in the natural heritage system and which are compliant with the PPS.

7.1.4.12 Stewardship Planning

Introduction

One of the key factors that make Frontenac County such a unique place is that it is largely undeveloped, especially when compared to other parts of Ontario.

(MMAH Approval dated January 11, 2016)
(MMAH Approval dated October 21, 2016)

Policies

The County supports the development of a regional stewardship plan in order to provide a broad prospective on protecting ecosystems and managing landscapes.

This Plan recognizes that connectivity of landscapes and ecosystems is important for the long term resilience of the natural environment in the Frontenacs.

7.1.4.13 Lake Management Plans

Introduction

A Lake Management Plan (LMP) is an approach by a lake association to identify and protect the physical and environmental values of a lake or river system. A LMP can result in a long range vision for the lake community that can be implemented through stewardship direction and potential land use policies. County Council endorses the development of LMPs by lake associations, particularly those lakes that may be experiencing development pressure.

Policies

- Lake Management Plans may include a number of components, including:

- A lake capacity assessment to help determine the carrying capacity for development and for opportunities to improve water quality;
- An inventory of existing and proposed development by type, and characteristics of sewage and water services;
- A shoreline capacity assessment to help determine lands which are suitable for development based on such features as slope, vegetation cover, and depth of overburden;
- A fish habitat assessment;
- The nature of public access and the use of the lake for aquatic and boating activities;
- Road access to the lake or river for shoreline development;
- Shoreline management practices that can provide direction for appropriate conservation or retention of natural features;
- Identification of special attributes of the lake;
- Public education; and
- An implementation and monitoring program.

- Township Official Plans may include policies that identify Lake Management Plans that have been completed, recognizing that the primary use of these plans is for stewardship purposes.

7.2 Water Resources

7.2.1 Source Protection Plans

This Plan is based on a watershed planning approach. The Source Water Protection Plans were developed for each major watershed in the Frontenacs. The Quinte Source Protection Plan and the Mississippi-Rideau Source Protection Plans took effect January 1, 2015 and the Cataraqui Source Protection Plan took effect April 1, 2015. Decisions made under the Planning Act shall conform to the significant threat policies and have regard for other policies. The County supports the development of Source Protection Plans for each major watershed in the Frontenacs, including the Quinte Source Protection Plan, Cataraqui Source Protection Plan, and the Mississippi-Rideau Source Protection Plan. The Townships shall amend their Official Plans and Zoning By-laws as part of the implementation of source protection plans.

(MMAH Approval dated January 11, 2016)

The protection, conservation and careful management of groundwater resources is necessary to meet both the present and future needs of residents and the natural environment. As groundwater and aquifer contamination is extremely difficult and costly to rectify, prevention of contamination is the best strategy.

Policies

- The County shall:
  - Support and participate in initiatives that implement the Clean Water Act, as necessary and appropriate;
  - Prohibit the establishment of new waste disposal sites or wastewater treatment plants in the Sydenham intake protection zones 1 and 2 (As identified in the Cataraqui Source Protection Plan)

    (MMAH Approval dated January 11, 2016)
  - Where the County is the approval authority, require the submission of a notice from the Risk Management Official under Section 59 of the Clean Water Act with all planning applications or proposed land use changes in the Sydenham intake protection zones 1 and 2 (As identified in the Cataraqui Source Protection Plan)

    (MMAH Approval dated January 11, 2016)
  - Ensure that groundwater and surface water quality and quantity will not be negatively impacted by development in vulnerable areas for the protection of drinking water, including highly vulnerable aquifers and significant groundwater recharge areas (As identified in the Cataraqui Source Protection Plan);

    (MMAH Approval dated January 11, 2016)
  - Contribute and promote a culture of conservation among all public, private, community groups and local citizens and aim to reduce water use in all sectors;
  - Establish sector-specific targets for water use reductions;
  - Contribute and show leadership by considering water conservation and efficiency within its municipal culture, decision making, and operations.

7.3 Hazard Lands

7.3.1 Introduction

The County of Frontenac's long-term prosperity, environmental health and social well-being partly depends on reducing the potential for public cost or risk to Frontenac residents from natural or human-made hazards. Development should be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage.

7.3.2 Natural Hazards Policies

The County and the Townships shall consider the potential impacts of climate change that may increase the risk associated with natural hazards.

(MMAH Approval dated January 11, 2016)

7.3.2.1 Development shall generally be directed to areas outside of:

- hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;
- hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and
- hazardous sites such as unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

(MMAH Approval dated January 11, 2016)

7.3.2.2 Development and site alteration shall not be permitted within:

- the dynamic beach hazard;
- defined portions of the one hundred year flood level along connecting the St Lawrence River
- areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and
- a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.

7.3.2.3 Development shall not be permitted to locate in hazardous lands and hazardous sites where the use is:

- an institutional use associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion;
- an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion; and
- uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

7.3.2.4 Where the two zone concept for flood plains is applied, development and site alteration may be permitted in the flood fringe, subject to appropriate floodproofing to the flooding hazard elevation or another flooding hazard standard approved by the Minister of Natural Resources.

7.3.2.5 Further to policy 7.3.2.4, and except as prohibited in policies 7.3.2.2 and 7.3.2.3, development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with provincial standards, as determined by the demonstration and achievement of all of the following:

- development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;
- vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- new hazards are not created and existing hazards are not aggravated; and
- no adverse environmental impacts will result.

7.3.2.6 Hazardous Forest Types for Wildland Fire

Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire.

Development may however be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards.

(MMAH Approval dated January 11, 2016)

7.3.3 Human-Made Hazards

Development on, abutting or adjacent to lands affected by mine hazards*;* oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations *or* petroleum resource operations may be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are under-way or have been completed.

Contaminated sites shall be remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.

Section 8 – Implementation

The intent of the Implementation section is to provide guidance when interpreting and implementing the policies of this Plan. This section includes policies relating to boundary interpretation, Official Plan amendments, subdivision and condominium applications, public participation, complete application requirements, land use compatibility, and development charges. These policies are intended to give direction to proponents when considering projects requiring approval by County Council, and to provide clarity to staff and Council when processing and evaluating development proposals.

8.1 Interpretation of Land Use Boundaries

It is intended that the boundaries of the land use designations shown on Schedule “A” be considered as approximate except where bounded by major roads, railways, water bodies, legal lot lines or other geographical features. Therefore, amendments to this Plan will not be required in order to make minor adjustments to the land use boundaries provided the general intent of the policies of this Plan is preserved.

8.2 Amendments to the Plan

Amendments to this Plan shall be considered in accordance with related policies elsewhere in this Plan, the Provincial Policy Statement, the *Planning Act,* and with general land use planning principles. Amendments shall only be considered when they are justified and when the required supportive information is provided as stated in the policy sector proposed for revision.

Proposed amendments to this Plan shall be accompanied by sufficient information to allow County Council to fully understand and consider the following:

1. the relationship to and impact of the proposed change on the goals, objectives and policies expressed in this Plan;
2. the need for the proposed change and the benefit to the County;
3. the effect of the proposed change on the need for public services and facilities;
4. the physical suitability of the land for the proposed use and the effect of the proposal on the natural environment; and
5. compliance with the Provincial Policy Statement and other applicable policy and legislation

Applications to amend this Plan will not be considered complete until the information and materials required under the Planning Act and Regulation 543/06, along with any other information and materials identified by the County have been provided.
The County may request the Minister to amend Ontario Regulation 525/97 to be exempt from ministerial approval of future amendments to the County Plan.

8.3 Amendments to the Township Official Plans

Amendments to Township Official Plans shall be considered in accordance with the Provincial Policy Statement, the policies in the County Official Plan, related policies elsewhere in the applicable Township plan, the Planning Act, and with general land use planning principles. Amendments shall only be considered when they are justified and when the required supportive information is provided.

Nothing in this Plan shall prevent the Townships from adopting more restrictive policies or standards than those outlined in this Plan, provided such policies are consistent with the general intent of this Plan.

8.4 Public Participation

Council shall consult with the public for amendments to and reviews of the Plan. The consultation process shall include the provision of adequate information in a timely manner, as well as opportunities for members of the public, review agencies, and other stakeholders to discuss this information with County staff and to present views to Council and to Township Councils.

When considering planning applications that are specific to one Township, the County will generally request that the Township hold any public meetings on the County's behalf.

Under exceptional circumstances, Council may forego the requirement for a public meeting when refusing an amendment to its Official Plan.

8.5 Zoning By-laws

The preparation and amendments to Township Zoning By-laws shall be the responsibility of each Township Council. Each Zoning By-law shall reflect the policies established in the Township Official Plan.

8.6 Subdivision and Condominium Approvals and Agreements

The County of Frontenac is the approval authority for plans of subdivision and plans of condominium in the County under Ontario Regulation 477/00. This can include subdivisions for development in settlement areas, rural residential, commercial, and business park/industrial.

Council may delegate all or any part of the approvals process by By-law to a committee of Council or to staff.

Township Official Plans shall contain policies to guide the review of plans of subdivisions and plans of condominium.

Applications for plans of subdivision and condominium will not be considered complete until the information and materials required under the Planning Act and Regulation 544/06, along with any other information and materials identified by the County have been provided.

8.7 Planning Applications – Consultation and Complete Application Requirements

In situations where County Council acts as the planning approval authority, the County shall request additional information and material that it needs when considering development proposals or Planning Act applications. Such information may include but is not limited to any of the following:

- Hydrogeological and Terrain Analysis Report
- Water Supply Assessment
- Groundwater Impact Study
- Surface Water Impact Study
- Storm Water Management Report/Master Drainage Plan
- Environmental Impact Study/Statement
- Environmental Site Audit/Assessment
- Flood Plain Management/Slope Stability Report
- Geotechnical Karst Study

(MMAH Approval dated January 11, 2016)

- Lake Capacity Study
- Boat Capacity Study
- Transportation/Traffic Impact Study
- Municipal Servicing Capacity Reports
- Servicing Options Report
- Archaeological Resource Study
- Cultural Heritage Impact Statement
- Natural Heritage Evaluation
- Aggregate study
- Noise/Dust/Vibration Study
- Agricultural Soils Assessment Study
- Minimum Distance Separation calculation
- Market Study
- Planning Rationale
- Official Plan Amendment or Zoning By-law
- Concept Plan showing ultimate use of land
- Previous Land Use Inventory
- Financial Impact Report
- Any other studies required by the County which are not reflected in the above list
- Any other studies identified in the Township Official Plans

8.8 Development Charges

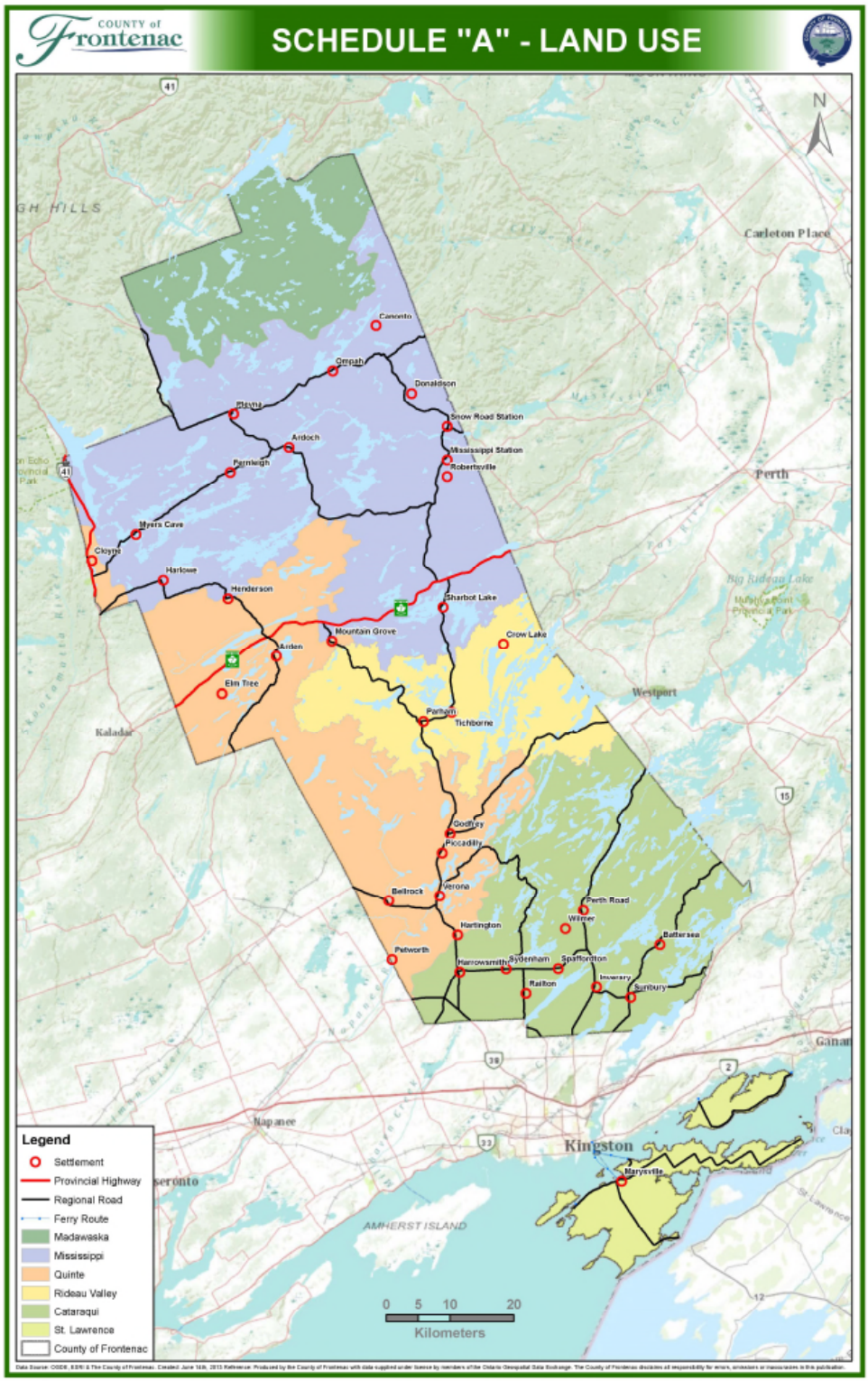
The County and any of the Townships may pass Development Charges By-laws in accordance with the Development Charges Act, 1997. Council may request that the City of Kingston collect development charges for applicable services provided by the County within the City's boundaries.

8.9 Land Use Compatibility

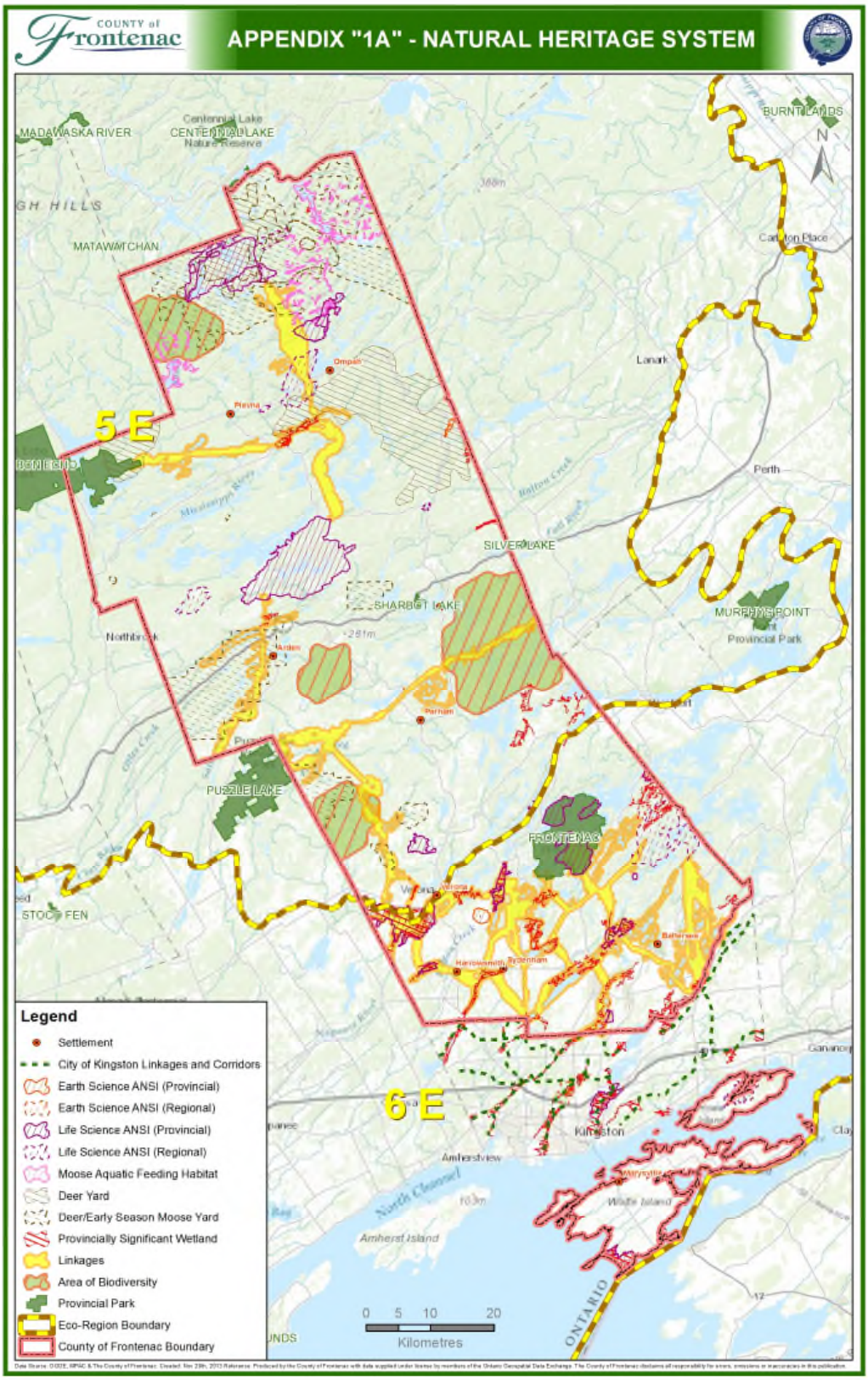
Land use conflicts should be avoided as much as possible. Policies in Official Plans, setbacks in Zoning By-laws, and strategic design and layout of development applications can reduce the potential for conflicts by providing adequate mitigation measures to address issues before they arise.

Township Official Plans shall contain provisions addressing impacts such as noise, dust, contamination, odour, and other impacts that may result from a change in land use or proposed development.

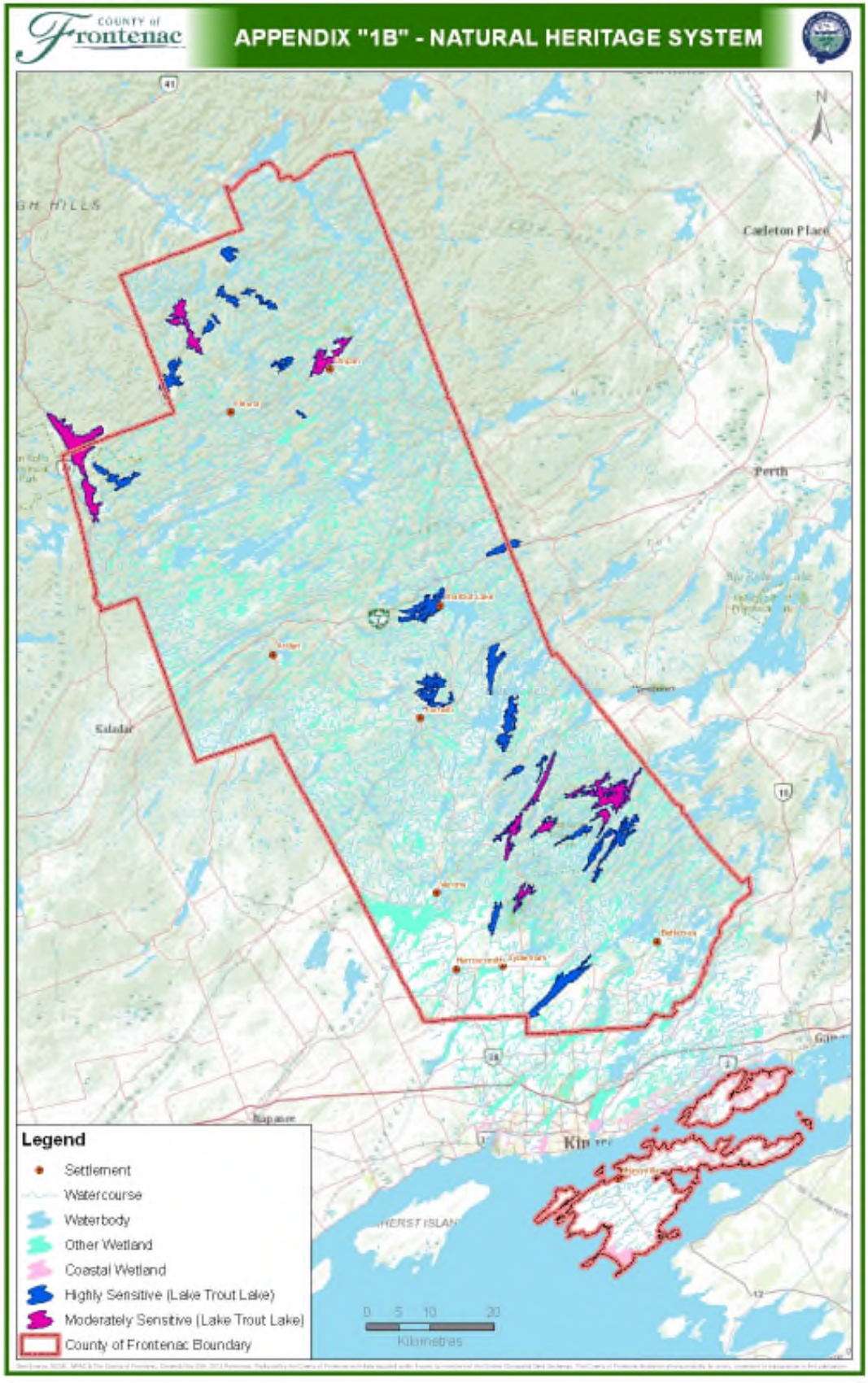
Township Official Plans shall contain policies and guidance for setbacks for sensitive uses from features such as rail lines, mining and aggregate operations, and heavy industrial operations.

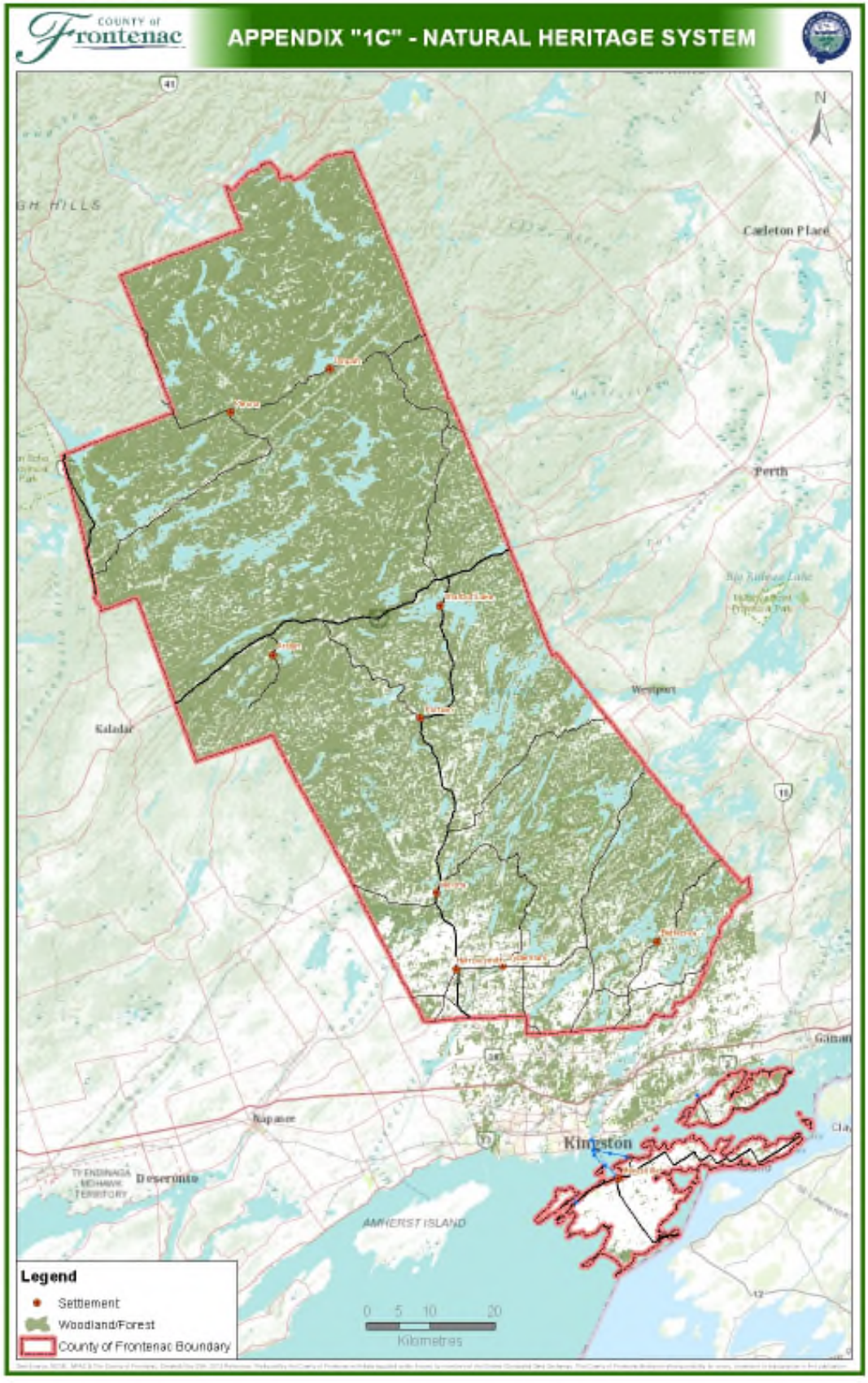

COUNTY of Frontenac
SCHEDULE "A" - LAND USE
N
Carleton Place
Perth
Westport
Kingston
Napanee
AMHERST ISLAND
Big Rideau Lake
Cloyne
Myers Cave
Harlowe
Henderson
Ardoch
Plevna
Cardiff
Donaldson
Snow Road Station
Mississippi Station
Robertsville
Parham
Tichborne
Sharbot Lake
Crow Lake
Mountain Grove
Arden
Elm Tree
Godfrey
Piccadilly
Verona
Bellrock
Hartington
Petworth
Harrowsmith
Sydenham
Spaffordton
Railton
Inverary
Sunbury
Perth Road
Wilmer
Battersea
Maryville
Legend
Settlement
Provincial Highway
Regional Road
Ferry Route
Madawaska
Mississippi
Quinte
Rideau Valley
Cataraqui
St. Lawrence
County of Frontenac
0 5 10 20
Kilometers

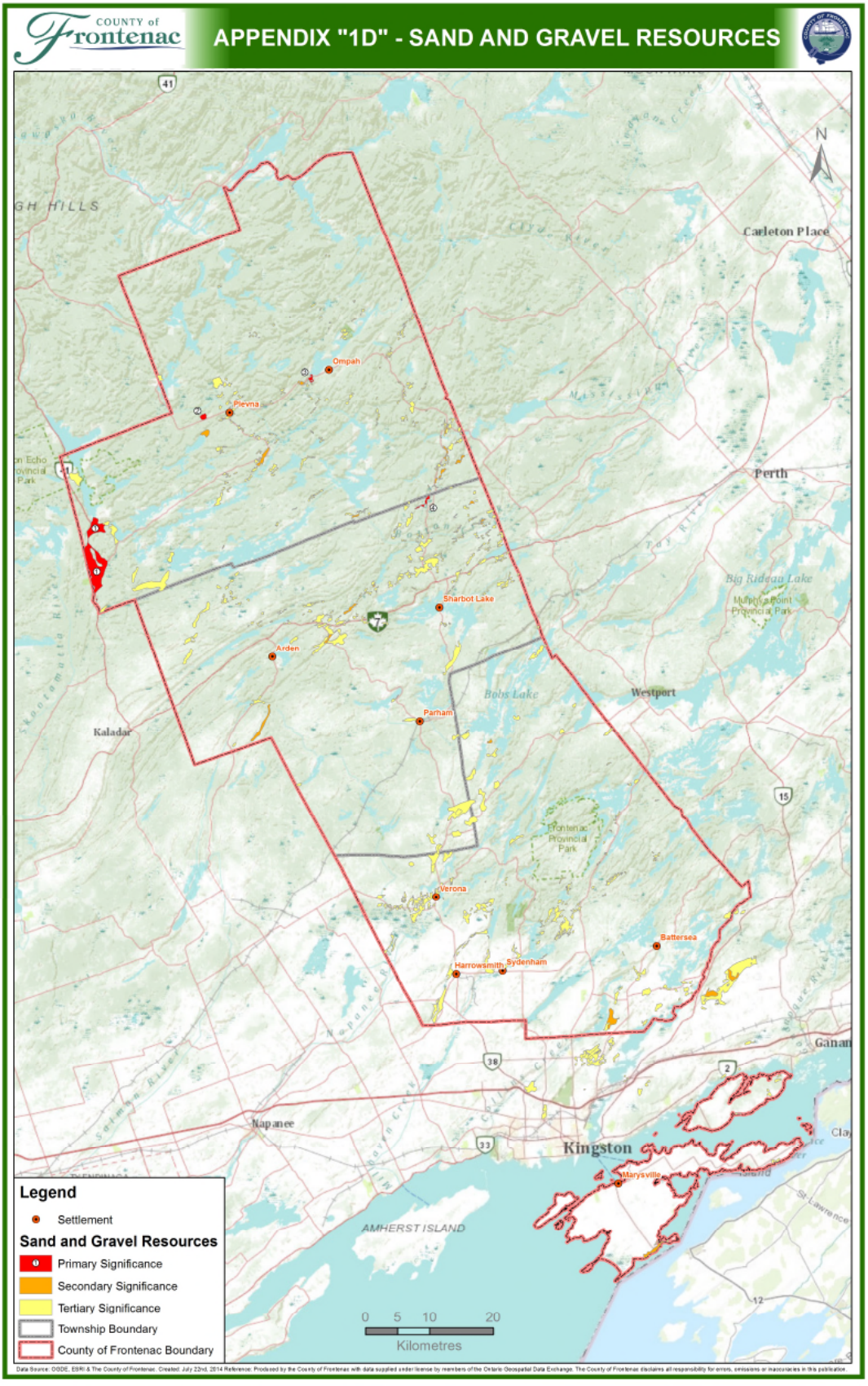
APPENDICES

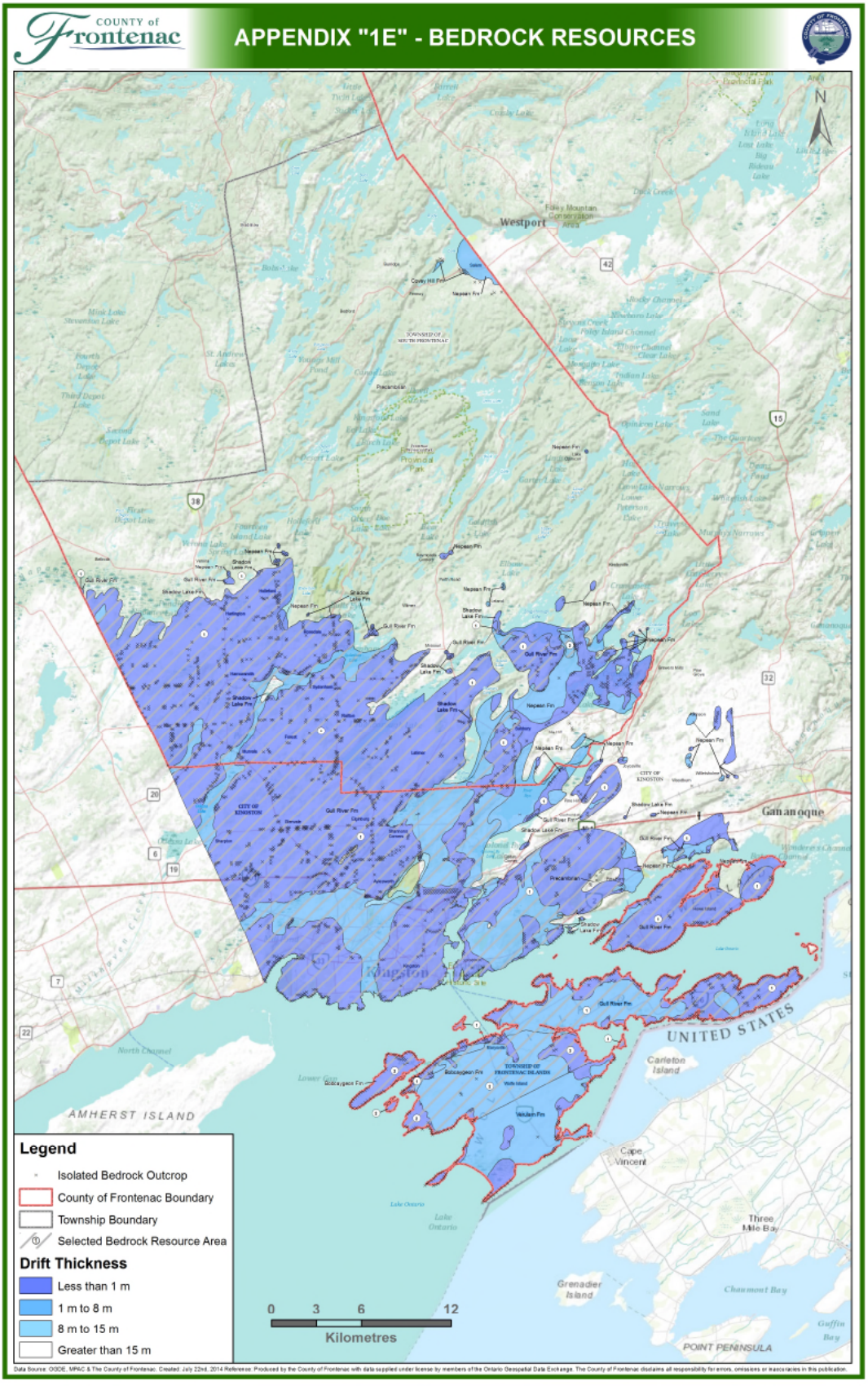


(MMAH Approval dated January 11, 2016)


APPENDIX "1B" - NATURAL HERITAGE SYSTEM
Carleton Place
Perth
Kaladar
Legend
Settlement
Watercourse
Waterbody
Other Wetland
Coastal Wetland
Highly Sensitive (Lake Trout Lake)
Moderately Sensitive (Lake Trout Lake)
County of Frontenac Boundary
0 5 10 20
Kilometres


COUNTY of Frontenac
APPENDIX "1C" - NATURAL HERITAGE SYSTEM
N
Carleton Place
Perth
Kaladar
Napanee
Kingston
Deseronto
AMHERST ISLAND
Legend
Settlement
Woodland/Forest
County of Frontenac Boundary
0 5 10 20
Kilometres


COUNTY of Frontenac
APPENDIX "1D" - SAND AND GRAVEL RESOURCES
N
Carleton Place
Perth
Ompah
Plevna
Snarbot Lake
Arden
Parham
Bobs Lake
Westport
Kaladar
Big Rideau Lake
Murphys Point Provincial Park
Frontenac Provincial Park
Verona
Battersea
Harrowsmith
Sydenham
Napanee
Kingston
Marysville
AMHERST ISLAND
Legend
Settlement
Sand and Gravel Resources
Primary Significance
Secondary Significance
Tertiary Significance
Township Boundary
County of Frontenac Boundary
0 5 10 20
Kilometres


COUNTY of Frontenac
APPENDIX "1E" - BEDROCK RESOURCES
N
Westport
Gananoque
Kingston
AMHERST ISLAND
UNITED STATES
Carleton Island
Cape Vincent
Three Mile Bay
Grenadier Island
Chaumont Bay
POINT PENINSULA
Lake Ontario
North Channel
Legend
Isolated Bedrock Outcrop
County of Frontenac Boundary
Township Boundary
Selected Bedrock Resource Area
Drift Thickness
Less than 1 m
1 m to 8 m
8 m to 15 m
Greater than 15 m
0 3 6 12
Kilometres

APPENDIX “2” – DESIGNATED ‘AT CAPACITY’ LAKE TROUT LAKES

- Shabomeka (Buck) Lake, Kishkebus (Dyers) Lake, Little Green Lake, Buckshot (Indian) Lake, Lucky Lake, Mosque (Mosquito) Lake, Big Ohlmann (Rock) Lake, Mackie Lake, Reid (Boundary) Lake, Round Schooner Lake, Camp (Little Mackie) Lake, Big Salmon Lake, Bobs (Green Bay) Lake, Buck Lake (South Frontenac), Crow Lake (Central/South Frontenac), Devil Lake, Eagle Lake, Garter Lake (near Potspoon Lake), Knowlton Lake, Loughborough (West Basin) Lake, Potspoon Lake, Sharbot (West Basin) Lake, and Silver Lake.

(MMAH Approval dated January 11, 2016)

“NOT AT CAPACITY” LAKE TROUT LAKES

- Big Clear Lake (South Frontenac), Birch Lake, Brule Lake, Canoe Lake, Desert Lake, Gould Lake, Mazinaw Lake, and Palmerston Lake.

APPENDIX “3” – ENVIRONMENTAL IMPACT STUDY REQUIREMENTS

- The County, in consultation with the Province, the local Townships and the Conservation Authorities may require the completion of a single comprehensive Environmental Impact Study where:
    - development or site alteration is proposed on multiple adjacent properties containing elements of the natural heritage system;
    - a comprehensive community planning process is being undertaken;
    - environmental studies are required to support the proposed expansion of the Township Urban Area or settlement boundary; or,
    - as deemed required by the County of Frontenac ,where the County is the approval authority.
- An Environmental Impact Study is intended to provide for an assessment of the potential impact of a proposed development or site alteration on a particular natural heritage feature and shall be used to determine whether the proposed development, redevelopment or site alteration should or should not be permitted. The Environmental Impact Study will be undertaken by the proponent of the development and/or site alteration.
- The components of the Environmental Impact Study shall be tailored to the scale of development and may range from a simplified assessment (scoped assessment) to a full assessment. The County may consult with the conservation authority having jurisdiction and the Ministry of Natural Resources and Forestry (MNRF) in determining information requirements and the type and content of an Environmental Impact Study. The following is intended to provide an initial guideline on the potential scope of an Environmental Impact Study:

  (MMAH Approval dated January 11, 2016)

    - a description (including a map) of the study area and landscape context (including natural features and areas, and ecological functions);
    - a description of the development proposal;
    - date of field visits;
    - identification of the natural features
    - species lists of flora and fauna recorded for the site;
    - assessment of the potential impacts of the proposed development on natural features or areas and on their ecological functions for which they have been identified;
    - identification of alternatives and avoidance measures implemented to reduce impacts;
    - identification of mitigation, monitoring and contingency requirements;

- o
  - quantification of residual impacts (those that cannot be mitigated) if any;
  - recommendations on how to implement mitigation measures; and,
  - conclusion(s) on the environmental impact(s).
- The County of Frontenac may prepare a comprehensive guideline for the preparation of and Environmental Impact Study which further implements this plan's Environmental Impact Study policies.
- The Environmental Impact Study must be undertaken by a qualified professional to the satisfaction of the appropriate agency / approval authority.

TOWNSHIP OF SOUTH FRONTENAC

OFFICIAL PLAN

-Adopted by South Frontenac Township Council September 5th, 2000
-Approved by Minister of Municipal Affairs & Housing April 30, 2002
-Approved by Ontario Municipal Board, November 25, 2003
-Text Amendments Approved by Ministry of Municipal Affairs & Housing May 23, 2013

MARCH, 2003

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1.0 PURPOSE AND COMPONENTS OF THE OFFICIAL PLAN

.1 PURPOSE OF THE OFFICIAL PLAN

The purpose of the Official Plan is to provide a vision, goals, objectives and policies to direct the physical development of the Township of South Frontenac while having regard for relevant social, economic and environmental matters.

It is intended that the plan serve to direct the Council, the Planning Advisory Committee and the Committee of Adjustment in their future decisions with respect to land use matters including proposed plans of subdivision; applications for consents and minor variances and applications for amendments to the Official Plan and/or the zoning by-law.

The plan will direct both the public and private sectors with respect to land use and development principles.

It will promote the orderly and economic growth of the Township while correcting existing problems and safeguarding the health, convenience and economic well-being of the Township's current and future residents within the financial resources of the municipality.

1.2 COMPONENTS

(a) This Official Plan is comprised of a text and Land Use Schedule. The background information provides supporting information but does not form a part of the Official Plan.

(b) The policies contained in Sections 5.1 to 5.7 inclusive apply directly to the corresponding land use designations shown on Schedule 'A'. The other policies of the Official Plan apply generally to all areas of the Township.

(c) To use this Plan, locate on Schedule 'A', the parcel of land and determine its land use designation(s), then review the specific land use policy(ies) relating to the designation and general policies applicable to all areas.

2.0 A VISION FOR SOUTH FRONTENAC

2.1 VISION STATEMENT

South Frontenac is an amalgamation of communities whose common goals have brought them together for mutual co-operation. The Official Plan provides a framework for directing South Frontenac's growth in a manner which will preserve the Township's environmental integrity while enhancing both its rural character and its long-term economic viability.

2.2 INTERPRETATION OF VISION STATEMENT

"... **amalgamation of communities** ..." This recognizes that South Frontenac is a diverse collection of hamlets, farms, rural and cottage residences, commercial enterprises and recreational facilities. Underlying this is a geographic diversity which has shaped the communities and provides the opportunities for the residents to gain sustenance.

"... **common goals** ..." Notwithstanding their diversity, the residents are more alike than they are different. They share a preference for a rural lifestyle, recognize the importance of the environment and accept that long-term considerations are of primary importance in the management of the community.

"... **mutual co-operation** ..." The formation of the Township of South Frontenac was seen by the residents as a practical and efficient means of management. It provides some economies of scale which did not exist with the previous four townships, while at the same time, maintains a local focus and local control over municipal affairs.

"... **provides a framework** ..." The Official Plan documents the community's values and sets out the manner in which these are to be achieved and maintained. The "Vision Statement" provides overall direction; the "Goals" indicate the desired state in each major area of concern and the "Objectives" detail the manner by which the goals will be achieved. Throughout the document, the supporting role of each item to the Vision must be clear as this will become the foundation upon which municipal decisions will be based.

"... **directing** ... **growth** ..." This relates to the municipality's obligation and desire to set the terms for change within the community. It is achieved largely by the passing and enforcement of by-laws which give primacy to the long-term interests of the community as a whole.

"... **preserve** ..." This is not meant to prevent change, but rather to maintain a balance amongst the sometimes competing factors of environmental concerns, economic activity and maintenance of rural character. It is the overall balance of these items, over the long term, which the Official Plan seeks to maintain.

"... **environmental integrity** ..." This relates to the sustainability of various activities in the community. Where an activity is not sustainable (eg., mineral extraction), then rehabilitation measures must be enforced to ensure that long-term negative impacts are minimized. Of particular concern are any activities which impact on the quality and/or quantity of water.

"... **enhancing** ..." It is not the intention of the Official Plan to simply maintain the status quo. Rather, measures must be taken which will actually improve upon the present situation. This is the community's obligation to the next generation.

"... rural character ..." This is a combination of many factors which in total differentiates South Frontenac from urban or suburban communities. Key amongst the factors is the sustained use of the land for economic sustenance. Other factors which define the community as being rural include: large, uncrowded residential lots; private water and septic systems; mixture of woodlands, bush, agricultural fields and open landscapes; major services being located in adjacent cities; industrial activities limited to those which support the local economy; residential activity either singly or in small subdivisions/hamlets; limited municipal services.

"... **long-term economic viability** ..." The residents of South Frontenac are committed to making this an outstanding rural community capable of sustaining itself for future generations. To achieve this there must be a full range of activities upon which the financial base for the community can be formed. There is, therefore, a recognition that the residential, recreational, commercial, industrial and agricultural components are not only closely interrelated, but absolutely essential for the community to survive.

3.0 DEFINITIONS

Adverse Effects as defined in the *Environmental Protection Act*, means one or more of:

- impairment of the quality of the natural environment for any use that can be made of it;
- injury or damage to property or plant and animal life;
- harm or material discomfort to any person;
- an adverse effect on the health of any person;
- impairment of the safety of any person;
- rendering any property or plant or animal life unfit for use by humans;
- loss of enjoyment of normal use of property; and
- interference with normal conduct of business.

Areas of Natural and Scientific Interest (ANSI) means areas of land and water containing natural landscapes or features that have been identified as having unique life science or earth science values related to protection, scientific study, or education.

Development means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the *Planning Act*; but does not include activities that create or maintain *infrastructure* authorized under an environmental assessment process; or works subject to the *Drainage Act*.

Farm Retirement Lot means one lot from a farm operation for a full time farmer of retirement age who is retiring from active working life, was farming on January 1, 1994 and has owned and operated the farm operation for a substantial number of years.

Fish Habitat means the spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

Flood Plain for River and Stream Systems means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.

Natural Heritage Features and Areas means features and areas, such as significant wetlands, fish habitat, significant woodlands south and east of the Canadian Shield; significant valleylands south and east of the Canadian Shield, significant portions of the habitat of endangered and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

Negative Impacts means:

a) in regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where it has been authorized under the *Fisheries Act*, using the guiding principle of no net loss of productive capacity.

b) in regard to other natural heritage features and areas, the loss of the natural features or ecological functions for which an area is identified.

One Hundred Year Flood (for river and stream systems) means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

Site alteration means activities, such as fill, grading and excavation, that would change the landform and natural vegetative characteristics of the site.

Wetlands means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.

4.0 GOALS AND OBJECTIVES

4.1 NATURAL HERITAGE GOAL

The natural beauty of South Frontenac Township's lakes, forests and rural landscape is its predominant asset. It is the Natural Heritage Goal of this Official Plan to preserve and enhance South Frontenac Township's environmental quality for the enjoyment of future generations, while realizing its economic potential. To accomplish this, development decisions will be made from a long term cumulative impact point of view which protects the natural heritage systems within the Township.

(a) Objectives

(i) to promote sustainable development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

(ii) to approach planning decisions on an ecosystem basis, an approach that recognizes the interconnection of all living organisms, including humans, to their environment and to each other.

(iii) to consider the cumulative impacts of planning decisions, recognizing that development proposals cannot be addressed only on an individual basis in isolation from past and future decisions.

(iv) to ensure that no net loss of environmental quality occurs.

(v) to maintain or improve surface and subsurface water quality.

(vi) to encourage the re-establishment of natural vegetation along shorelines and the upgrading of existing development around waterbodies, especially older sewage disposal systems which may be adversely affecting water quality.

4.2 HOUSING GOAL

This Official Plan will encourage residential development which is affordable, of high quality and capable of meeting the changing and diverse needs of the rural community. Such development will be carefully planned to reduce land use conflicts, provide long-term protection of the environment and minimize the municipal servicing costs.

(a) Objectives

(i) to minimize the cost of providing essential municipal services to the residents. This will be accomplished by planning controls which consider the long-term servicing costs of all developments.

(ii) to maintain the established rural character of the community. This will be accomplished by zoning controls which reduce land use conflicts, minimize the impact of development on traditional rural activities and place environmental concerns ahead of residential growth.

(iii) to provide for a variety of housing types which will meet the varied and evolving needs of the residents. This will be achieved through by-laws which set out the criteria for construction and maintenance standards of various types of accommodation.

(iv) to encourage seniors' facilities, group homes and affordable housing to meet the needs of the community. Mindful of the municipality's limited funds, this will be accomplished by zoning by-laws rather than by direct or indirect subsidies.

(v) to monitor the changing housing needs of the community. This will be accomplished by periodic review of the community's demographics.

4.3 AGRICULTURAL AND RURAL GOAL

The Rural and Agricultural Goal of this Official Plan is to preserve the Township's established rural character and agricultural industry.

(a) Objectives

(i) to protect agriculturally productive land from the encroachment of incompatible land uses by restricting the location of residential, commercial and industrial development on such land and by encouraging such uses not to locate on productive agricultural lands.

(ii) to maintain agriculturally productive lands in economically viable units by preventing the fragmentation of such land.

(iii) to protect the viability of confinement livestock enterprises by limiting the encroachment of non-agricultural uses.

(iv) to protect the established rural character of the Township from uncontrolled strip development.

4.4 MINERAL RESOURCES GOAL

The Mineral Resources Goal of this Official Plan is to protect significant mineral and aggregate resource areas from incompatible land uses to enable their continued or future development.

(a) Objectives

(i) to protect significant mineral and aggregate resources by restricting non-compatible development on or adjacent to identified areas of mineral and aggregate resource potential.

(ii) to provide policies to achieve the proper management of mineral and aggregate areas.

(iii) to ensure that mineral and aggregate areas will be rehabilitated by the operator to facilitate future land use.

4.5 CULTURAL HERITAGE GOAL

The Cultural Heritage Goal of this Official Plan is to conserve significant man-made heritage resources and cultural heritage landscapes in the Township.

(a) Objectives

(i) to identify and protect buildings, structures, monuments, installations, remains and archaeological sites associated with architectural, cultural, social, political or economic history of the Township.

(ii) to identify and protect areas of the Township which are significant to the understanding of the history of the Township or its residents.

(iii) to assess any adverse impacts to identified cultural heritage resources in the Township.

4.6 PUBLIC HEALTH AND SAFETY GOAL

The Public Health and Safety Goal of this Official Plan is to ensure development activity does not jeopardize the health and safety of Township residents.

(a) Objectives

(i) to identify and direct development away from natural hazard lands such as floodplain, steep slope or erosion-prone areas.

(ii) to identify and direct development away from man-made hazard lands such as abandoned mine sites and waste disposal areas.

4.7 COMMERCIAL GOAL

The Commercial Goal of this Official Plan is to ensure that there is a well balanced and varied commercial economy to serve the needs of the residents of the Township and the tourists by the provision of adequate commercial land and land use policies.

(b) Objectives

(i) to encourage commercial establishments to develop in harmony with their surroundings, in proportion to and in conjunction with residential development, as the market demand matures.

(ii) to maintain and improve existing commercial areas as well as to allow limited commercial expansion in other parts of the Township, having careful regard for good site development standards.

(iii) to provide adequate commercial facilities oriented to the needs of the tourist industry.

(iv) to permit commercial infilling adjacent to existing commercial uses in established commercial areas and on marginal agricultural land.

4.8 SERVICING AND COMMUNITY IMPROVEMENT GOAL

The Servicing and Community Improvement Goal of this Official Plan is to require adequate and efficient systems of water supply, sanitary sewage disposal, storm drainage and waste disposal to all areas of development in the Township and to co-ordinate development with the Township's ability to provide adequate physical and community services.

(a) Objectives

(i) to provide adequate and up-to-standard physical and community services, especially in built-up areas. Such services may include street paving, street lighting, stormwater drainage as well as libraries, community meeting spaces, recreation parks, etc.

(ii) to attempt to resolve any problem resulting from existing incompatible land uses in the developed communities, and to ensure that buildings and properties are maintained to an acceptable standard.

(iii) to require the installation of private water supply systems and private sewage treatment systems in accordance with the requirements of the appropriate governmental agencies.

(iv) to encourage and facilitate the correction of existing sewage systems identified as decreasing environmental quality and creating health problems.

(v) to consider development on municipal sewer and water services in the settlement areas only.

(vi) to prohibit private communal systems in the Township.

4.9 RECREATIONAL GOAL

The Recreational Goal of this Official Plan is to optimize the recreational potential of the Township by ensuring sufficient land is preserved for recreational purposes and by maximizing existing recreational resources.

(a) Objectives

(i) to provide sufficient park, recreational and sport facilities by receiving the maximum parkland dedication permitted under the Planning Act.

(ii) to secure land located along shorelines for public uses.

(iii) to develop scenic routes, trails and recreational facilities for boating, recreational vehicles, cross-country skiing and hiking.

(iv) to provide opportunities for nature-oriented activities such as sport fishing, bird watching, and hunting.

4.10 TRANSPORTATION GOAL

The Transportation Goal of this Official Plan is to provide an efficient and cost-effective transportation network that optimizes the movement of people and goods throughout the Township.

(a) Objectives

(i) to develop a transportation network consistent with identified needs of the Township.

(ii) to discourage direct access to major roads.

(iii) to encourage the improvement of access to recreational areas.

(iv) to permit limited service residential development on existing private roads and extensions to private roads leading to water.

(v) to ensure that the location and development of transportation facilities cause minimal environmental and community disruption.

(vi) to identify the functional classification of roads and provide an appropriate standard for each classification.

(vii) to avoid upgrading and assuming any existing or new private road responsibilities.

(viii) to limit development on roads which are not able to sustain increased usage.

(ix) Council will only consider the assumption of new public roads provided they are brought up to an appropriate municipal standard.

5.0 LAND USE POLICIES

The land resources within South Frontenac shall be developed in accordance with the vision, goals, objectives and policies of the Official Plan of the Township of South Frontenac. The Official Plan text and Land Use Schedule identify the following seven land use designations: Agricultural, Environmental Protection, Mining, Mineral Aggregate, Settlement Areas, Rural and Waste Disposal. In addition, there is an overlay or sub-designations which serve to identify and protect certain environmental and resource features in the Township. The overlay or sub-designation is Environmentally Sensitive Areas. Development of these areas shall be permitted in accordance with the underlying land use designation, while having regard for the Environmentally Sensitive policies of this Plan.

5.1 AGRICULTURAL

The Agricultural designation means that the predominant use of land in the areas so designated shall be for agricultural purposes and compatible uses which enhance the Township's agricultural industry. The Agricultural designation has been applied to those lands that are considered to be provincially significant, that have a high capability to produce food and are generally large blocks of Class 1, 2 and 3 soils as identified in the Canada Land Inventory (CLI) for agriculture. The Agricultural designation may also include areas which exhibit established agricultural activity. This designation also includes aquaculture uses on lands suited for such purposes.

5.1.1 Uses Permitted

Uses permitted include agricultural operations (i.e. agriculture, horticulture or silvaculture), aquaculture (i.e. fish farming), the growing, producing or raising of livestock including poultry, rabbits, fur bearing animals, bees, deer, elk, game animals and birds, and the production of agricultural crops, maple syrup and mushrooms, limited farm and non-farm related residences, accessory farm buildings, secondary uses such as home occupations, home industries and uses that produce value-added agricultural products from the agricultural farm operation. In addition, conservation projects and passive open space uses (excluding golf courses) that maintain the existing parcel size and do not require structures are permitted. Uses that are directly related and necessary in proximity to farm operations, such as agricultural supply and service establishments, cold storage for fresh produce or grain drying, may be permitted and providing suitable alternative locations within the "Rural" designation are not available.

5.1.2 Second Farm Residence

A second farm-related residence for the accommodation of an essential farm employee or a retiring farmer may be permitted on a farm holding of at least 35 hectares (86.5 acres) provided all servicing and access requirements of the Official Plan and Zoning By-law can be met.

5.1.3 Minimum Distance Separation Formula

Farm and non-farm development shall comply with the Minimum Distance Separation Formulae I and II as amended from time to time.

5.1.4 Zoning By-laws

Agricultural lands shall be zoned in a separate classification in the implementing zoning by-law. Farm related commercial and industrial uses shall be zoned in a separate classification.

5.1.5 Agricultural Consents

Consents in the Agricultural designation shall conform with this section and the General Consent Policies of Section 7 of this Plan. Within the Agricultural designation, the following three (3) types of consents are permitted:

(a) farm consents;

(b) farm and infill related residential consents;

(c) farm related industrial and commercial consents;

The following consent policies shall apply.

a) Farm Consents

Farm consents shall only be considered where the municipality is satisfied that:

(i) both the retained and severed lot are large enough to support a farm operation. The minimum lot size shall be established in the implementing Zoning By-law;

(ii) the proposed consent does not create or promote inappropriate agricultural land fragmentation; and

(iii) the farm buildings either existing or proposed will be sufficiently separated from buildings on adjacent lots to comply with the Minimum Distance Separation formulae as amended from time to time.

b) Farm and Consents for Infilling Purposes

Limited farm and infill residential consents may be permitted in the Agricultural designation. The property may be eligible for one (1) residential consent provided it relates to a farm operation of at least 35 hectares (86.5 acres) and complies with the Minimum Distance Separation I Criteria as amended from time to time. For the purpose of this Plan, a farm operation will include the total land holding (owned, leased or rented) of a farmer. However, only one parcel from within a farm operation will be eligible for a residential consent in accordance with the policies of this Plan. A residential consent may be for either a farm related or infill residential use in accordance with the policies of this Plan. Consents for lot adjustments which do not create new lots shall not make a lot ineligible for a residential consent so long as the intent of the Plan is maintained. New farm or non-farm residential consents shall be a minimum of 0.8 hectares (2 acres) with a minimum of 76 metres (250 feet) of public road frontage, except for waterfront lots which shall be a minimum of 1 hectare (2.5 acres) with a minimum of 91 metres (300 feet) of waterfrontage.

(i) Farm Related Residential Consents

Consents for farm related residential use may be permitted for an existing residence considered to be surplus as a result of a farm consolidation where the consolidation results in a farm operation of at least 35 ha (86.5 acres) or where the lot is to be used for a retirement lot for a farmer. A farm retirement lot shall mean one lot from a farm operation for a full time farmer of retirement age who is retiring from active working life, was farming on or before January 1, 1994 and has owned and operated the farm operation for a substantial number of years.

(ii) Infill Residential Consents

Consents for infill residential uses may be permitted in the Agricultural designation. The consent may be from any property existing as of the day of adoption of the Plan. In the Agricultural designation, infilling shall refer to situations where the lands under consideration front upon a public road, are between two existing non-farm residential lots (side lot lines form the boundaries of the area subject to infilling) separated by not more than approximately 100 metres (328 feet) and located on the same side of the road.

c) Farm Related Industrial and Commercial Consents

Non-residential uses specifically referred to under Section 5.1.1 of this Plan may be permitted within the Agricultural designation. In granting consents related to such uses, regard shall be had for the following:

(i) a consent to a land severance may be considered by the Committee of Adjustment to allow the establishment of agricultural service and supply industries and other such uses as may be permitted provided such use does not jeopardize the viability of an adjacent farming operation and that the proposed use will comply with the Minimum Distance Separation Formulae I as amended from time to time and is compatible with adjacent land uses;

(ii) where possible, a lot created for farm related industrial or commercial purposes shall be encouraged to be located within areas of poorer quality soils; and

(iii) a lot created under the provisions of this Section shall be conditional on the approval of an amendment to the implementing Zoning By-law rezoning the lands within an appropriate zone classification.

5.2 ENVIRONMENTAL PROTECTION

The Environmental Protection designation applies to lands which play an important role in the preservation of the Township's natural heritage systems including wetlands, watercourses and lakes and significant portions of the habitat of threatened or endangered species. This designation includes natural hazard lands which may pose a threat to life and property because of inherent physiographic characteristics such as floodplains, erosion hazards, poor drainage, organic soil, steep slopes or other similar physical limitations.

An Environmentally Sensitive Areas overlay identifies lands which should be developed in an environmentally sensitive manner and/or protected and preserved in the long term. Such lands are described as Environmentally Sensitive Areas and include lands identified to have significant biological, geological, zoological or other unique natural features such as sensitive groundwater recharge and discharge areas, natural connections between natural heritage features, fish habitat, significant wildlife habitat, significant woodlands, significant valleylands and areas of natural and scientific interest. The Environmentally Sensitive Areas also include all lands adjacent to all Township lakes because of the potential impact development may have on water quality and fish habitat. With respect to fish habitat, adjacent lands will be 30 metres (98.4 feet), for Areas of Natural and Scientific Interest, adjacent lands will be 50 metres (164 feet). For other natural Heritage features and areas, an appropriate adjacent lands width will be incorporated into the Plan once these features have been identified. Development of Environmentally Sensitive Areas may be permitted in accordance with the underlying land use designation while having regard to the policies of this Plan including Section 5.2.7.

5.2.1 Uses Permitted

The uses permitted on lands designated Environmental Protection are limited to agriculture, conservation, wildlife management, research, education, appropriate passive recreational uses and public or private open space. Buildings, structures or works associated with agriculture, excluding residences, flood or erosion control, water course protection or bank stabilization may be permitted. However, no development or site alterations shall be permitted within significant portions of threatened or endangered species or within a Provincially Significant Wetland although existing agricultural uses will be permitted and allowed to continue.

5.2.2 Environmental Protection Boundaries

The boundaries of the Environmental Protection designation have been established by air photo interpretation, site inspections, input from the Conservation Authorities and the Ministry of Natural Resources, evaluated wetland mapping and by reference to the engineered flood plain mapping for portions of the Napanee Region and Cataraqui Region watersheds (the Rideau Valley Conservation Authority has no engineered floodline mapping in the Township). When additional information on the natural heritage or natural hazard features, wetland mapping or floodline mapping becomes available, this Official Plan and the Zoning By-law shall be amended accordingly.

The boundaries of the Environmental Protection designation will serve as the basis for the implementing Zoning By-law. Minor changes to the boundaries of these designations may be considered by Council in consultation with the relevant Conservation Authority and the Ministry of Natural Resources without an amendment to the Official Plan provided the proposed use would be permitted in the adjacent designation and the overall intent of the Plan is maintained. An amendment to the Zoning By-law may be required. In reviewing such changes, consideration will be given to the following matters:

(a) the potential impacts of the proposed development on the environmental feature or adjacent land;

(b) a description of the potential negative impacts of the proposed development or site alteration or the environmental feature and its ecological functions;

(c) the proposed methods by which the environmental feature may be protected in a manner consistent with accepted resource management practices; and

(d) the costs and benefits of any works or resource management practices needed to protect the environmental feature.

There is no obligation, however, to change the designation or zoning of any areas shown as Environmental Protection, if there would be negative impacts on the environmental feature or if the environmental constraint would be difficult or costly to overcome.

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5.2.3 Flood Plains

Development and site alterations will not be permitted within defined portions of the one in one hundred year floodplain.

Engineered Flood Plain mapping has been completed for portions of the Township. Where Engineered Flood Plain mapping is approved by the appropriate authority and the necessary regulations have been adopted, the following requirements shall apply.

(a) The erection of new buildings or structures, the removal or placing of fill and/or alterations to waterways in areas regulated will not be permitted without the prior approval of the appropriate authority.

(b) Where a major alteration is necessary to overcome the hazards within an engineered Flood Plain, an amendment to this Plan will be required.

(c) An amendment to this Plan will not be required for minor filling within the Flood Plain, provided the appropriate authority approves of such alteration.

(d) In the absence of detailed floodplain mapping or flood elevations, the boundaries of the lands within the engineered floodplain and designated as Environmental Protection on the Land Use Schedules shall be used as guides for the preparation of the zoning by-law provisions which will implement the policies of this section.

(e) In the absence of detailed floodplain mapping, and where a flooding hazard is suspected, Council, in consultation with the local Conservation Authority, will require that a proponent detail the extent of any hazard lands and the measures that would be required to address the following requirements:

i) that vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;

ii) that new hazards are not created and existing hazards are not aggravated and that no adverse environmental impacts result;

iii) that the hazards can be safely addressed and carried out using established standards and procedures and the Conservation Authority has approved any floodproofing measures which are proposed;

iv) that a site plan and site plan agreement, if necessary, have been completed to the satisfaction of the Municipality in consultation with the appropriate Conservation Authority; and

v) that an amendment to the Zoning By-law setting out any applicable provisions has been obtained where required.

5.2.4 Erosion Hazards

The Township will direct development or site alterations away from lands identified by the municipality which may be subject to shoreline erosion hazards. The Township should consult with the appropriate Conservation Authority with respect to lands that may constitute an erosion hazard.

5.2.5 Significant Wetlands 'W'

Several wetland areas in the Township have been evaluated through the provincial Wetland Evaluation System as being Provincially Significant. Evaluated wetlands that have been classified as provincially significant are designated Environmental Protection and identified by the symbol 'W' on the Land Use Schedule. The Township will promote the continued protection of all significant wetlands to maintain and improve water quality, assist in flood control, provide important fish and wildlife habitat and contribute to substantial social and economic benefits which include selected outdoor recreational and tourism related activities.

Notwithstanding Section 5.2.1, no development or site alterations shall be permitted within any of the significant wetlands.

The Township will zone all provincially significant wetlands as areas for environmental protection and conservation and will encourage protection and conservation of all other wetlands in order to maintain their hydrologic, social, wildlife habitat features and recreational benefits.

No new development or site alteration within 120 metres (394 feet) of a provincially significant wetland, nor the expansion or redevelopment of existing development within or adjacent to a provincially significant wetland is permitted unless it has been determined through an Environmental Impact Assessment, completed in accordance with Section 5.2.11 of this plan, that there will be no negative impacts on the natural features or ecological functions of the wetland.

Development on existing lots of record which are located within or adjacent to a provincially significant wetland will be permitted, subject to the requirements of Section 5.2.11.

Notwithstanding the above, established agricultural activities are permitted within and adjacent to a provincially significant wetland without an Environmental Impact Assessment.

5.2.6 Zoning

Environmental Protection areas shall be zoned in a separate classification in the implementing Zoning By-law.

5.2.7 Environmentally Sensitive Areas

Lands within South Frontenac which abut or are adjacent to the Township's many lakes and rivers have historically attracted tremendous interest as areas for summer recreation. The obvious appeal of these areas is the beautiful shorelines with their natural aesthetic qualities as well as the superb leisure and recreational opportunities they offer. Over the years, this attraction has led to development of low density seasonal dwellings whose location has evolved in a linear fashion at the shores of the lakes. These dwellings or cottages traditionally functioned solely as secondary residences used on a seasonal basis by their owners, whose principal place or residence was elsewhere.

In recent years, there has been pressure in the Township to use waterfront residential properties on a more intensive, multi-season basis. The reasons for this are broad and relate largely to the general population growth experienced in the Township but it may also be attributed to changing lifestyles and better roads and accessibility throughout the municipality. This trend has translated into proposals to enlarge existing lakefront cottages, to create new waterfront lots through the consent process, and to construct increasingly large new dwellings on existing vacant lots and newly-created lots. This has, correspondingly, led to changes in occupancy from secondary or seasonal use to principal or permanent use.

As undeveloped waterfront property becomes increasingly scarce; as existing properties become more intensively used; and as pressures mount to permit higher density development; there is a need to ensure that appropriate Official Plan policies are in place that emphasize the importance of protecting the Township's waterfront areas' unique physical, aesthetic, natural and environmental character.

Lands in South Frontenac which have unique natural or scientific features and upon which development and site alterations may negatively impact on the natural ecosystem or the aesthetic and natural appeal of the Township's waterfront are identified as Environmentally Sensitive Areas. These lands include significant wildlife habitat, fish habitat, significant areas of natural and scientific interest, significant woodlands and valleylands as well as all lands within 90 metres (295 feet) of the highwater mark of lakes and rivers and the adjacent land widths identified in Section 5.2 of this Plan.

These lands may be developed in accordance with the underlying land use designation and the following:

a) Policies for Development or Site Alterations in Fish Habitat, Significant Wildlife Habitat, Areas of Natural and Scientific Interest, Woodlands and Valleylands

In areas identified by Council, development and site alterations in and adjacent to significant wildlife habitat, areas of natural and scientific interest, significant woodlands and significant valleylands and in fish habitat may be permitted in accordance with the following:

(i) Council may permit development and site alterations within and adjacent to Environmentally Sensitive Areas in accordance with the underlying land use designation when an Environmental Impact Assessment prepared in accordance with Section 5.2.11 indicates that no negative impacts on the natural features or the ecological functions occur.

(ii) If in Council's opinion, after reviewing the Environmental Impact Assessment the proposed development and/or site alteration will not result in any negative impacts to ecological features or functions, the development or site alteration may proceed on the basis of the appropriate land use policies and the Environmental Impact Assessment. A completed and accepted Environmental Impact Assessment does not ensure that the proposal will automatically be permitted.

(iii) Where an Environmental Assessment for a proposal is being carried out under the Ontario Environmental Assessment Act or Federal Fisheries Act, that assessment will be deemed to fulfill the Environmental Impact Assessment requirements of this Plan.

(iv) The co-operation of adjacent municipalities will be sought to protect Environmentally Sensitive Areas which are only partially located in South Frontenac.

(v) All landowners with lands within and abutting Environmentally Sensitive Areas will be encouraged to maintain their lands in a manner which preserves the attributes of Environmentally Sensitive Areas.

(vi) The protection of Environmentally Sensitive Areas from conflicting uses will be undertaken through the inclusion of appropriate separation distances if required in the implementing zoning by-laws.

vii) The implementing Zoning By-law will establish a separate category for the lands identified as Environmentally Sensitive Areas. The Zoning By-

law may regulate new land uses in order that impacts can be mitigated. Implementation will occur primarily through the review of applications for development and site alterations. Site plan control will be used where appropriate to implement remedial measures/mitigation measures identified by an Environmental Impact Assessment.

b) Policies for Development and Site Alterations Adjacent to Lakes and Rivers

The policies of this section apply to all lakes and rivers, except where they conflict with the policies detailed in Sections 5.2.8 of this Plan for Lake Trout Lakes.

(i) All lands within 90 metres (295 ft.) of the highwater mark of all lakes and rivers which are not designated Environmental Protection are included as Environmentally Sensitive Areas. Where development and site alterations are proposed in Environmentally Sensitive Areas, it is the intent of this Official Plan that all buildings, campsites and structures not related to the use of the water and all sewage disposal system leaching beds be well set back from the highwater mark. More specifically, a minimum setback of 30 metres (98.4 ft.) from the highwater mark shall apply but greater setbacks may be required depending on conditions specific to individual sites. Vegetation within the setback area should be disturbed as little as possible consistent with pedestrian passage, safety, provision of views and ventilation. When considering views and ventilation, it is intended that only selective, minor tree cutting and trimming occur. The soil mantle within the setback area should not be altered. These measures are intended to minimize environmental and visual lake impacts by reducing phosphorus inputs, preventing erosion and by maintaining a natural appearance of the shorelines. No commercial or clear-cut logging shall be permitted within 90 metres of the highwater mark of all lakes and rivers or on lands sloping towards lakes within the Township.

(ii) In implementing subsection (i), it is intended that:

1) On lots created subsequent to the approval of this plan and having steep slopes, minimal woody vegetation cover, thin soils and/or soils with poor phosphorus retention capability, setbacks of 90 metres (295 ft.) may be required.

2) On vacant lots existing on the day of adoption of this Plan, a minimum 30 metre (98.4 ft.) setback from the high watermark for all proposed structures shall be required. Consideration may be given to very slight reductions to the minimum 30 metre (98.4 ft.) setback requirement but only if it is not physically possible to meet the setback anywhere on the parcel. Where it is not physically

possible to meet the setback, then the structure shall be constructed as far back as possible from the highwater mark.

3) Proposals to construct additions to existing dwellings that are already within the 30 metre setback may be permitted but will be evaluated on the merits of the proposal based on the following:

a) the ultimate total gross floor area, building footprint and lot coverage being proposed;
b) the closeness of the existing dwelling to the high watermark; and
c) the capacity of the lot to accommodate new development at a greater setback from the high watermark.

In no case shall an already encroaching structure be permitted to encroach further on the setback from the highwater mark.

(iii) Appendix 'A' provides information which will help interpret the intent of this section. It is taken from the study entitled "Rideau Lakes Carrying Capacities and Proposed Shoreland Development Policies" and provides additional information which will be used by Council, municipal staff, applicants, reviewing agencies, Committee of Adjustment and the public in assessing the proposed development or site alterations of any land near water. The objective is to attempt to ensure that development or site alterations are sustainable and in particular to maximize the protection of water quality.

(c) Prior to constructing, funding or supporting public projects, such as municipal road or drainage works on land within or adjacent to Environmentally Sensitive Areas including lake trout lakes, Council shall consult with the Ministry of Natural Resources, the Ministry of the Environment and the Department of Fisheries and Oceans or agents to determine what design requirements, if any, are necessary to eliminate or mitigate adverse effects on the environmental feature or lake trout habitat including water quality requirements.

(d) Amendments to Environmentally Sensitive Areas

(i) Updating (including mapping) and, where applicable, the deleting and addition of lands within Environmentally Sensitive Areas including lake trout lakes will be carried out in co-operation with the appropriate public agency.

(ii) The boundaries of Environmentally Sensitive Areas may be redefined without an amendment to this Plan after review and approval by the municipality of the Environmental Impact Assessment.

(iii) Amendments to the boundary of a Provincially Significant Wetland or Provincially Significant Area of Natural and Scientific Interest will require the approval of the Ministry of Natural Resources.

5.2.8 Lake Trout Lakes

The Township has one of the highest concentrations of inland lake trout lakes in the province. Lake trout require cold, deep, well-oxygenated water for survival. Development is one of the factors which may reduce the ability of a lake to maintain a healthy self-sustaining lake trout population by adding nutrients (phosphorus and others) which may negatively impact water quality, thereby reducing the lake trout habitat. The policies of this section are designed to ensure that any development on or adjacent to a sensitive lake trout lake take place in a manner which does not negatively impact water quality in order to maintain a healthy lake trout population.

The following list identifies the lakes in the Township which are identified as being highly sensitive and moderately sensitive to new development and site alterations:

Highly Sensitive Lake Trout Lakes

Big Salmon
Bobs (Green Bay)
Potspoon
Loughborough (West Basin)
Buck (South Basin and North Basin)
Knowlton
Garter

Moderately Sensitive Lake Trout Lakes

Big Clear
Birch
Canoe
Crow
Desert
Devil
Gould

In addition, sensitive lake trout lakes are identified on Schedule 'A' with an "LT".

The requirements of Section 5.2.7b) i) apply to all existing and new development and/or site alterations located adjacent to a sensitive lake trout lake, except where those requirements conflict with the requirements of this Section or the results of a technical study which may be required by subsection 5.2.10 and/or 5.2.11.

All development or site alterations proposed within 30 metres (98.4 feet) of the highwater mark will require the submission of an Environmental Impact Assessment prepared in accordance with Section 5.2.11. A Lake Impact Assessment prepared in accordance with Section 5.2.10 of this Plan may also be required.

All development or site alterations on or adjacent to a sensitive lake trout lake will be subject to site plan control. Council may also utilize other controls, such as those permitted under the *Municipal Act 2001*, to help ensure that sensitive lake trout lakes are protected.

(a) Highly Sensitive Lake Trout Lakes

Highly sensitive lake trout lakes are lakes which have been determined to be at capacity for development with respect to additional nutrient loadings which may adversely affect water quality. Development and/or site alterations will not be permitted on a highly sensitive lake trout lake (i.e. they cannot accommodate additional development). The following policies apply to development or site alterations on or within 300 metres (984.3 feet) of an identified highly sensitive lake trout lake.

In addition to the above, the following policies shall apply to all proposed development or site alterations at or within 300 metres of an identified highly sensitive lake trout lake:

(i) Existing lots of record may be developed in accordance with Section 5.2.7 b) ii) 3). Consideration may be given to servicing the lot with a new technology, other than an approved class 4 sewage disposal system, where it has been demonstrated that the use of such technology will not impact on water quality over the long term.

(ii) Generally, the creation of new lots, through the severance consent process, within 300 metres (984.3 feet) of a highly sensitive lake trout lake will not

be considered for approval due to the potential to further degrade the water quality necessary to maintain a healthy lake trout population.

(iii) Notwithstanding (ii) above, Council may consider the creation of new lots through the severance consent process in special or unique circumstances where it can be proven to the satisfaction of Council, in consultation with the Ministry of Environment and the Ministry of Natural Resources, that one or more of the following conditions exists:

a) the drainage of the proposed lot flows to a separate, non-sensitive, watershed as a result of existing topographical or physical features;

b) it can be demonstrated, through hydrogeological studies, that the drainage of the sewage effluent will effectively result in a circuitous setback of at least 300 metres (984.3 feet);

c) that new technologies in sewage disposal systems, acceptable to the Ministry of Environment, will be utilized resulting in no adverse effects on lake water quality;

d) a conventional septic system (tile bed) will be located outside 300 metres (984.3 feet) from the highwater mark, provided that the total nutrient loading resulting from proposed buildings, construction and land clearing does not adversely affect the water quality of the lake.

(e) the proposal is supported by detailed site-specific hydrogeological and soil studies which assess phosphorus distribution, migration velocity and long-term soil retention capabilities.

(iv) Minor variance applications shall be accompanied by an Environmental Impact Assessment prepared in accordance with Section 5.2.11 of this Plan.

(b) Moderately Sensitive Lake Trout Lakes

Moderately sensitive lake trout lakes are lake trout lakes which are considered to have limited capacity for additional development or site alterations. The following policies apply to development on or within 300 metres (984.3 feet) of an identified moderately sensitive lake trout lake:

(i) Council, in consultation with the Ministry of Environment and the Ministry of Natural Resources may require the proponent of a development proposal to undertake a Lake Impact Assessment (prepared in accordance with Section 5.2.10 of this Plan) to determine if the lake can accommodate the proposed development.

5.2.9 Endangered and Threatened Species

Development and site alterations will not be permitted within significant portions of the habitat of endangered and threatened species. The municipality will ensure that, as part of the review of proposals for development and/or site alteration, they consult with the Ministry of Natural Resources' endangered and threatened species mapping to ensure that the proposal does not include lands identified as a significant portion of the habitat of an endangered or threatened species.

Furthermore, any development or site alteration proposed within 50 metres (164.0 feet) of significant portions of the habitat of an endangered or threatened species habitat will require the submission of an Environmental Impact Assessment, prepared in accordance with Section 5.2.11 of this Plan.

5.2.10 Lake Impact Assessments

Development adjacent to any waterbody has the potential to negatively impact on that waterbody by causing impairments to water quality and indirectly impact on fish habitat. It is the municipality's intention to protect and maintain water quality in its many lakes and, where possible, to improve water quality over the long term. A Lake Impact Assessment must be prepared by a qualified individual in consultation with, and to the satisfaction of, the municipality and the Ministry of Environment.

5.2.11 Environmental Impact Assessment

In considering any development or site alteration, including any planning amendments or variances within or adjacent to any Environmentally Sensitive Area, Provincially Significant Wetland, Significant Portions of the Habitat of an Endangered or Threatened Species, or within 300 metres (984.3 feet) of a Sensitive Lake Trout Lake, Council, in consultation with the Conservation Authority, will require a preliminary Environmental Impact Assessment.

Should the municipality determine from the results of the preliminary assessment that a more detailed Environmental Impact Assessment is required, it shall be prepared by a qualified individual and shall consist of:

(a) a description of the proposed development, its purpose including site planning details, a general locational map, proposed buildings, existing land uses and

details showing the existing vegetation, site topography, drainage, soils and fish and wildlife habitat areas.

(b) a description of the negative impacts that will be caused or which might reasonably be expected to be caused to the environment and the ecological functions and features associated with the feature;

(c) description of the negative impacts the proposed development will have on fish habitat including water quality requirements or effect on other features and functions;

(d) a statement indicating whether negative impacts will result from the proposal and a description of the actions necessary or which might be expected to be necessary to prevent change or to mitigate or remedy the negative impacts which might be expected to occur upon the environment and/or ecological functions and features as a result of the proposed development;

(e) a description of how the mitigative measures will be implemented and/or enforced;

(f) any measures, where deemed appropriate, to monitor the mitigation measures and to assess the long term impacts associated with the proposal.

5.3 MINING

The Mining designation is intended to identify mines operating in accordance with the Mining Act and administered by the Ministry of Northern Development and Mines located in South Frontenac. There are currently no operating mines in the Township. An amendment to this Plan is required prior to the establishment of a new or reactivation of a former mine.

5.3.1 Uses Permitted

For the purpose of this Official Plan, mining is understood to include above ground and underground work, pits and quarries used for mineral extraction (excluding pits and quarries licensed by the Ministry of Natural Resources used for aggregate extraction as included in Section 5.5 of this Plan), as well as the associated processing, transportation, waste and tailings storage and directly related activities.

5.3.2 Amendment Criteria

The use of a particular site for mining purposes shall require an amendment to the Official Plan to designate the site and incorporate specific requirements related to the

proposed mining activity. When considering a redesignation for mining purposes, Council may request that the Ministry of Environment consider the need for an Environmental Assessment pursuant to the Environmental Assessment Act.

When reviewing an application to amend the Plan, Council shall take into consideration the impacts on the adjacent land uses (those within 500 metres (1,640.4 feet) and the environment such as noise, dust, air and water discharges, erosion, sedimentation and light, interference with wildlife habitat, vegetation, hydrogeology, roads and aesthetic appearance. The operation should be as self contained as possible, especially with respect to the use of water. The requirements of all relevant agencies such as the Ministries of Health, Labour, Natural Resources, Environment, Transportation, Northern Development and Mines and the relevant Conservation Authority shall be met by the applicant. Council may request a proponent to supply studies or information on any of the above matter**s** that it considers necessary to determine whether the proposal complies with the Official Plan and will be environmentally acceptable.

Council will require the proponent to pay the Municipal costs associated with the consideration of the proposal, including fees for independent consultants and advisors. Financial assurances will also be required to guarantee the clean-up of the site when activity ceases.

5.3.3 Zoning

Mining operations will be zoned in a separate category in the implementing zoning by-law. The sites approved for mining may be placed in one or more specific zoning categories to carefully control and regulate the use of land.

5.3.4 Mineral Potential

The Ministry of Northern Development and Mines has indicated that portions of the Township have the potential for mineral extraction. While this mineral potential may be important to the Township, it also has the potential for conflict with the other goals and objectives of the Official Plan. Council will therefore exercise utmost caution when considering a request for a mining operation to ensure that mining is permitted only under enforceable controls which maintain the environmental, residential, tourism, recreational and economic goals and objectives of the Official Plan. In areas adjacent to (within 500 metres (1,640.4 feet) or in known mineral deposits or in areas of mineral potential, development which would preclude or hinder the establishment of a new mining operation or expansion of an existing operation or which would prevent access to a mineral resource, will not be permitted unless:

(a) resource use would not be feasible; or

(b) the proposed land use or development serves a greater long term public interest; and

(c) issues of public health and safety and environmental impacts are addressed.

5.3.5 Mine Rehabilitation

Past producing mining operations or active mining operations shall be subject to the provisions of the Mining Act with respect to rehabilitation and/or closure. Progressive rehabilitation will be undertaken where feasible. For lands designated Agriculture, extraction will be permitted, provided the site is rehabilitated to an agricultural use.

Where a mine has been closed and rehabilitated, the lands may be redesignated to an appropriate land use.

5.4 WASTE DISPOSAL

The Waste Disposal designation of land shall mean that the predominant use of the land in areas so designated shall be for public or private waste disposal, management or treatment.

5.4.1 Uses Permitted

The uses permitted shall be limited to municipally or privately operated waste disposal or management sites licensed by the Ministry of Environment and may include transfer stations, waste processing facilities, landfill sites, waste disposal sites, salvage yards, sewage lagoons, sewage treatment plants and water treatment plants. The types of wastes permitted shall be limited to municipal wastes and controlled wastes as defined by the Ministry of the Environment. Under no circumstances shall any waste disposal site be used for the storage or disposal of nuclear waste, toxic waste or any other waste that poses a threat to life.

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

5.4.2 Ministry of the Environment Approval

Waste disposal sites shall be subject to the approval of the Ministry of the Environment and shall conform to the requirements of the Environmental Protection Act and the Environmental Assessment Act.

5.4.3 Amendment Criteria

Once any necessary Environmental Assessment is completed, amendments to the Official Plan and implementing zoning by-law shall be required for the establishment or expansion of waste disposal sites. Prior to the approval of such amendments, appropriate studies shall be prepared which demonstrate to the satisfaction of Council:

- that a need exists for the proposed use;
- that the site is physically suited to the proposed use particularly with regard to topography, relief, land forms, soils and surface and ground water characteristics. Notwithstanding the general nature of this subsection, no amendment shall be approved until a hydrogeological study has been prepared which conclusively demonstrates that the impact of the proposed operation on the water table will be minimal.
- that the proposed operation is compatible with adjacent land uses or land use designations;
- that the public road system is adequate to serve the site; and
- that other sites posing less potential for impact on surrounding uses and high priority agricultural lands (Classes 1 to 3 according to the Canada Land Inventory classification system) do not exist.

5.4.4 Rehabilitation

Waste disposal sites shall be rehabilitated in accordance with the standards established by the Ministry of the Environment.

No uses, except those approved by the Ministry of the Environment and Council in accordance with the Environmental Protection Act, shall be permitted on rehabilitated waste disposal sites until after the passage of a period of time considered appropriate by the Ministry of the Environment.

5.4.5 Area of Influence

No development shall be permitted within 30 metres (98 feet) of the fill area of a sanitary landfill operation. In addition, no development shall be permitted within 500 metres (1,640 feet) of the fill area of a sanitary landfill unless a study has been completed to the satisfaction of the Township indicating that the landfill operation, including any groundwater contamination, will not have an adverse impact on the proposed development.

5.4.6 Zoning

Waste disposal areas shall be zoned in separate categories in the implementing zoning by-law.

5.5 MINERAL AGGREGATE

The Mineral Aggregate designation includes sand, gravel and limestone resources. These resources have been identified in studies by the Ministry of Natural Resources. The Township recognizes the importance of its mineral aggregates as a limited and non-renewable resource which may be required to meet the needs of both the Municipality and surrounding areas. It is the intention of Council to protect wherever possible and practical the sand and gravel resources and a reasonable amount of bedrock resources for aggregate extraction and to ensure that the resources are utilized in accordance with proper controls.

5.5.1 Uses Permitted

The Mineral Aggregate designation includes both existing operations licensed by the Ministry of Natural Resources as well as reserve areas. In the areas identified as Mineral Aggregate, pits and quarry operations will be permitted together with accessory uses such as crushing facilities, stockpiles and screening operations. The Zoning By-law will place pits and quarries in separate categories. Asphalt plants, ready-mix concrete plants, and aggregate transfer stations may be permitted within the land designated as Mineral Aggregate and will require site specific zoning in the Zoning By-law but only if the use is considered to be permanent. Within the reserve areas, interim land uses such as agriculture, forestry and outdoor recreation uses may be permitted provided that these do not include buildings or activities which would preclude the establishment of a pit or quarry.

For the areas designated as Mineral Aggregate, the area to be zoned or licensed may extend beyond the boundaries of the designation shown on Schedule 'A' provided such expansion is minor, reasonable, respects any separation distances and does not adversely impact on existing uses in the area.

5.5.2 Influence Area

The concept of an influence area is recognized as a means of protecting against incompatible land uses in the vicinity of Mineral Aggregate designations and to protect existing pits and quarries from encroachment from other incompatible land uses. In accordance with this concept, it shall be the policy of Council to prohibit residential land uses 300 metres (984.3 feet) of an existing or proposed quarry, within 150 metres (492 feet) of an existing or proposed pit above the water table, and within 300 metres (984.3 feet) of an existing or proposed pit below the water table. In addition, Council will

prevent any other incompatible land uses from locating within this setback area and within a 200 metre (656.2 foot) influence area adjacent to this setback for all existing or proposed quarries.

5.5.3 Zoning

Generally, only existing licensed pit and quarry operations will be zoned in the Zoning By-law. The zoning will define whether a pit or quarry is permitted and identify the zone requirements that will apply.

Within the areas designated Mineral Aggregate in the Official Plan, the establishment of a new pit or quarry or the expansion of an existing operation onto lands not zoned for such use shall require an amendment to the Zoning By-law.

5.5.4 Amendment Criteria

When considering an amendment to the Official Plan for the expansion of an existing pit or quarry or the establishment of a new pit or quarry, Council shall require the applicant to supply information prepared by qualified individuals addressing the following issues:

(i) impact on ground and surface water;

(ii) environmental and natural heritage impacts;

(iii) noise and dust impacts;

(iv) land use impacts;

(v) traffic impacts;

(vi) archaeological and cultural heritage impacts.

The applicant should also submit to the Township all information prepared in support of an aggregate licence in accordance with the Aggregate Resources Act.

In areas adjacent to (see influence areas identified in Section 5.5.2 of this Plan) or in known deposits of mineral aggregates, development which would preclude the establishment of new operations or access to the resource will only be permitted if:

(a) resource use would not be feasible; or

(b) the proposed use serves a greater long term public interest; and

(c) issues of public health and safety and environmental impact are addressed.

5.5.5 Portable Asphalt Plants

The Township recognizes portable asphalt plants as an important part of aggregate operations. Portable asphalt plants, used by the Township or its agents, are permitted throughout the Township without the need to amend this Official Plan or the Zoning By-law, provided no environmental disruption will occur and the site is not within an area of residential concentration. If asphalt for a public road project cannot be obtained from an existing asphalt plant, the portable plant should be located in a wayside pit, vacant industrial site, the highway right-of-way, or on inactive or less productive agricultural lands. Portable asphalt plants are subject to the following provisions:

(i) the portable asphalt plant will be removed from the site upon completion of the project;

(ii) the portable asphalt plant must have a Certificate of Approval from the Ministry of the Environment and must meet the minimum separation distance of that Ministry;

(iii) where the site used for a portable asphalt plant is on Class 1 to 3 soils within the Agricultural designation, the site should be rehabilitated with substantially the same area and soil capability for agriculture being restored.

5.5.6 Wayside Pits and Quarries

Wayside pits and quarries are temporary operations established by or on behalf of a public authority on short notice for the purpose of road construction, maintenance. Wayside pit and quarries are generally permitted throughout the municipality without the need to amend this Official Plan or the Zoning By-law, provided no severe environmental disruption will occur and the pit or quarry is not within an area of residential concentration. Prior to the establishment of a wayside pit or quarry for Township purposes, Council will be advised by the Township road superintendent that the proposed operation qualifies as a wayside pit or quarry and that a permit be issued by the Ministry of Natural Resources or by the Ministry of Transportation under the authority of the Aggregate Resources Act.

5.5.7 Rehabilitation

Past producing aggregate operations or active extraction sites shall be subject to the provisions of the Aggregate Resources Act with respect to rehabilitation and/or closure. Progressive rehabilitation will be undertaken where feasible. For lands designated

Agricultural, extraction will be permitted, provided the site is rehabilitated such that substantially the same area and same soil quality for agriculture are restored, unless:

(a) there is a substantial quantity of aggregate below the water table which warrants extraction; or

(b) the depth of extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible; and

(c) other alternatives have been considered by the applicant and found unsuitable; and

(d) agricultural rehabilitation in remaining areas will be maximized.

Where an aggregate operation has been rehabilitated and the license surrendered, the lands may be redesignated to an appropriate land use.

5.6 SETTLEMENT AREAS

It is Council's intention that a majority of the new growth in the municipality will be directed to existing settlement areas where it can be supported by appropriate servicing. Settlement areas will only be expanded when existing designated areas do not have sufficient land supply to accommodate the growth projected for the next 20 years.

The Settlement Areas designation recognizes the areas of population concentrated in and around Sydenham, Harrowsmith, Verona, Inverary, Sunbury, Battersea, Hartington, Bellrock, Petworth, Perth Road, Railton, Wilmer and Spaffordton. A full range of land uses are permitted within the Settlement Areas in this way relieving the pressure for the creation of new lots, particularly non-agricultural residential lots, in the rural areas. Commercial, industrial, residential, open space and community facility uses shall be permitted in the Settlement Areas on a site specific basis by amendment to the implementing zoning by-law when Council is satisfied that the nature and scale of the proposed use is appropriate.

This designation is an expression of Council's long-term vision for the Settlement Areas and has been applied:

(i) to ensure that sufficient lands are available to permit the location of new development in full accordance with the servicing standards of the Ministry of the Environment;

(ii) to foster the availability of affordable accommodation by providing alternate locations for new residential development and hence, a competitive housing market;

(iii) to provide an opportunity for a varied and balanced industrial/commercial base;

(iv) to promote a full range and mix of housing types and densities; and

(v) to provide sufficient land for industrial, commercial, institutional and residential uses in order to accommodate anticipated growth over the life of the plan.

Notwithstanding the above, the lands designated Settlement Areas in the Village of Sydenham have been further designated as a Special Study Area. This designation precludes major development in the Sydenham area until such time as the long term sewage disposal and potable water supply requirements for the area have been determined. The extent and scale of future development in Sydenham may be based on the recommendations of any such study.

Development within Settlement Areas will be governed by the servicing requirements of Section 6.10 of this Plan. Where municipal service(s) exist, lot creation will only be permitted if sufficient reserve capacity exists to accommodate the proposed development. In areas which are not serviced with municipal water and/or sewer services, lot creation will only be permitted if the proposed development can be supported by the type of servicing being proposed.

5.6.1 Residential Policies

(i) Permitted Uses

The uses permitted shall include single detached dwellings; semi-detached or duplex dwellings, multiple unit dwellings, single detached dwellings converted to multiple unit dwellings; group homes established in accordance with the provisions of Section 6.5, bed and breakfasts and home occupations.

(ii) Development Criteria for Single Detached, Semi-detached and Duplex Dwellings

a) All development shall be serviced in accordance with Section 6.10 of this Plan. As such, development may be permitted to occur on private water supply and sanitary sewage disposal systems. Such systems shall be located and constructed as required by the appropriate approval authority. However, development also may be permitted to occur on municipal communal water supply and/or municipal communal sanitary sewage

systems subject to the approval of the Ministry of the Environment and Council.

b) The minimum lot area for a single detached dwelling shall not be less than .8 hectares (2 acres) when serviced by a private well and private sanitary sewage disposal system and the minimum lot size for a semi-detached or duplex dwelling shall not be less than .8 hectares (2 acres) when serviced by a private well and private sanitary sewage system subject to the approval of the appropriate authority and Council.

c) In the case of development proposed to be serviced by municipal communal piped water supply and/or sanitary sewage disposal systems, the determination of appropriate minimum lot size criteria shall be made by Council in consultation with the Ministry of the Environment prior to the approval of an amendment to the implementing zoning by-law to permit the development to proceed.

d) Development of single detached, duplex or semi detached dwellings should be compatible with existing and proposed land uses. In this regard, these uses should not be located adjacent to higher density residential, commercial or industrial uses. In the event such uses are adjacent to single detached, semi detached or duplex dwellings, appropriate buffering or screening shall be provided. Details of the buffering or screening techniques shall be detailed in the Zoning By-law.

(iii) Development Criteria for Multiple Unit Dwellings

a) Multiple unit dwellings shall be located so as to minimize their impact on adjacent lower density residential uses. Generally, multiple unit dwellings should be located on major roads or have access to major roads without the necessity of passing through areas of lower residential density.

In considering development applications, Council shall ensure that the proposed multiple unit dwelling will not create a traffic hazard and that its impact on low density residential areas will be minimal.

b) Adequate off-street parking shall be provided. Access points to parking areas shall be designed in a manner that provides for the adequate and safe movement of vehicular and pedestrian traffic.

c) Adequate buffering shall be provided between the proposed use and adjacent uses, particularly adjacent single detached residential uses. Such

buffering may include the provision of grass strips, screening and the planting of trees and shrubs and the location of a berm or fence.

d) The servicing of new multiple unit residential development shall be permitted to occur on private water supply and sanitary sewage disposal systems subject to the approval of the appropriate authority, insofar as it relates, among other things, to the types of systems to be utilized and minimum lot size. A hydrogeological study shall be required where development is proposed on private services. Notwithstanding the results of the hydrogeological study, the minimum lot size for a multiple unit dwelling shall not be less than .8 hectares (2 acres). Where serviced by full municipal communal water and/or sanitary sewage disposal systems, consideration may be given to a higher residential density subject to the approval of the appropriate authority and Council. Council will not consider development on private communal sewer and/or water systems.

iv) Development Criteria for Residential Conversions

a) The uses permitted shall be limited to the conversion of single detached dwellings into multiple self-contained residential dwelling units.

b) Criteria establishing the buildings eligible for conversion shall be included in the implementing zoning by-law.

c) The proposed water supply and sanitary sewage disposal systems shall be approved by the appropriate authority.

d) All dwelling units shall be self-contained and shall have private entrances and separate culinary and sanitary facilities.

e) The converted dwelling shall comply with all pertinent provincial and municipal regulations and by-laws relevant to such matters as fire, health, safety and occupancy.

f) Adequate buffering and screening shall be provided between the converted dwelling's parking areas and adjacent uses, particularly adjacent single family residential uses. Such buffering may include the provision of grass strips, screening and the planting of trees or shrubs and the location of a berm or fence.

g) Adequate off-street parking shall be provided.

h) Council may require a hydrogeological study to determine the servicing requirements of the proposed conversion if the conversion results in the creation of 3 or more dwelling units.

v) Zoning

Residential uses and residential conversions shall be zoned in separate categories in the implementing zoning by-law.

5.6.2 Community Facility Policies

(i) Permitted Uses

The uses permitted shall include public, separate and private schools, places of worship, municipal government facilities, community centres, libraries, public or private clubs or association halls, cemeteries, nursing homes, hospitals, public parks and similar community oriented uses.

(ii) Community Facility Development Policies

a) Community Facility uses shall occur on lots of an appropriate size for a specific community facility use and the lot shall be of sufficient size to support private water and sanitary sewage disposal services. The ability of the lot to accommodate and the location and construction of such systems shall be subject to the approval of the appropriate authority.

b) Adequate buffering shall be provided between Community Facility uses and adjacent land uses and roadways. Such buffers may include the provision of grass strips, screening and the planting of trees and shrubs and the location of a berm or fence.

c) Adequate off-street parking shall be provided. Access points to parking areas shall be limited in number and designed in such a manner so as to minimize the danger to vehicular and pedestrian traffic.

d) Where deemed appropriate by Council, a hydrogeological and terrain analysis should be prepared in support of any Community Facility development.

(iii) Zoning

Community Facility uses shall be rezoned in a separate category in the implementing zoning by-law.

5.6.3 Commercial Policies

(i) Permitted Uses

The uses permitted include those commercial establishments offering goods and services which serve the residents of the Settlement Areas or the market area as a whole such as retail commercial establishments, personal service shops, recreational uses, motels and hotels, places of entertainment, taverns, business and professional offices, eating establishments, funeral homes, motor vehicles service stations and/or gasoline, diesel, propane and liquified natural gas outlets, motor vehicle sales outlets, service shops, convenience stores, building supply outlets, tourist homes, and medical clinics. In addition, residential uses shall be permitted to locate in either the upper stories or in the rear half of the ground storey of buildings in which commercial uses are permitted.

(ii) Commercial Development Policies

a) Commercial uses should be located on major roads and should not be permitted to infiltrate unnecessarily into adjoining residential areas. Such uses shall be encouraged to be located in groups and, wherever possible, at major road intersections. Where new commercial development is proposed adjacent to residential areas, it shall be demonstrated to the satisfaction of Council that the commercial use will not create a traffic hazard and that its impact on the residential area will be minimal insofar as it relates to such matters as lighting, parking, drainage, noise and traffic movement.

Where appropriate, new commercial uses shall be encouraged to locate in proximity to existing commercial establishments to foster the development of commercial cores.

b) Commercial development shall occur on lots of an appropriate size (generally .8 hectares (2 acres) or larger) for a specific commercial use and the lot shall be of sufficient size to support private water and sanitary sewage disposal services. The ability of the lot to accommodate and the location and construction of such systems shall be subject to the approval of the appropriate authority.

c) Adequate off-street parking and loading facilities shall be provided. Access points to parking and loading areas shall be limited in number and designed in such a manner so as to minimize the danger to vehicular and pedestrian traffic.

d) Adequate buffering shall be provided between commercial uses and adjacent land uses and roadways. Such buffers may include the provision of grass strips, screening and the planting of trees and shrubs and the location of a berm or fence.

(iii) Zoning

Commercial uses may be zoned in separate categories in the implementing zoning by-law.

5.6.4 Industrial Policies

(i) Permitted Uses

The uses permitted include those light industrial uses such as workshops; service shops; manufacturing, processing and assembly operations; concealed storage and warehousing facilities; motor vehicle repair garages and research establishments. In addition, uses accessory to the various permitted uses may be permitted including commercial uses servicing an industrial area; business offices; a residence for a caretaker or a watchman and a retail commercial outlet for the purpose of the sale of goods or materials produced on the premises providing the accessory retail use is located within the industrial building or structure.

(ii) Industrial Development Policies

a) Industrial uses generally shall be located on major roads, although Council may give consideration to the use of other public roads where they are satisfied that no suitable alternate locations are available. In all cases, it shall be demonstrated that the proposed use will not create a traffic hazard and that the impact of the proposed use on adjacent land uses, particularly residential uses, will be minimal.

b) Industrial uses shall occur on lots of an appropriate size (generally .8 hectares (2 acres) or larger) and appropriate lot frontage for a specific industrial use and the lot shall be of sufficient size to support private water and sanitary sewage disposal services. The ability of the lot to accommodate and the location and construction of such systems shall be subject to the approval of the appropriate authority.

c) No industrial use shall be permitted which creates an adverse impact on adjacent land uses as the result of the emission of contaminants into or onto the air, water or land. Adjacent uses shall be adequately protected

from industrial emissions in accordance with and subject to the regulations and requirements of the Ministry of the Environment and Council.

Where deemed necessary, a report(s) shall be prepared by a professional engineer(s), biologist or other qualified professional(s) indicating the anticipated impact of the proposed operation on the environment, including air and water pollution, noise, changes in the water table, changes in surface drainage both on and off site and the effectiveness of the proposed ameliorative measures.

d) Adequate off-street parking and loading facilities shall be provided. Access points to parking areas shall be limited in number and designed in such a manner so as to minimize the danger to vehicular and pedestrian traffic.

e) Adequate buffering and setbacks shall be provided between the industrial use and adjacent uses and roadways. Such buffers may include the provision of grass strips, screening and the planting of trees and shrubs and the location of a berm or fence.

f) Industrial uses should be located in accordance with the Ministry of Environment's industrial development locational guidelines as amended from time to time.

(iii) Zoning

Industrial uses shall be zoned in a separate category in the implementing zoning by-law.

5.6.5 Open Space Policies

(i) Uses Permitted

The uses permitted include forestry uses, conservation uses, agricultural uses **(**but not agricultural uses involving livestock**)**, wood lots and recreational uses including public and private parks, passive and active recreational activities, picnic areas, recreational trails, golf courses and other similar open space activities.

(ii) Open Space Development Policies

a) Open space uses shall occur on lots of an appropriate size for a specific open space use and where applicable, the lots shall be of sufficient size to support private water and sanitary sewage systems.

b) Adequate buffering shall be provided between open space areas and adjacent land uses and roadways. Such buffers may include the provision of grass strips, screening and the planting of trees and shrubs and the location of a berm or fence.

c) Adequate off-street parking areas shall be established in a manner complementary to the landscape features of the area. Access points to parking areas and open space areas shall be located in such a way that the external and internal road pattern provides for the adequate and safe movement of vehicular and pedestrian traffic.

(iii) Zoning

Open Space uses shall be zoned in a separate category in the implementing zoning by-law.

5.6.6 Settlement Areas Lot Creation Policies

The creation of new building lots in the Settlement Areas shall be permitted in accordance with this section 5.6, Section 7 and the following.

It is the municipality's intention that new lot development in Settlement Areas will generally occur by plan of subdivision. However, a maximum of three (3) severances may be permitted from a lot of record existing on the day of adoption of this Plan by Council where it is demonstrated that a plan of subdivision is not necessary for the orderly development of the land and will not limit such development by plan of subdivision.

5.6.7 Special Settlement Areas Policy (Pt. Lot 10,11, Concession IX - Storrington District) (Freeman Sugar Bush)

Notwithstanding anything else in this Plan to the contrary, the lands located in Part of Lot 10,11, Concession IX may be used for a commercial sugar bush operation.

5.6.8 Special Settlement Areas Policy (Pt. Lot 7, Concession VII - Portland District) (Asselstine)

Notwithstanding the provisions of subsection 5.6.6 or any other section of this Plan to the contrary, the lands identified as Part of Lot 7, Concession VII, Portland District, may be

permitted six (6) severances from a lot of record existing on the day of adoption of this Plan by Council.

5.7 RURAL

Lands designated Rural are characterized by a rural landscape which reinforces the historical relationship between the Settlement Areas and the surrounding farm, rural and seasonal residential communities to which the Settlement Areas provide basic services. The amount and type of development in the Rural area shall be consistent with maintaining its rural, natural heritage and cultural landscape.

Development within the Rural designation shall be serviced in accordance with Section 6.10 of this Plan. In areas which are not serviced with municipal water and/or sewer services, lot creation will only be permitted if the proposed development can be supported by the type of servicing being proposed.

The predominant use of land in the Rural designation shall be for agricultural; aquaculture; open space; conservation; limited service residential; recreational; community facility and rurally oriented non-farm residential; group homes established in accordance with the provisions of Section 6.5; commercial and industrial and bed and breakfast and home occupation uses. The policies directing the development of these uses are as follows:

5.7.1 Rural Agricultural Policies

(i) Permitted Uses

The uses permitted include agricultural uses outlined in Section 5.1.1, agriculturally related dwellings, accessory agricultural buildings, forestry, wood lots, kennels, apiaries and riding clubs. In addition, uses directly related and necessary in proximity to agricultural operations such as greenhouses, cold storage and grain drying facilities, livestock assembly areas, and animal husbandry services shall be permitted.

(ii) Rural Agricultural Development Policies

a) A second agriculturally related single detached residence for an essential farm employee or retiring farmer may be permitted on a viable farm holding of at least 35 hectares (86.5 acres).

b) Roadside retail outlets for the purpose of the sale of agricultural produce produced on the lands upon which the retail use is situated may be permitted providing that the use will not create a traffic hazard.

c) Severances for agricultural uses may be permitted in accordance with the Lot Creation policies of Section 7 and the farm consents policies, Section 5.1.5 a) of this Plan.

(iii) Zoning

Rural Agricultural uses may be zoned in a separate category in the implementing zoning by-law.

5.7.2 Rural Open Space Policies

(i) Permitted Uses

The uses permitted include conservation and passive recreational uses including public and private parks, picnic areas, recreational trails, hunting camps and similar open space activities.

(ii) Rural Open Space Development Policies

a) Open space uses shall occur on lots of an appropriate size for a specific open space use and where applicable, the lot shall be of sufficient size to support private water and sanitary sewage disposal systems.

b) Adequate off-street parking areas shall be established in a manner complementary to the landscape features of the area. Access points to parking areas and open space areas generally shall be located in such a way that the external and internal road pattern provides for the adequate and safe movement of vehicular and pedestrian traffic.

c) Severances for open space uses may be permitted in accordance with Section 7, Lot Creation policies of this Plan and provided the size and shape of the property is appropriate for the proposed open space use.

(iii) Zoning

Open Space uses shall be zoned in a separate category in the implementing zoning by-law.

5.7.3 Rural Community Facility Policies

(i) Permitted Uses

Community facility uses are uses which exist for the benefit of the residents of the Township as a whole and which are operated by the municipality or other organizations for this purpose.

The uses permitted include private schools and other educational facilities, libraries, places of worship, cemeteries, municipal government facilities, community centres, public or private clubs or association halls or lodges, nursing homes, public parks, public boat ramps, and similar community oriented uses.

(ii) Rural Community Facility Development Policies

a) Community facility uses shall occur on lots of an appropriate size for a specific community facility use and the lot shall be of sufficient size to support private water and sanitary sewage disposal services.

b) Adequate buffering shall be provided between community facility areas and adjacent land uses and roadways. Such buffers may include the provision of grass strips, screening and the planting of trees and shrubs and the location of a berm or fence.

c) Adequate off-street parking shall be provided. Access points to parking areas shall be limited in number and designed in such a manner so as to minimize the danger to vehicular and pedestrian traffic.

d) Severances for community facility uses may be permitted in accordance with the Lot Creation policies of this Plan, Section 7 and provided the size and shape of the property is appropriate for the proposed community facility use.

(iii) Zoning

Community Facility uses shall be zoned in a separate category in the implementing zoning by-law.

5.7.4 Rural Residential Policies (excluding Limited Service Residential)

It is the general intent of this Plan that the majority of permanent non-agricultural residential development be encouraged to locate in the Township's Settlement Areas.

However, limited non-agricultural residential development may also be permitted within the Rural area so as to provide a variety of living accommodation for the residents of the Township. Subdivisions and severances to permit new residential uses shall be appropriately separated from incompatible agricultural areas, existing and proposed waste disposal, mineral extraction site and resource areas, natural heritage features and areas and natural hazards.

(i) Permitted Uses

Rural residential development including group homes established in accordance with the provisions of Section 6.5, home occupations and home industries may be permitted in the form of single detached dwellings developed on lots created by plan of subdivision or severance by the Committee of Adjustment in accordance with the policies of this Plan.

(ii) Development Policies

a) The frontage, size and shape of any lot for rural residential purposes created through the severance approval process shall be appropriate for the proposed use and shall conform with the provisions of the zoning by-law. As a rule, the minimum lot size shall be 0.8 hectares (2 acres) with 76 metres (250 ft.) of frontage on a public road for non-waterfront lots and I hectare (2.5 acres) with 76 metres (250 ft.) of frontage on a public road and 91 metres (300 ft.) of water frontage for waterfront lots. The municipality may consider reductions to the minimum lot size and frontage requirements provided the overall intent of the Plan is maintained.

b) Rural residential development shall be serviced by private water and sanitary sewage disposal systems approved by the appropriate authority.

c) New lots for rural residential purposes should be created by plan of subdivision in accordance with lot creation policies included in Section 7 of this Plan. However, a maximum of three rural residential severances may be permitted from a lot existing on the day of adoption of this Plan by Council in accordance with the lot creation policies of Section 7 of this Plan when the consent approval authority is satisfied that a plan of subdivision is not warranted. Any proposal which would create more than three new lots (three plus a retained) from a lot existing on the day of adoption of this Plan shall only be considered by plan of subdivision.

d) All new rural residential lots shall have public road frontage.

e) Special Use Criteria - McGarvey Stone House

Notwithstanding Section 5.7.4 (a) of this Plan to the contrary, on the west half of Lot 38, Concession 7, in the District of Storrington, the existing stone building may be converted into a maximum of four multiple unit dwelling units in accordance with the applicable provisions of Section 5.6.1 (iv) of this Plan.

f) Special Lot Area Criteria (Pt Lot 37, Concession VII, Storrington District)

Notwithstanding the provisions of Section 5.7.4 (ii) (a), the land located in Part of Lot 37, Concession VII in Storrington District and identified on the Land Use Schedule to this Plan shall have a minimum lot area of .8 hectares (2 acres).

g) Special Use Criteria – Wallond (Pt. Lot 21, Concession 12, Plan 13R-13010, Part 1, Bedford District)

Notwithstanding Section 5.7.4 (i) of this Plan to the contrary, the lands legally described as Part 1, Plan 13R-13010 in Part of Lot 21, Concession 12, Bedford District, may be used for a multiple unit residential building containing not more than six dwelling units.

h) Special Lot Frontage and Severance Criteria – (Pt. Lot 1, Concession 1, Bedford District - Czychun)

Notwithstanding Section 5.7.4 (ii)(a) and 5.7.4 (ii)(c) of this Plan to the contrary, on the lands identified as Part of Lot 1, Concession 1, Thirteen Island Lake, in Bedford District which are identified on the Land Use Schedule to this Plan and further specified on Map 1 of Schedule 'B', a minimum water frontage of 15 metres (50 ft.) is recognized but none of the lots so identified shall be further severed.

All other policies of this Plan shall apply.

i) Special Lot Area – (Part. Lot 1, Concession XII, Bedford District)

Notwithstanding the provisions of subsection 5.7.4 (ii)(a), on the lands identified as Part of Lot 1, Concession XII, in Bedford District, which are identified on the Land Use Plan, Schedule 'A', and further specified on Map 2 of Schedule 'B' as "Special Lot Area", a minimum lot area of 0.32 hectares (0.8 ac.) is recognized.

All other policies of this Plan shall apply.

j) Special Rural Condominium Development Criteria (Pt. Lots 9, 10 & 11, Concession VI, Loughborough District).

Notwithstanding the provisions of subsections 5.7.4 (ii) a) and 5.7.4 (ii) c) to the contrary, the lands identified as Part of Lots 9, 10 and 11, Concession VI, Sydenham Lake, in Loughborough District, which are identified on the Land Use Plan, Schedule 'A', may be developed in accordance with the following policies:

- The lands may be developed and used for a vacant land condominium containing a maximum number of twelve (12) single detached dwellings on individual sites. No severances of individual sites shall be permitted.
- All servicing shall be provided by way of private individual water well and sanitary septic systems on each condominium site. Only one (1) dwelling unit is permitted per condominium site.
- Communal water wells and communal sanitary septic systems are prohibited.
- Prior to any development proposal to expand and existing single detached dwelling the owner shall demonstrate that the water well and sanitary septic systems meet current standards.

All other policies of this Plan shall apply.

5.7.5 Rural Commercial Policies

(i) Permitted Uses

The uses permitted include three distinct types of commercial operations:

- those which are agriculturally and rurally oriented;
- recreationally and resort oriented; and
- highway commercial uses which serve the needs of the travelling public.

a) Agriculturally and Rurally Oriented Commercial Uses

Agriculturally and rurally oriented commercial uses shall include agricultural produce sales establishments, farm services, bulk fuel dealers, farm implement dealers, feed and seed mills, abattoirs, auction barns, veterinary clinics or hospitals and similar uses.

b) Recreational and Resort Commercial Uses

Recreational and resort commercial uses shall include tent and trailer parks; resorts, including privately managed lodges; health spas; tourist accommodations such as cabins, motels and hotels; marinas; gift and craft shops; convenience stores; restaurants or snack bars; miniature golf courses and similar uses. Bed and breakfast operations are not considered recreational and resort commercial uses but as a home occupation in accordance with the provision of the implementing zoning by-law.

c) Highway Commercial Uses

Highway commercial uses shall include motor vehicle sales outlets, motor vehicle service stations and/or gasoline, diesel, propane and liquified natural gas outlets, small engine sales and service, building supply sales, recreational equipment sales and service and agricultural produce sales establishments and nurseries or garden centres; motels; hotels; taverns; restaurants; convenience retail stores and similar uses.

d) Special Use Criteria - Collins Lake Estates

Notwithstanding Section 5.7.5 (a)(iii) of this Plan to the contrary, on the lands located on Part of Lot 25, Concession 7 in the District of Storrington, the highway commercial uses shall be limited to daycare facilities, personal service shops, professional offices, grocery stores and retail stores.

e) Special Use Criteria – Buck Lake (Bedford District)

Notwithstanding any other provision of this Plan to the contrary, on the lands identified as Part Lot 1, Concession XII, Buck Lake in Bedford District, which are identified on the Land Use Plan, Schedule 'A', and further specified on Map 2 of Schedule 'B'; as "Special Commercial", a minimum lot area of 92.9 sq. metres (1,000 sq. ft.) is recognized. The use of these lands shall be limited to boat docking facilities only. Docking facilities shall be limited to 25 spaces, 20 of which shall be made available to property-owners on Porcupine and Buck Islands. No further severances shall be permitted and, except for the docking structure, the remainder of the lands shall be maintained in a natural vegetative state. Maintenance of the docking facilities shall be undertaken in an environmentally sensitive manner.

(ii) Development Policies Applicable to All Rural Commercial Uses

a) One residential unit may be permitted as an accessory use to all rural commercial uses.

b) Adequate off-street parking and loading facilities shall be provided. Access points to parking areas shall be limited in number and designed in such a manner so as to minimize the danger to vehicular and pedestrian traffic.

c) Adequate buffering shall be provided between commercial uses and adjacent land uses and roadways. Such buffers may include the provisions of grass strips, screening and the planting of trees and shrubs and the location of a berm or fence.

d) With the exception of tent and trailer parks, commercial uses shall occur on lots of an appropriate size, generally 0.8 hectares (2.0 acres) or larger.

e) Highway Commercial uses should be located on major roads. Consideration may be given to the use of other public roads where Council is satisfied that no suitable alternate location is available. In all cases, it shall be demonstrated that the proposed use will not create a traffic hazard, that the impact of the proposed use on adjacent land uses will be minimal and that the public road is of suitable quality to accept traffic generated by the new commercial operation.

f) Commercial uses shall be serviced by private water and sanitary sewage disposal systems. Such systems shall be located and constructed as required by the appropriate authority.

g) Severances for rural commercial uses may be permitted in accordance with the Lot Creation policies, Section 7 of this Plan.

(iii) Additional Development Policies for Recreational and Resort Commercial Uses

Recreational and resort commercial uses shall be of a scale that permits them to blend into their natural setting and shall be designed to preserve, as much as possible, a site's physical attributes such as tree coverage, varying topography and scenic views.

a) Tent and Trailer Parks

1. Tent and trailer parks shall include seasonally operated parks for tents and recreational vehicles, not including mobile homes,

together with accessory facilities such as an accessory dwelling, docks, and convenience stores catering to the day-to-day needs of the visitors.

2. The minimum lot area for tent and trailer parks shall be 4 ha (10 acres); the maximum number of campsites should be 50 in order to avoid excessive concentrations of development in waterfront areas.

3. Campsites should have sufficient area and frontage along the internal park road to avoid overcrowding and to ensure minimal environmental impact.

4. No campsite, building or structure except a marine facility for launching and/or servicing of boats or a water pumphouse is permitted within 50 metres (164 feet) of the high water mark of any water body. On steep terrain with thin soils, discontinuous soils or sparse vegetation, setbacks of up to 90 metres (300 feet) may be required.

5. No more than 25% of the total lot area may be used for campsites or for other commercial uses.

6. No tent and trailer park will be permitted where the existing public roads leading to the site are not capable of safely handling the anticipated traffic.

7. Adequate provision shall be made in the establishment of any new tent and trailer park or major expansion of an existing one for recreational facilities. These may be comprised of beaches, swimming pools, tennis courts, major open space areas or a combination of these and/or similar features. If the primary recreational amenity provided is waterfront, 15 metres (49.2 feet) of usable shoreline per site will be required. In considering the suitability of beach or open space areas, Council may consult with the Ministry of the Environment, Ministry of Natural Resources, Conservation Authority and any other source which might provide relevant advice.

8. The design of any tent and trailer park shall exhibit sensitivity to existing, neighbouring uses and adequate buffering shall be provided between the tent and trailer park and any adjacent residential areas.

9. All tent and trailer sites, comfort stations, accessory buildings with water using fixtures or any facilities requiring sewage disposal require a Certificate of Approval from the Ministry of the Environment and/or its agents for water taking, water works and sewage works approvals.

b) Motels, Hotels, Rental Cabins

1. Motels, hotels, rental cabins or other roofed accommodation, including accessory facilities such as docks, eating establishments, and convenience stores shall have a minimum lot area of 2 ha (5 acres).

2. The maximum density for motels, hotels, or cabins shall be one unit per 2,000 m^2 (½ acre) to a maximum of 50 units, provided the appropriate authority will approve of the sewage disposal systems which are used. In addition to the above, there must be at least 15 metres (49.2 ft.) of usable shoreline available per cabin.

3. The site design shall be sensitive to existing, neighbouring uses and adequate buffering shall be provided between the tourist establishment and any adjacent residential uses.

4. No building, structure, septic tank or tile field, except a marine facility for the launching and/or servicing of boats shall be located closer than 50 metres (164 feet) to the high water mark of any water body. On steep terrain with thin soils, discontinuous soils or sparse vegetation, larger setbacks may be required.

5. Adequate provision must be made for recreational amenities similar to those required in Section 5.7.5(iii)(a)7 above.

(iv) Zoning

Commercial uses shall be zoned in separate categories in the implementing zoning by-law.

5.7.6 Rural Industrial Policies

This plan recognizes that the location of certain industrial uses in the rural setting is both necessary and appropriate to facilitate the provision of adequate industrial services and employment opportunities for residents of the Township. Therefore, industrial uses

which pose no threat of pollution to air, land or water and which will not have a deleterious impact on adjacent land uses shall be permitted.

(i) Permitted Uses

The uses permitted include construction yards; warehousing; truck or transportation terminals; motor vehicle repair garages or body shops; the open storage of goods or materials; bulk storage facilities; workshops; saw and planing mills; service shops; processing, manufacturing and/or assembly operations and research establishments.

(ii) Development Policies

a) Industrial uses shall occur on lots of an appropriate size, generally 1 hectare (2.5 acres) or larger.

b) Industrial uses shall be encouraged to locate on arterial or collector road**s**. Consideration may be given to the use of other public roads where Council is satisfied that no suitable alternate location is available. In all cases, it shall be demonstrated that the proposed use will not create a traffic hazard, that the impact of the proposed use on adjacent land uses will be minimal and that the public road is of suitable quality to accept traffic generated by the new industrial development.

c) No industrial use shall be permitted which creates an adverse impact on adjacent land uses as a result of the emission of contaminants into or onto the air, water or land. Adjacent uses shall be adequately protected from industrial emissions in accordance with and subject to the regulations and requirements of the Ministry of the Environment and Council.

Where deemed necessary, a report(s) shall be prepared by a professional engineer(s), biologist or other qualified professional(s) indicating the anticipated impact of the proposed operation on the environment, including air and water pollution, noise, changes in the water table, changes in surface drainage both on and off the site and the effectiveness of the proposed ameliorative measures.

d) Adequate off-street parking and loading facilities shall be provided. Access points to parking areas shall be limited in number and designed in such a manner so as to minimize the danger to vehicular and pedestrian traffic.

e) Adequate buffering and setbacks shall be provided between industrial uses and adjacent uses and roadways. Such buffers may include the provision of grass strips, screening and the planting of trees and shrubs and the location of a berm or fence.

f) Severances for rural industrial uses may be permitted in accordance with the general consent policies of this Plan.

(iii) Zoning

Industrial areas shall be zoned in a separate category in the implementing zoning by-law.

5.7.7 Limited Service Residential Policies

Limited service residential development is generally located in the Rural area of the Township on a body of water or a natural water course where the primary means of access is from a private road or a navigable waterway.

(i) Permitted Uses

The uses permitted shall be single detached residential dwellings, seasonal residential dwellings, seasonal dwellings converted to permanent dwellings and home occupations.

(ii) Limited Service Residential Development Policies

a) The frontage, size and shape of any lot created for limited service residential purposes through the severance approval process shall be appropriate for the proposed use and shall conform with the provisions of the zoning by-law. As a rule, the minimum lot size shall be 1 hectare (2.5 acres) with a minimum of 91 metres (300 feet) of water frontage and 76 metres (250 feet) of frontage on a private road. The municipality may consider reductions to the minimum lot size and frontage requirements provided the overall intent of the Plan is maintained.

b) The creation of up to a maximum of three new limited service residential lots per landholding existing on the day of adoption of this Plan may be permitted by consent, in accordance with the General Consent policies of Section 7 of this Plan.

c) Severances for new waterfront limited service residential lots may be permitted on newly created private roads provided the new private road

intersects with an existing public road and is designed and constructed in accordance with Township standards for new private roads.

Severances for new waterfront limited service residential lots may be permitted on extensions to existing private roads provided the extension of the existing private road is not greater than 182 metres (600 ft.) and is designed and constructed in accordance with Township standards for new private roads. Extensions of greater than 182 metres (600 ft.) may be permitted provided the existing private road is upgraded to Township standards for new private roads, from its intersection with the public road.

Severances for new non-waterfront limited service residential lots may be permitted on extensions to existing private roads provided the extension of the existing private road is not greater than 152 metres (499 feet) and is designed and constructed in accordance with Township standards for private roads. Except for the foregoing, no new private roads will be permitted.

As a condition of severance approval for all waterfront and non-waterfront limited service residential lots, the owner of the subject property shall enter into an agreement with the Township to be registered against title to the lots acknowledging:

- the Township does not maintain or repair private roads.
- on private roads the Township does not provide municipal services normally associated with public roads.
- owners are responsible for all costs necessary to maintain the private road.
- the Township is not responsible for any loss or damage created by the owner's failure to maintain the private road.
- owners agree to indemnify the Township for any loss or damage.

Notwithstanding the above, no development shall be permitted on existing private roads or extensions thereto which would have the effect of creating new lots without water frontage on a private road which services primarily waterfront residential developments (i.e. no back lot development).

d) Limited service residential development shall be serviced by private water and sanitary sewage disposal systems. Such systems shall be approved by the appropriate authority.

e) Limited service residential development shall be designed to preserve as much as possible a site's physical attributes, such as tree coverage, varying topography, scenic views, etc, for the benefit of future residents.

f) Limited service residential development shall be developed in accordance with the applicable policies of Section 5.2 of this Plan.

g) Where communal docking facilities are proposed, such facilities shall be located a suitable distance, generally 60 metres (196.8 feet), from the nearest residential use, residential land use designation or residential zone.

h) Where an existing limited service residential lot or a lot created by consent of the Committee of Adjustment for limited service residential purposes subsequent to the date of approval of this Plan fronts upon a private road or unassumed public road, a building permit may be issued for the erection of a building or structure providing the applicant enters into an agreement with the Township which is to be registered on title. This agreement is to indicate:

1. that the owner recognizes that the lot is located on a private road which is not snowplowed or in any other way maintained by the Township.

2. that the disposal of garbage, snowplowing and any other road maintenance is the responsibility of the property owner; and

3. that the Township assumes no liability in the event that emergency vehicles are not able to access the lot because of impassable road conditions.

(iii) Water Access Lots

Lakes and rivers within the Township contain a number of islands and remote areas. Many islands and remote areas of the Township offer the opportunity for limited service residential use. Consequently, limited service residential development shall be permitted on water access only lots providing:

a) that it is demonstrated to the satisfaction of Council and the authorities responsible for their approval that an adequate supply of potable water is available for each lot on the island and that a satisfactory method of sewage disposal is approved by the appropriate authority;

b) that access to the water body in which the island is situated is available via a navigable waterway and/or a public road or an existing private or unassumed public road of sufficient quality to ensure the provision of appropriate services to the island;

c) that island seasonal residential development is zoned in a separate category from other forms of seasonal residential development;

d) that in the case of a lot which has water access only, the owner of the water access lot demonstrates to the satisfaction of Council that land and mooring facilities on the mainland are available to permit the parking of automobiles and/or the storage or docking of boats and boat trailers etc. associated with the use of the water access lot, in this way ensuring minimal disruption to residents on the mainland. Such facilities shall be owned or tied in perpetuity to the water access only lot and be zoned for parking and docking facilities only;

e) Notwithstanding Section 5.7.7 (b)(i) to the contrary, the minimum lot size for a new water access only lot shall generally be 2 ha (5 acres) in order to minimize impacts in these remote areas.

(iv) Zoning

Limited service residential uses shall be zoned in separate categories in the implementing zoning by-law.

(v) Special Limited Service Residential Development Policy (Part Lot 2, Concession II, Bedford District

Notwithstanding Section 5.7.7(b)(i) to the contrary, the minimum lot frontage on a private road for a Limited Service Residential lot shall be 24.7 metres (81 feet).

(vi) Special Limited Service Residential Development Policy (Part Lot 21, Concession XI, Bedford District)

Notwithstanding Section 5.7.7(b) to the contrary, the minimum lot frontage on a private road for a Limited Service Residential lot shall be 61.9 metres (203 feet).

6.0 GENERAL POLICIES

This section contains policies which apply generally to the entire Township or which are not related to a specific land use designation.

6.1 DEVELOPMENT STAGING

In order to protect the residents of the Township of South Frontenac from undue financial hardship, the Council shall ensure that the timing, location and nature of new development is such that the demand for municipal services is not excessive in relation to the taxable assessment provided. New large scale development which would create an appreciable increase in the demand for municipal services shall not be permitted unless it can be demonstrated that the project will maintain or improve the Township's general financial condition.

6.2 DEVELOPMENT POLICIES

All types of future development shall occur on the basis of the submission and approval of registered plans of subdivision, land severances by consent of the Committee of Adjustment and/or amendments to the implementing zoning by-law.

Residential development should primarily occur by registered plan of subdivision. However, development may occur by consent in accordance with the applicable policies of this plan when a plan of subdivision in the opinion of the Municipality clearly is not necessary to ensure orderly development, taking into consideration the social, economic and environmental impacts.

6.3 DEVELOPMENT AGREEMENTS

Development shall not create a financial burden on the Township of South Frontenac. Individuals proposing to develop lands may be required, pursuant to the relevant provisions of the Planning Act, to enter into subdivision/severance agreements.

6.4 AGENCY TECHNICAL REVIEW

(a) The Township of South Frontenac is covered by three Conservation Authority jurisdictions. The degree of involvement in watershed regulations varies from one Authority to the next. In order to properly manage the natural resources of the municipality, any proponent of development, including the creation of a new lot, a change in land use or the construction of buildings and structures adjacent to any river, lake, stream, creek or watercourse, should consult with the appropriate Conservation Authority. It is the policy of the Township of South Frontenac to

work co-operatively with each Conservation Authority in order to properly manage the water resources of the Municipality.

(b) Although no specific areas have been designated for forestry use, the Township encourages all land to be used for forestry purposes on a sustainable yield basis. Forestry operations should not employ clear cutting techniques except under the authority of a Forest Management Plan prepared by a Registered Forester.

(c) Due to the particular sensitivity of the lakes, preservation of the natural vegetation, including forests, is strongly encouraged, especially in the 30 metres abutting a waterbody. Site Plan Control may be used to achieve this.

(d) Council will encourage the retention of the tree lined character of the Township roads, consistent with traffic safety, drainage, utility installation, and access constraints.

(e) Council will consult, when deemed appropriate, with various technical review agencies including the Conservation Authorities, the Ministry of Natural Resources, the Ministry of the Environment, the Department of Fisheries and Oceans or any other agency on any development proposal submitted for review by the Township.

6.5 GROUP HOMES

A group home is a single housekeeping unit in a residential dwelling in which up to ten (10) persons, excluding staff, live under responsible supervision consistent with the requirements of its residents and which is funded, licensed or approved under Provincial Statute. Group homes will be permitted in all designations that allow residential uses; however, they should not be permitted to be located on a private road. In order to prevent an undue concentration of group homes in specific areas of the Municipality, minimum separation distances between group homes may be incorporated in the Zoning By-law.

6.6 HOME OCCUPATIONS AND HOME INDUSTRIES

Home occupations, home industries, trades and professional uses may be permitted accessory to any residential use provided they are small scale and compatible with residential uses. Specific provisions relating to home occupations shall be included in the Zoning By-law.

6.7 INSTITUTIONAL AND PUBLIC USES

Institutional uses include educational, municipal and governmental activities which are public or semi-public in nature. Any necessary public use or institutional use required by a public authority to fulfill its role in providing for the health, education, welfare and comfort of the residents shall be permitted anywhere within the Municipality except the Agricultural designation and buildings in Environmental Protection areas provided that the site design and the design of any buildings and structures are in keeping with the character of the surrounding area. Private institutional uses which provide social services to the residents of the area may also be considered, provided they meet the same compatibility criteria as stated above for public and semi-public uses, are of a scale and design in keeping with the surrounding area, have frontage on an open public road which is maintained on a year-round basis, and provided Council is satisfied that the proposed use fulfils a legitimate community need.

Energy and communication facilities, including electric power facilities, transformers and generators, as defined in the Power Corporation Act, shall be permitted in any land use designation without an amendment to this Official Plan provided that such development satisfies the provisions of the Environmental Assessment Act, including Regulations made under the Act and any other relevant statutes. All electric power providers shall be encouraged to consult with the Municipality regarding the location of new transformer stations.

Other energy and communications distribution facilities, including buildings and facilities of electric power providers not used directly for the generation and supply of power, shall comply with the provisions of this Plan and the implementing Zoning By-law.

The Municipality intends to participate in any discussions on the location of new energy and communications facilities.

6.8 LAKESHORE ASSESSMENT MAPS

The Ministry of Natural Resources, together with interested citizens and groups, have begun the process of preparing detailed lakeshore assessment maps which identify the type of foreshore area (bedrock, rubble, sand, silt), submerged and floating vegetation, emergent vegetation, stumps and logs, overhanging trees, cottages, docks, beaver dams, boathouses, shoreline slopes and a variety of fish and wildlife habitat areas. These maps, once reviewed and approved by the Municipality and the Ministry of Natural Resources, will be used by the Committee of Adjustment, Township staff and various agencies to assist in the review of applications for new lots, variances and rezonings.

6.8.1 Lake Trout Water Quality Model

The Ministry of Environment monitors lake trout lakes in the Township with respect to water quality to support a lake trout fishery. The Township will consider the results of the monitoring program when reviewing any development including the creation of lots, a change in land use and/or the erection of buildings and structures within 300 metres (984 feet) of the affected lake.

6.9 BUFFERING

In order to reduce or eliminate the adverse effects of one land use upon another or overcome the conflicts between land uses, the Township will require buffering to be provided. A buffer may be defined as any space or feature placed between two conflicting uses in order to reduce or eliminate conflicts. A buffer may be open space where distance is relied upon to produce the desired results, or it may be a berm, wall, fence, planting strip or land use different from the two conflicting ones but compatible with both, or any combination sufficient to achieve the intended purpose. Buffering provisions will generally be implemented through site plan control and through provisions in the Zoning By-law.

6.10 SERVICING

It is the primary objective of the Plan to ensure that existing and proposed development within the Township has an adequate supply of potable water and is serviced by proven sanitary sewage disposal systems.

Where municipal service(s) exist, lot creation will only be permitted if sufficient reserve capacity exists to accommodate the proposed development. All development in serviced areas will utilize that service. In areas which are not serviced with municipal water and/or sewage services, lot creation will only be permitted if the proposed development can be supported by the type of servicing being proposed. Expansion of Settlement Areas will only be permitted where sufficient capacity exists to accommodate the anticipated growth, or where technical studies indicate that sufficient groundwater resources exist to support the expansion and where conditions are suitable over the long term to support the use of private septic systems. Notwithstanding any other sections of this Plan to the contrary, the scale, type, layout, density, etc. of a proposed development will be determined, in part, by the ability of the proposed development to be supported by the type of septic and water service being proposed.

Council will review the development policies of the Plan once a groundwater resource study has been completed for the area and will amend the Plan where appropriate to reflect the results of that study. Until such time, development shall proceed in accordance with the following servicing policies:

6.10.1 General

During the planning period of this plan, development predominantly shall occur on the basis of private wells and private septic tank and leaching beds/tile fields in accordance with the standards of the authorities responsible for their approval. Development will only occur on the basis of private individual on-site sources of potable water and septic systems or municipal communal sewer and/or water systems where required. No new private communal sewer and/or water systems will be permitted.

It is the intent of this plan that private on-site sanitary sewage disposal systems primarily consist of septic tanks and leaching beds/tile fields. However, consideration may be given to the use of other proven systems subject to the approval of the Ministry of the Environment and Council.

Where residential development has been proposed of more than five (5) lots on individual, private water and sewage, and has been accepted via the results of a private servicing report, the Township will require a Private Services Impact Assessment Report to be prepared by the owner/developer and submitted for Township review and approval. The report is to demonstrate potable groundwater quality, adequate groundwater yield, negligible groundwater quality interference, soil suitability and sufficient area available for effluent treatment and shall identify the location of the septic system, well and house.

6.10.2 Settlement Area Servicing

Primarily, development shall occur on the basis of private water and sanitary sewage disposal systems.

Municipal communal water supply systems and/or sanitary sewers and sewage treatment facilities may be constructed on land designated Settlement Areas and in areas of concentrated development when the density of development, the physiographic and/or public health conditions render these services necessary. An Environmental Assessment, completed in accordance with the Environmental Assessment Act, shall be undertaken prior to the installation of any municipal communal sewer and/or water systems.

6.10.3 Development Applications

Where deemed necessary by the Ministry of the Environment and/or Council, development applications shall be accompanied by a report prepared by a professional engineer or other qualified professional(s) indicating that an adequate supply of potable water is available for each new lot or use and that soil conditions are suitable for the installation of a septic tank and leaching beds/tile fields that conform to the standards outlined by the authority responsible for their approval. The terms of reference for the

report will vary depending on the nature and scale of development. The developer shall consult the Township and the Ministry of Environment to determine the level of detail required.

6.10.4 Existing Substandard Services

It is the intent of this plan that all existing substandard private sanitary sewage disposal systems should be raised to at least the minimum standards established by the authority responsible for their approval. The Township should develop a program to identify and require the upgrading of substandard private sewage disposal systems.

In the event of failure of an existing septic system, the Township, in accordance with the Ontario Building Code provisions, shall require the owner to construct a new system in accordance with the current regulations. No minor variance shall be required for replacement of an existing substandard system.

6.11 SECONDARY PLANS

As major development occurs within the Settlement Areas of the Township, it is the intent of this plan that secondary plans be undertaken. The secondary plan shall provide the location of major land uses, transportation patterns and detailed servicing policies for the development area.

Secondary plans shall ensure the environmental integrity of new development particularly as it relates to the potential impacts on the quality and quantity of area ground and surface water supplies.

The preparation of secondary plans shall be guided by the intent and purpose of this plan and shall be developed having regard for surrounding land uses, environmental constraints, the physical suitability of the land in relation to the servicing approach, public utilities, schools, parks and other community facility uses, the major road systems particularly as they relate to accessibility and safety, housing types and projected populations. Secondary plans should be required when the Settlement Area reaches 150 dwellings or 300 persons.

6.12 FRONTAGE ON PUBLIC ROADS

No building or structure shall be erected, extended or enlarged on any lot within the Township of South Frontenac unless such lot fronts on a public road except as follows:

(a) Where a vacant lot fronts upon a private or unassumed public road, a building permit may be issued for the erection of a building or structure providing:

(i) the lot existed on or before the date of approval of this plan; or the lot is in the form of infilling or an extension to a private road permitted by this Plan and is created by consent of the Committee of Adjustment.

(ii) the property is zoned to a Limited Service Residential zone; and

(iii) the applicant at his/her expense enters into an agreement with the Township which is to be registered on title. This agreement is to indicate the following:

1. that the owner recognizes that the lot is located on a private road which is not snowplowed or in any other way maintained by the Township.

2. that the disposal of garbage, snowplowing and any other road maintenance is the responsibility of the property owner; and

3. that the Township assumes no liability in the event that emergency vehicles are not able to access the lot because of impassable road conditions.

(b) Special Frontage on a Public Roads Policy (Part Lot 7, Concession IX, Storrington District)

Notwithstanding Section 6.12 to the contrary, the creation of two residential lots having frontage on a private road shall be permitted.

(c) Special Frontage on a Public Roads Policy (Part Lot 9, Concession IX, Storrington District

Notwithstanding Section 6.12 to the contrary, the creation of two residential lots having frontage on a private road shall be permitted.

6.13 CONVERSION TO PERMANENT RESIDENTIAL

Conversion of a seasonal dwelling to permanent residential use may occur in accordance with the following provisions. The applicant shall prepare a report which demonstrates to the satisfaction of Council that the subject property complies with all relevant policies of the Official Plan including the following:

(a) that an adequate supply of potable water is available to the dwelling;

(b) that the sanitary sewage disposal system has been approved for year-round use by the authority responsible for the approval of such systems;

(c) that the property and dwelling conform to all relevant provisions of the implementing zoning by-law and any other relevant municipal by-laws;

(d) that the proposed permanent use is compatible with surrounding land uses;

(e) if the lands are located on a private road, that the property is zoned Limited Service Residential;

(f) that the building is in compliance with the Ontario Building Code and Building Code Act, 1995; and

(g) if the dwelling is located on a private road, the applicant enters into an agreement in accordance with Section 6.12 (c) of this Plan.

6.14 NOISE ATTENUATION

Where development is proposed within the immediate vicinity of a high level noise producer, the development application shall, when deemed necessary by Council in accordance with the Ministry of the Environment guidelines, be accompanied by a noise report which:

(a) establishes anticipated indoor and outdoor noise levels; and

(b) if necessary, outlines the proposed noise attenuation techniques to be employed in reducing the anticipated noise levels.

6.15 DEVELOPMENT CHARGES

Council will levy a development charge in accordance with the Development Charges Act for each lot in a proposed subdivision or for each lot created by consent of the Committee of Adjustment in order to finance the provision and expansion of municipal services.

6.16 DESIGN CRITERIA FOR THE PHYSICALLY CHALLENGED

Recognizing the unique concerns of the physically challenged as they pertain to building design and the general usage of public facilities and transportation systems, Council affirms its commitment to the construction of new facilities and the reconstruction of old facilities in a manner that is consistent with the needs of the physically challenged. In pursuing this goal, the municipality shall:

(a) require building construction to occur in accordance with the regulations of Part 10 of the "Ontario Building Code"; and

(b) encourage any relevant construction or reconstruction on public lands to occur in a manner consistent with the needs of the physically challenged.

6.17 SITE PLAN CONTROL

Site Plan Control is intended to be used to help minimize the impacts of development on neighbouring properties and waterbodies. In order to facilitate this process, the entire Township is proposed for Site Plan Control pursuant to Section 41 of the Planning Act.

The specific land uses, designations and areas which are intended to be subject to this policy are:

(a) Commercial, institutional (community facility) and industrial uses;
(b) lands used for wrecking yards;
(c) lands used for hauled septage disposal;
(d) lands within the Mining designation;
(e) multi-unit residential uses;
(f) lands within or adjacent to the Environmental Protection designation;
(g) all land within 90 metres (295 feet) of a waterbody (primarily water front lots), including land used for residential purposes;
(h) lands within or adjacent to an Environmentally Sensitive Area;
(i) all lands within 300 metres (984.3 feet) of a Sensitive Lake Trout Lake; and
(j) all lands which are subject to a natural hazard.

All other land uses, including rural residential uses, may be subject to site plan approval.

Appendix 'A' provides information which will help interpret the intent of this section. It is taken from the study entitled "Rideau Lakes Carrying Capacities and Proposed Shoreland Development Policies" and provides additional information which will be used by Council, municipal staff, applicants, reviewing agencies, Committee of Adjustment and the public in assessing the proposed development of any land near water. The objective is to attempt to ensure that development is sustainable and in particular to maximize the protection of water quality.

In implementing site plan control on lands within 90 metres (295 feet) of a water body, the Township will have regard for Appendix 'A'. It is intended that:

(a) on land having steep slopes, minimal woody vegetation cover, thin soils and soils with poor phosphorus retention capability, setbacks of up to 90 m (295 feet) measured horizontally will be required.

(b) on land which has fewer constraints, smaller setbacks are required, diminishing to 30 metres (98 feet) measured horizontally for ideal sites.

(c) on existing lots, consideration will be given to slight reductions to the minimum requirement of 30 metres (98 feet), only if it is not physically possible or environmentally desirable to meet this requirement.

When a property is the subject of an application for site plan approval, abutting land owners and other neighbouring land owners that may be directly affected, such as those located across a narrow waterbody, should be advised and provided with an opportunity to comment on the site plan before approval by the Township. Details of the site plan may vary depending on the complexity of each development application.

6.18 COMMUNITY IMPROVEMENT POLICIES

This Plan recognizes the importance of revitalizing the settlement areas, villages and other built-up areas that are aging, and that there may be a need in the future to upgrade such elements as physical infrastructure, buildings, recreational facilities and/or the arrangement of existing land uses and to remediate brownfields. To accomplish this, Community Improvement Plans may be developed.

Community Improvement Plans are enabling policies under the authority of the Planning Act through which Council may provide financial incentives to address an identified need. For the purpose of this Plan, all areas in the Township that are designated as 'Settlement Areas' shall be identified as Community Improvement Areas. Thus, within these established settlements, certain community improvement project areas may be defined from time to time by by-law for which detailed plans may be prepared where there is an identified community need. The approval of such plans including any associated financial assistance shall be at the discretion of Council.

6.18.1 Criteria

To establish the need for a community improvement plan in Settlement Areas, one or more of the following criteria should be identified in the subject area:

a) building stock or any housing units that are sub-standard according to minimum Township standards;
b) unused or underutilized buildings or land that could be developed, redeveloped, renovated or converted to another use;
c) hard surfaces such as roads, sidewalks, curbs, gutters and stormsewers that are deficient;

d) lighting, signage, buildings or other public utilities that are sub-standard according to minimum Township standards or which are not designed for energy-efficiency;
e) inadequate community services such as public indoor/outdoor recreation facilities or public open space;
f) inadequate social facilities such as day cares;
g) inadequate off-street parking facilities;
h) inefficient traffic circulation or poor accessibility to residential, commercial or industrial areas;
i) existing land uses that are incompatible with each other;
j) the overall streetscape or aesthetics of an area requires upgrading;
k) the presence of visual amenities (such as waterfront areas) which could benefit from protection, enhancement or promotion for tourism;
l) the presence of brownfields.

6.18.2 Objectives

In Settlement Areas, where any of the above needs have been identified, a community improvement plan would establish one or more of the following objectives:

a) promote cultural, social, economic and natural environmental sustainability;
b) maintain the existing building stock and provide amenities and streetscape improvements to enhance the aesthetic appeal of the downtown/main street:
c) facilitate the construction, reconstruction or rehabilitation of lands and/or buildings;
d) maintain or improve the existing physical infrastructure for residential commercial, residential, industrial and institutional development;
e) preserve historically or architecturally significant buildings;
f) provide a mix of housing types to accommodate a full range of the Township's population;
g) improve vehicle parking and traffic patterns and provide improved accessibility to all residents and businesses;
h) improve compatibility between uses in proximity to each other;
i) improve visual amenities (such as waterfront areas) to encourage and promote tourism;
j) provide adequate community services and social services and enhance indoor/outdoor recreation facilities and/or public open space;
k) improve energy efficiency wherever possible;
l) rehabilitate environmentally compromised land and buildings through appropriate remediation.

6.18.3 Implementation

In implementing any of the above community improvement policies within a Settlement Area, the Township may;

a) by by-law designate community improvement project areas and prepare community improvement plans for the project areas in accordance with the Planning Act;
b) carry out community improvement projects in association with other public works projects and Township programs wherever possible;
c) provide public funds through grants, loans and other financial instruments to the land-owners or their assignees;
d) waive or reduce development fees to support the desired community improvement;
e) provide tax assistance under the Municipal Act;
f) make applications under all appropriate senior level government programs;
g) provide information to land-owners and developers about the availability of municipal initiatives and financial assistance programs;
h) where feasible, acquire buildings and/or lands and carry out the clearing and grading of land and/or the improvement of buildings to facilitate the community improvement;
i) encourage private initiatives regarding the rehabilitation, redevelopment, conversion and environmental remediation of lands or buildings and, where appropriate support infill development and redevelopment;
j) consider flexibility in zoning restrictions to support community improvement.

The provision of financial assistance in a community improvement plan will be based on the financial capabilities of the Township and will be entirely at the discretion of Council.

6.19 FARMING AND FOOD PRODUCTION PROTECTION ACT (FFPPA)

Nothing in this Official Plan shall conflict with the Farming and Food Production Protection Act (FFPPA). In the event of a conflict between this Plan and the FFPPA, the FFPPA shall take precedent.

6.20 INFLUENCE AREAS

The concept of an influence area is recognized as a means of protecting against incompatible land uses being located in close proximity to each other. This concept applies when a sensitive land use (for example, residential) is being proposed in close proximity to mining or mineral aggregate lands, certain commercial and industrial uses, etc., and conversely when one of these uses are proposed within close proximity to a sensitive land use.

Influence areas are specific to the designation or type of proposed use and will be detailed in the appropriate section of this Plan.

Where possible, influence areas will be based on Provincial guidelines. Council, through the review of development applications within influence areas will ensure that land use compatibility issues are addressed.

6.21 NATURAL HAZARD LANDS

(i) Within all land use designations, lands identified as having inherent natural hazards such as flood susceptibility, poor drainage, organic soils, steep slopes or other similar physical limitations shall be developed and controlled in accordance with the Environmental Protection policies of this Plan.

(ii) Where the extent of a hazard has not been determined or where a hazard is suspected, Council may require that a proponent submit a detailed study which identifies the extent of the hazard and, if appropriate, the measures necessary to overcome the hazard. Such a study will be prepared by a qualified individual.

6.22 CULTURAL HERITAGE RESOURCES

Cultural heritage resources include archaeological remains of prehistoric and historic habitation areas containing archaeological potential, cemeteries and burials, buildings and structural remains of historic interest within the boundaries of the municipality. All new development permitted by the land use policies and designations of this Plan should have regard for cultural heritage resources and should wherever possible, incorporate these resources into any new development plans.

The Township may examine buildings and sites with regard to the desirability and suitability for restoration, conservation and preservation purposes, and support initiatives such as the creation of heritage resource information bases, comprehensive heritage site inventories and heritage master plans.

Pursuant to the Ontario Heritage Act, and in consultation with the LACAC if one exists, Council may, by by-law:

(i) designate properties to be of historic and/or architectural value or interest or in an area with a significant archaeological resource;

(ii) define the municipality, or any area or areas within the municipality, as an area to be examined for designation as a heritage conservation district; and

(iii) designate the municipality, or any area or areas within the municipality, as a heritage conservation district.

A Local Architectural Conservation Advisory Committee (LACAC) may be established pursuant to provisions of the Heritage Act, to advise and assist Council on matters related to heritage properties, districts and other similar resources.

The Township may require a statement of impact to significant built heritage or cultural heritage landscape resources, if such resources are affected adversely by development or alteration.

Council may require archaeological assessments carried out by archaeologists licensed under the Ontario Heritage Act, as a condition of any development proposal affecting areas containing a known archaeological site or considered to have archaeological potential. Archaeological assessment reports which are submitted are to be in compliance with the guidelines and licensing requirements of the Ministry of Citizenship, Culture and Recreation (MCZCR).

Council shall consult with appropriate government agencies, including the MCZCR and the Ministry of Consumer and Commercial Relations (MCCR), when an identified human cemetery, marked or unmarked human burial is affected by land use development. The provisions of the Heritage Act and the Cemeteries Act shall apply.

Council should give consideration to the effects of municipal public works or similar municipal undertakings affecting buildings and features of historical significance. Consideration shall also be given to conserving heritage buildings, landscapes or other such resources which are under municipal ownership and/or stewardship.

6.23 MINIMUM DISTANCE SEPARATION FORMULAE

All new farm and non-farm development in the Township shall comply with the Minimum Distance Separation formulae (MDS I and II) as may be amended from time to time.

6.24 MAN-MADE HAZARDS

Prior to the approval of a zoning by-law amendment, subdivision, consent and official plan amendment, the past and present uses shall be documented. Restoration of a site may be required prior to approvals being granted or prior to development occurring.

Site remediation is to occur in accordance with Ministry of the Environment's "Guidelines for the Decommissioning and Clean-up of Sites in Ontario". Where contamination has been identified, a Ministry of the Environment letter acknowledging receipt of a "Record of Site Condition" will be required prior to development approvals being granted.

6.25 RAILWAYS

The Township shall require the proponent to submit a noise feasibility study, to determine whether the proposal is feasible due to noise levels, for any sensitive use within:

(i) 100 metres (328 feet) of a principal railway mainline;

(ii) 50 metres (164 feet) of a secondary railway main line or provincial highway right-of-way.

Provided the Township is satisfied that a proposed development is feasible, following the review of a noise feasibility study, the proposal shall incorporate suitable noise control measures in accordance with Ministry of Environment guidelines.

Detailed noise studies may be required for any new sensitive land use, including residential use, proposed within:

(i) 500 metres (1,640.4 feet) of a principal railway main line;

(ii) 250 metres (820.2 feet) of a secondary railway main line;

(iii) 100 metres (328 feet) from all other railway lines or roads.

6.26 NUTRIENT MANAGEMENT BY-LAW

Council may consider the adoption of a nutrient management by-law to control and regulate the occurrence of large intensive livestock operations in the Township.

6.27 ABANDONED MINE HAZARDS

In reviewing any planning or development application, Council shall verify that the Ministry of Northern Development and Mine's "Abandoned Mine Inventory System" (as updated from time to time) does not indicate that a mine hazard (past or present) exists within close proximity to the subject lands. If the Inventory indicates that a potential hazard exists, the applicant shall be responsible for ensuring that any hazards are mitigated such that the hazard is removed and that the property is safe for the proposed development. Council may require proof by way of a technical study, that the hazard has been removed.

7.0 DIVISION OF LAND

7.1 GENERAL CONSENT POLICIES APPLICABLE TO ALL LAND USE DESIGNATIONS

In addition to all other policies of this Plan, the following general consent policies shall apply to all land use designations.

(a) Consents shall only be granted when it is clearly not necessary in the public interest that a Plan of Subdivision be registered. In this regard, consents will be considered when the creation of new lots, in the opinion of the Municipality, will clearly have no adverse environmental, social or economic impact on the Township or adjacent land uses.

(b) Where a land holding has more than one detached dwelling in existence at the time of adoption of this Plan, the severance of a parcel of land including the additional dwelling may be permitted subject to all other policies of this Plan.

(c) The size of any parcel of land created by consent shall be appropriate for the uses proposed. No parcel of land created as a result of a consent shall be less than that prescribed in the respective land use designations of this Plan, except for parcels created as lot additions or for technical reasons.

(d) Consents should be granted which generally provide for a satisfactory geometric design of the severed and retained parcels.

(e) Consents shall not be granted for a parcel of land which is subject to flooding or erosion, or other physical hazard, and where no building envelope is identified on the lot, when the use of the parcel requires that a building be erected. The advice of the appropriate authority will be sought in this regard.

(f) All applications for consent shall be accompanied with a sketch showing to scale the dimensions of the lots (severed and retained) to be created by the proposed consent. In addition, existing buildings and setbacks from the property lines and major topographic and land features such as an escarpment, creek or wetland shall be shown. The sketch shall also identify all buildings, septic systems and wells on the lands subject to the consent application as well as on adjacent lands. For those applications which constitute an addition to a holding, the sketch shall show the location, size, use and ownership of the lot to be enlarged.

(g) The creation of no more than two lots in total (i.e. including severed and retained) shall result from any one severance application for a new lot. Consents that are to establish a legal right-of-way for more than 21 years will require an application for consent when it is not part of a proposed new lot.

(h) Consents which would result in landlocking a parcel will be denied. All new lots, except limited service residential lots, shall front onto and gain direct access from an existing public road which reflects a reasonable standard of pavement or gravel construction and is maintained year round by the municipality.

(i) Consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades.

(j) The creation of a residential lot having access only to former provincial highway No. 38 outside of the Settlement Areas for residential purposes will generally be discouraged. In special circumstances where there is no other alternative available, such lot may be considered provided that the Township approved the proposed entrance. Entrance requirements to former Highway 38 shall be in accordance with Ministry of Transportation guidelines and regulations. Access to new lots on former Frontenac County Roads will be guided by the Frontenac County Road Entrance Policy as amended from time to time.

(k) Any division of land must respect the separation distances for land uses as set out in this Plan and in the Zoning By-law.

(l) All division of land for new farm and non-farm uses shall comply with the Minimum Distance Separation Formulae I or II as amended.

(m) Road widenings may be required as a condition of any division of land.

(n) The Township is entitled to a dedication of land for park purposes as a condition on any division of land. Cash-in-lieu of land may be requested by the Municipality in situations where there is a public park in the area which is adequate for existing and future population. Cash-in-lieu may also be requested where the amount of land involved is small and therefore unsuitable for park development. Where lands are dedicated for park purposes, the Municipality will accept only those lands suitable for park use.

(o) For any division of land, the Municipality will impose certain conditions to the approval of the severance or subdivision. An agreement relating to the conditions may be required and may be registered on title.

(p) In considering applications for division of land, the Municipality may consult with the School Boards and any other Boards or Committees which must plan for future growth.

(q) The cumulative effect of development and the resulting financial implications for the Municipality will be monitored on an on-going basis.

(r) The Township will consider applications for severances in light of the number of accesses being created on Township roads. In order to ensure the proper functioning of the road system, the Municipality may require the use of shared entrances by abutting property owners or other such measures. Where a shared entrance is required, the landowners shall enter into an easement agreement which shall ensure that maintenance of the entrance will be the mutual responsibility of the affected landowners.

(s) Where applicable, the applicant will provide sufficient information to substantiate that all lots created have a source of potable water and appropriate sanitary sewage disposal facilities in accordance with current regulations to the satisfaction of the Township and the appropriate approval authority.

(t) Where municipal sanitary sewer and/or water and/or electrical capacity are required, no new lots shall be created where there is not sufficient municipal sanitary sewer and/or water and/or electrical capacity available to accommodate the proposed use.

7.1.1 Special Severance Policies - Shallow and Narrow Bodies of Water

Notwithstanding anything in this Plan to the contrary, no lot with waterfrontage shall be approved adjacent to a narrow waterbody unless the water frontage is at least 150 metres (492 ft.) in order to ensure safe boating and swimming conditions, to avoid an overdeveloped appearance in a constricted area and to help ensure a reasonable separation between residential uses. A narrow waterbody is an area where the minimum general distance from shoreline to shoreline is 150 metres (492 ft.) for a lake and 50 metres (164 ft.) for a river. Guidelines for measuring narrow waterbodies are included in Appendix 'B'.

Waterfront lots which are proposed adjacent to a shallow waterbody (less than 3 metres (10 ft.) deep, 30 metres (100 ft.) offshore at low water) may be required to have a water frontage of 150 metres (492 ft.). Unless the property abuts a natural sand beach, shallow waterbodies tend to be more environmentally sensitive and less intensive usage is appropriate. Reductions to this requirement will only be considered if convincing environmental evidence prepared by a qualified professional is presented by the applicant demonstrating that no negative impacts will result.

a) Special Lot Waterfrontage Criteria (Pt. Lot 9, Concession XIII, Bedford District).

Notwithstanding the provisions of subsection 7.1.1 to the contrary, the lands identified as Part of Lot 9, Concession XIII, Devil Lake, in Bedford District, which are identified on the Land Use Plan, Schedule 'A', may be developed in accordance with the following policies:

- The minimum waterfrontage for development shall be 91 metres (300 ft.)

b) Special Lot Waterfrontage Criteria (Pt.Lots 24 and 25, Concession X, Storrington District).

Notwithstanding the provisions of subsections 7.1.1to the contrary, the lands identified as Part of Lots 24 and 25, Concession X, Cranberry Lake, in Storrington District, which are identified on the Land Use Plan, Schedule 'A', may be developed in accordance with the following policies:

- The minimum waterfrontage for lot development shall be 91 metres (300 ft.).

- The lands subject to this 'Special Lot Frontage Criteria' shall be limited to the creation of one new residential building lot. No additional severances will be permitted on the retained property.

7.1.2 Timmerman Island

Notwithstanding the policy of this Plan that prohibits the placing of more than one dwelling on a lot, up to seven single detached dwellings may be permitted on Part Lots 27, 28 and 29, Concession 6, on Timmerman's Island (Bedford District), provided the following policies and all other relevant policies of this Official Plan are met:

(i) the property must have sufficient private mainland parking and boat docking/launching facilities to service the number of persons and single detached dwellings proposed without placing demands on existing public access facilities;

(ii) the lands will be placed in a separate category in the Zoning By-law. The location of the dwellings must meet the setbacks and other lot criteria of the Zoning By-law such that lot division could take place in the future if desirable;

(iii) these lands are proposed for site plan control. The required site plan will be in sufficient detail to permit it to be adapted for use as an application for a registered plan of subdivision. The development will be by a plan of subdivision, thereby ensuring that the land and the development shown on it will be capable of being subdivided in accordance with the policies of the Official Plan and the requirements of the Planning Act. The site plan shall be registered against the lands.

These policies are intended to allow development on the lands described only and they are not intended to be used to evade the normal consent or subdivision process.

7.2 GENERAL POLICIES FOR PLANS OF SUBDIVISION

In addition to all other policies of this Plan, the following general subdivision policies shall apply to all land use designations.

(a) Development of land by plan of subdivision shall be required when the creation of more than 4 lots, including severed and retained lots, is proposed.

(b) The proposed subdivision shall be at a scale which is compatible with the existing or anticipated scale of development in the area.

(c) Access roads shall have the capability to support the additional traffic loads anticipated from the proposal. Where upgrading and additional maintenance may be required, the Municipality will assess the financial impact of these additional expenditures and may levy charges or request a contribution from the developer to offset these costs. All subdivision development shall occur on a publicly maintained municipal road.

(d) New subdivision lots shall comply with the minimum lot areas and frontages in section 5.7.4 (ii) (a) of this Plan unless it is demonstrated through the subdivision review process that reductions to these minimums are justified based on good land use planning principles. For greater certainty, all lots shall have sufficient area so that a private well for water supply can be located without danger of contamination by the sewage system and so that a serious draw down of groundwater levels beyond the boundaries of the lot itself can be avoided.

An application for a privately serviced plan of subdivision shall be accompanied by a detailed hydrogeological study and such other analysis as is required in accordance with Ministry of the Environment guidelines, all of which shall be prepared by a qualified professional and satisfactory to the Municipality.
An application for a privately serviced plan of subdivision shall be in accordance with the Ministry of the Environment's guidelines.

(e) All applications for subdivision shall be accompanied by a preliminary stormwater management/drainage plan.

(f) Lots shall have access on an interior public road, developed to standards satisfactory to the Municipality. A limited number of lots may be permitted access on an existing municipal road of an appropriate standard where the Municipality is satisfied that such access is appropriate. Nothing in the aforementioned shall be construed as encouraging access to existing roads.

(g) As many trees as possible shall be preserved, particularly mature and healthy stands of trees and reforestation shall take place where appropriate.

(h) Topography and/or vegetation shall be maintained and augmented to create an appropriate or desirable environment and buffering may be requested to ensure compatibility with adjacent uses.

(i) Plans of subdivision shall be designed to allow for the appropriate integration of the subject lands with the adjacent lands.

(j) The proposal shall be appropriately served by existing levels of municipal services such as fire protection, police protection, garbage collection and school facilities. Any proposal requiring substantial upgrading to existing services will generally not be permitted unless it is determined by the Municipality and any pertinent agencies to be appropriate.

(k) The Municipality shall enter into a subdivision agreement with each developer as a condition of the approval of a Plan of Subdivision. This agreement will set out the internal and external services and obligations that shall be required of the developer.

(l) The developer shall provide background information satisfactory to the Municipality demonstrating the appropriateness of the location for the plan of subdivision. This information may include drainage studies, traffic impact studies and environmental impact statements.

(m) Plans of subdivision shall be compatible with adjacent areas and the general intent of this Plan.

(n) A cultural heritage resource assessment may be required for any lands to be subdivided. The assessment and any recommendations for the conservation of significant cultural heritage resources identified through the assessment may be a condition of subdivision approval and may be included in the subdivision agreement.

(o) The specific provisions of the Planning Act relating to plans of subdivision will apply in addition to the policies set out in this Plan.

(p) The Township is entitled to a dedication of land for park purposes as a condition on any division of land. Cash-in-lieu of land may be requested by the Municipality in situations where there is a public park in the area which is adequate for existing and future population. Cash-in-lieu may also be requested where the amount of land involved is small and therefore unsuitable for park development. Where lands are dedicated for park purposes, the Municipality will accept only those lands suitable for park use.

7.3 GENERAL POLICIES FOR PLANS OF CONDOMINIUM (Vacant Land with Common Elements)

In addition to all other policies of this Plan, the following general condominium policies shall apply to all land use designations.

(a) Development of land by plan of condominium shall be required when the creation of individual units and common areas within a single lot, is proposed.

(b) The proposed plan of condominium shall be at a scale which is compatible with the existing or anticipated scale of development in the area.

(c) Existing public access roads shall have the capability to support the additional traffic loads anticipated from the proposal. Where upgrading and additional maintenance may be required, the Municipality will assess the financial impact of these additional expenditures and may levy charges or request a contribution from the developer to offset these costs. All development shall occur on a common element private lane that is maintained through the condominium corporation.

(d) New condominium units shall comply with the minimum lot areas and frontages outlined in section 5.7.7 (ii) of this Plan. Reductions to these general requirements may be considered provided they are justified through the condominium approval process and provided they are based on good land use planning principles. For greater certainty, all units shall be supported by a sufficient area of land so that a private well for water supply can be located without danger of contamination by the sewage system and so that a serious draw down of groundwater levels beyond the boundaries of the lot itself can be avoided.

An application for a privately serviced plan of condominium shall be accompanied by a detailed hydrogeological study and such other analysis as is required in accordance with Ministry of the Environment guidelines, all of which shall be prepared by a qualified professional and satisfactory to the Municipality.

(e) All applications for condominium development shall be accompanied by a preliminary stormwater management/drainage plan prepared by a qualified professional and satisfactory to the Municipality.

(f) Condominium units shall have access on an interior common elements private lane, engineered and constructed to meet or exceed the Township's standards for new private lanes. A higher standard of lane construction may be required by the Township based on the scale of the development and/or conditions that would

adversely affect the quality of the lane construction. Nothing in the aforementioned shall be construed as encouraging access to existing roads.

(g) As many trees as possible shall be preserved as part of the development, particularly mature and healthy stands of trees and reforestation shall take place where appropriate.

(h) Topography and/or vegetation shall be maintained and augmented to create an appropriate or desirable environment and buffering may be requested to ensure compatibility with adjacent uses.

(i) Plans of condominium shall be designed to allow for the appropriate integration of the subject land with the adjacent lands. The subject land shall front onto a fully maintained public road and any newly-created private lane on the subject land shall gain its access directly from the public road.

(j) The proposed development shall be appropriately served by existing levels of municipal services such as fire protection, police protection and school facilities. Additional services shall be provided by the Condominium Corporation including communal garbage facilities at the public road. The corporation may be required to enter into an agreement with a private firm for the provision of these services. Any proposal requiring substantial upgrading to existing municipal services will generally not be permitted unless it is determined by the Municipality and any pertinent agencies to be appropriate.

(k) The Municipality shall enter into a condominium agreement with the owner in accordance with the Planning Act and Condominium Act as a condition of final approval of a plan of condominium. This agreement will set out the internal and external services and obligations that shall be required of the developer and will specify the necessary financial securities required by the Municipality to ensure that conditions of approval are fulfilled.

(l) The developer shall provide background information satisfactory to the Municipality demonstrating the appropriateness of the location for the plan of condominium. This information shall include a hydrogeological study (as noted above and may include drainage studies, traffic impact studies and environmental impact statements.

(m) Plans of condominium shall be compatible with adjacent areas and the general intent of this Plan.

(n) A cultural heritage resource assessment and/or an archaeological assessment may be required for any lands to be developed. The assessment and any recommendations for the conservation of significant cultural heritage resources

identified through the assessment may be a condition of condominium approval and may be included in the final agreement with the condominium corporation.

(o) Where units in a plan of condominium are created that front onto or are accessed by a common elements private lane maintained by the condominium corporation, a building permit may only be issued for the erection of a building or structure providing the applicant enters into an agreement with the Township which is to be registered on title of the subject property. This agreement is to indicate:

1. that the owner recognizes that the lot is located on a private lane which is not snowplowed or in any other way maintained by the Township.

2. that the disposal of garbage, snowplowing and any other road maintenance is the responsibility of the property owner; and

3. that the Township assumes no liability in the event that emergency vehicles are not able to access the lot because of impassable road conditions.

(p) The specific provisions of the Planning Act and the Condominium Act relating to plans of condominium shall apply in addition to the policies set out in this Plan.

(q) The Township is entitled to and will require a dedication of parkland or cash-in-lieu of parkland under the terms provided in the Planning Act.

8.0 IMPLEMENTATION

8.1 ZONING BY-LAW

Following approval of the Official Plan, the Municipality shall enact new Zoning By-law provisions to implement this Official Plan.

Zoning shall be the primary means for implementing the Official Plan. As set out in Section 34 of the Planning Act, the Zoning By-law will regulate the use of land, the erection and use of buildings and structures, yard requirements, setbacks, parking and loading space requirements and other such matters.

8.1.1 Interim Control By-laws

The Municipality may pass Interim Control by-laws to control the use of land, buildings or structures within designated areas of the Township and in accordance with the provisions of Section 38 of the Planning Act in order to prevent or limit development until detailed planning studies for the subject lands are completed and approved by the Municipality. Any Interim Control by-law approved by the Municipality shall initially be in effect for a period of up to one year from the date of passing of the by-law but may extend for a maximum of one additional year.

8.1.2 Temporary Use By-laws

Pursuant to Section 39 of the Planning Act, the Municipality may authorize the temporary use of land, buildings or structures for any purpose otherwise prohibited by the Zoning By-law. The temporary use may be initially authorized for a period of time up to three years from the date of the passing of the by-law, except in the case of garden suites which may be authorized for up to ten years. A Temporary Use By-law may be extended by by-law for further periods of not more than three years each. Upon the expiry of a Temporary Use By-law, the use authorized by the by-law shall cease, unless extended by by-law.

Where deemed appropriate by the Municipality, a Temporary Use By-law may be adopted for a purpose which does not conform to the Official Plan, provided that the long-term objectives and policy direction of the Plan shall not be adversely affected by the by-law.

8.1.3 Holding “h” Symbol

Pursuant to Section 36 of the Planning Act, the Municipality may use a holding “h” symbol to be used in conjunction with any zoning by-law passed under section 34 of the Act. The holding symbol is used when the proposed use of the subject land is known and

is specified in a zoning by-law but certain conditions must be met prior to the development proceeding. Such conditions may be the entering into of a site plan agreement with the municipality or the undertaking of certain studies or required infrastructure improvements or site grading. At such time as the requirements are met to the satisfaction of the municipality, the holding symbol may be removed by amendment to the by-law.

8.2 BUILDING BY-LAW

A Building By-law has been passed by the Municipality pursuant to the provisions of the Building Code Act.

8.3 MAINTENANCE AND OCCUPANCY

The Municipality may pass a Maintenance and Occupancy By-law for prescribing the standards for the maintenance and occupancy of property and for prohibiting the use of such property that does not conform to the standards.

8.4 OTHER BY-LAWS

By-laws passed by the Municipality under the authority of the Municipal Act or any other Act may implement the policies of this Plan. For instance, By-laws dealing with the regulation of derelict motor vehicles, wrecking yards, pits and quarries, trailers or signs may be passed by the Municipality where considered appropriate. Any such By-law shall conform to this Official Plan.

8.5 DIVISION OF LAND

The Municipality will use subdivision and consent approval processes to ensure control over the subdivision of land. All plans of subdivision and consent applications must conform to the requirements of this Plan. As part of the approval process, certain requirements may be imposed as a condition to the approval of a plan of subdivision or a consent and the owner may be required to enter into an agreement with the Municipality before final approval. The above will also apply to the creation of individual units in a Plan of Condominium.

8.6 CONSTRUCTION OF PUBLIC WORKS

Certain policies of this Plan will be implemented through the construction of public works. No public works will be undertaken that do not conform to the intent and purpose of the Official Plan.

8.7 LAND ACQUISITION

The Municipality may acquire and hold land within the Township for the purpose of developing any feature of the Official Plan. The Municipality may also sell, lease or otherwise dispose of such land when no longer required in accordance with the Municipal Act and other relevant provisions of this Plan.

8.8 AMENDMENTS

Amendments may be made to the Official Plan when such changes are warranted. The provisions of the Planning Act with respect to Official Plans apply similarly to amendments including the approval of the Minister or the Ontario Municipal Board as the case may be. When amendments are made to the Official Plan, appropriate amendments may also be required to the implementing By-laws so that any such By-law is in conformity with the Plan.

8.9 COMMITTEE OF ADJUSTMENT

When a Zoning By-law is in effect, a Committee of Adjustment may be appointed to rule on applications for minor variance from the provisions of the Zoning By-law. In granting a variance, the Committee will be satisfied that such variance is minor, is desirable for the appropriate development or use of the land, building or structure and that the intent and purpose of the Official Plan and Zoning By-law are maintained.

In addition, the Committee of Adjustment has the power to permit an extension or enlargement for a building or structure which is a non-conforming use and to grant consents for lands within the Township. The Committee will have regard for the policies of this Plan in reviewing such applications.

8.10 REVIEW PROCEDURE

It is the intention of the Municipality that a comprehensive review of the Official Plan take place at least every five years, should it be deemed to be warranted. The Township will monitor the Plan annually to determine if the objectives of the Plan are being met. If any of the assumptions on which this Plan is based were to change substantially, a partial or complete review of the Plan may be undertaken at that time in order to determine whether the policies of the Plan are still appropriate. In accordance with the Planning Act, as part of this review, the Municipality will hold a special public meeting to discuss the need for revisions to the Official Plan. If changes are warranted, appropriate amendments will be made following the review.

8.11 PROCEDURAL GUIDELINES

From time to time, the Municipality may adopt procedural guidelines in order to assist the Municipality, Municipal staff and the public in effectively dealing with such matters as subdivisions, consents and site plan control. These guidelines, while not forming a part of the Official Plan, will assist with its implementation.

9.0 INTERPRETATION

(a) It is intended that the boundaries of any land use designation shown on Schedule 'A' be considered as approximate only, except where bounded by such features as existing roads, railways, rivers or other natural features. Where the boundary is meant to reflect the boundary of a hazardous, environmentally sensitive or natural heritage feature, the edge of the floodplain, hazardous, environmentally sensitive or natural heritage feature is the boundary. It will not be necessary to make amendments to the Official Plan for minor variations in the approximate boundaries provided that the intent of the Plan is preserved.

(b) It is intended that all figures and quantities contained in the Plan be considered in the metric form. Amendments will not be required for any reasonable variation from these figures and quantities provided such variations meet the intent of this Plan.

(c) It is intended that buildings, structures and uses that are normally incidental and accessory to a permitted use will also be allowed even though not specifically stated in the land use policies. Further examples of permitted uses for the designations are intended to indicate the possible range of uses considered appropriate and not to be interpreted as all encompassing unless otherwise stated as such. All permitted uses shall be in conformity with the intent and policies of this Plan.

(d) Any significant change from the policies contained herein will require an amendment to the Official Plan and implementing By-law. If a change is major, particularly if it will cause changes in the way in which an area is developing, then the Official Plan should be reviewed in whole.

(e) Where any Act or portion of an Act is referred to in this Plan, such references will be interpreted to include any subsequent legislation that may replace the specified Act.

(f) For the purposes of this Plan, it shall be interpreted that the word "existing" when used in this Plan shall mean existing as of the date of the approval of this Plan by the Province of Ontario.

APPENDIX 'A'

EXCERPT FROM "RIDEAU LAKES STUDY"

5.3 SHORELINE SETBACKS

5.3.1 Overview

The Sewage System Regulations under the Environmental Protection Act require that sewage systems be set back 15 m from shorelines. This requirement is designed to protect surface water quality from effluent originating in tile fields and leaching beds on the basis of public health concerns. In recent years, the Ontario Ministries of the Environment and Natural Resources have been requesting setbacks for sewage systems and buildings on lake trout lakes which exceed those currently required for sewage systems only. As well, as noted in Section 5.1, some study area municipalities also require building and sewage system setbacks in excess of provincial requirements. The recent concerns advanced by the approval agencies relate to potential changes in lake trophic state due to phosphorus migration from tile fields and related shoreline development to surface waters, and the resulting effects on lake aesthetics and fish and wildlife habitat. Approval agencies are now viewing more extended setbacks as effective mechanisms to reduce impacts resulting from shoreline development.

The underlying principle of an extended setback is that, the greater the distance the tile field and development are from the lake, the greater the capacity of the intervening land base to intercept and retain phosphorus. Some of the factors contributing to phosphorus retention by soils are soil chemistry and absorption capacity, phosphorus concentration in and loading rate of septic tank effluent, composition and density of the vegetation cover, and slope conditions. It is logical to expect variations in the degree of effectiveness of different landscapes to mitigate potential trophic state impacts. For example, deep, sandy loam soils supporting continuous forest growth on level sites would naturally retain more phosphorus than shallow, discontinuous mantles over steeply sloping bedrock. It follows, therefore, that a development located on sites of the former type would not need as great a setback as one located on sites of the latter type.

The degree of setback required remains a matter of conjecture, and the research on the subject is inconclusive. Depending on their viewpoint and objectives, resource manager may phrase the question in one of two ways:

- how far back from a lakeshore must development be situated in order to significantly reduce phosphorus loads from tile fields and surface uses?
- or, how far back must development be situated before it can be assumed that no phosphorus above natural background levels will enter the lake?

Dillon and Rigler (1975) indicated that in Ontario's lake country, development beyond 305 m (1,000 ft.) of the shoreline of a lake or its inflowing streams or rivers should not have any phosphorus impact on the lake. However, this value was essentially picked out of the air.

In 1974, a joint Ministry of the Environment-Ministry of Natural Resources committee in Southeastern Ontario recommended a number of precautionary measures for new development on all recreational waters. The recommended measures were as follows (Aitkens 1975, p.3).

"(a) Set back of [30 m] as a buffer zone for the cottage and waste disposal systems.

(b) Preservation of the natural vegetation between the cottage and the lake i the buffer zone.

(c) The use of a tile bed with selected material with a good phosphate retention capability and the use of a siphon or pump to provide an even distribution of septic tank effluent to the tile bed."

"The proposal put forward by the Joint Committee for engineered tile bed systems combined with a [30 m] setback requirement for the primary structure (cottage) and waste disposal facility is intended as a total package for limiting phosphorus export from a cottage lot to sensitive recreational lakes. The tile bed system would be designed to ensure nutrient containment of the domestic wastes and the [30 m] buffer zone is intended primarily to limit the nutrient export associated with surface drainage (i.e. roof runoff, roads, parking space and soil disturbed during construction of the dwelling and waste disposal facility). As a secondary consideration, the [30 m] buffer zone of undisturbed soil mantle would provide an added margin of protection in the form of phosphorus retention for nutrients which might leave the tile field."

Field studies undertaken by Brandes (1974) on subsurface movement of pollutants showed that when tile field systems were constructed on soils containing more than 40% clay and silt, and the distance of the tile field to the lake or river was more than about 20 m, no chemical or microbiological pollutants reached the water body. However, when coarse sands (diameter 1.0 to 2.5 mm) were used to construct filter beds 100 cm in depth, a very insignificant removal of phosphorus was observed. Studies by Aitkens (1977) on phosphorus retention capabilities of granular soils on the Precambrian Shield indicated that the main limitation was soil depth, and recommended a 30 m setback for sensitive lakes in Southeastern Ontario. However, the literature also points out that the effluent does not necessarily fan out uniformly from tile fields, and, depending on local relief, soil depth, and the topography and character of the underlying bedrock or comparably impermeable subsoil, may form more concentrated plumes. While the use of a siphon or pump to provide an even distribution of septic tank effluent to the tile bed will obviously assist in mitigating or eliminating this problem, under certain site characteristics, the effluent may run along the soil-bedrock interface and not actually pass through much soil before reaching water bodies.

In a recent report presenting timber management guidelines for protecting fish habitats, the Ministry of Natural Resources (1988b) recommended varying buffer widths around

water bodies, depending on slope characteristics, as follows. Figure 5.1, below, shows the relationship between slope percentages and angles.

Slope	Slope Angle	Width of Area of Concern
0% - 15%	0 - 8^{o}	30 m
16% - 30%	9^{o} - 17^{o}	50 m
31% - 45%	18^{o} - 24^{o}	70 m
46% - 60%	25^{o} - 31^{o}	90 m

Although the above setbacks focus on timber operations rather than residential or cottage development, one of the key reasons for applying them relates to reducing "the input of phosphorus to water courses by reducing surface runoff and by trapping phosphorus-bearing sediment and logging debris" (Ontario Ministry of Natural Resources 1988b, pg. 1). In this sense, these setbacks might also be applied more generally to address trophic state concerns related to shoreline development.

However, we are of the opinion that factors other than slope are more important in setting out possible setback guidelines for shoreline development. In the following paragraphs, we describe those biophysical features which we consider to be important (soil depth, soil texture, slope, and vegetation cover), and a proposed scoring system which is subsequently related to recommended shoreline setbacks. We acknowledge that the suggested approach has not been developed on the basis of reams of data collected in a rigorous and scientific fashion; rather, it represents the results of the experience in applying and implementing development setbacks in a wide range of biophysical landscapes across Ontario for a variety of environmental protection and resource management purposes. Also, we emphasize that the discussion which follows relates to existing or predevelopment terrain conditions. An obvious consideration is how far back from the shoreline an analysis must be undertaken for any given lot or landscape. In certain situations, it will be immediately clear that a site has good development capability, and an evaluation of limited extent will be required. However, more complex sites will require more extensive analysis. In effect, the scope of any evaluation is clearly site dependent.

5.3.2 Soil Depth

The Ontario Sewage Systems Regulations require that the bottoms of distribution line trenches be at least 90 cm above impermeable surfaces, such as bedrock or compact clay. Given that the trenches themselves need to be from 60 to 90 cm deep, it follows that the deeper the soil, the more suitable it is for tile field installation. However, soil depth has other implications, the most critical being nutrient, and in particular phosphorus,

retention. In this regard, Robertson, Cherry, and Sudicky (1991) reported that phosphorus concentrations in groundwater (expressed as phosphate phosphorus) rapidly decreased with depth directly under weeping tiles; for example, they noted concentrations of 10 mg/L approximately 50 cm below the tiles, 1 mg/L about 100 cm below, and 0.1 mg/L about 150 cm below.

Based on the above considerations, the following scores are suggested for soil depth at the site of a proposed tile field.

Soil Depth	**Score**
>150 cm	0
100 - 150 cm	2
75 - 100 cm	4
50 - 75 cm	6
25 - 50 cm	8
<25 cm	10

5.3.3 Soil Texture

The influence of soil texture on water infiltration is well known, and forms much of the basis for establishing total distribution line lengths for septic tile field systems. In this regard, the optimum soils are those that have neither too fast a percolation rate (such as gravels and very coarse sands which do not allow sufficient time for pollutants in tile field effluent to be absorbed by soil particles), nor too slow a percolation rate (such as dense clays which could promote saturation of the tile bed). The Ministry of the Environment's manual for private sewage systems (1984) notes that percolation rates in the order of 0.1 to 0.001 mm/sec are characteristic of soils that are permeable to moderately permeable; these soils are well-suited for tile fields. Soils with faster percolation rates (in the order of 1 mm/sec) than this range are unacceptable for tile fields. Soils with slow rates (in the order of 0.0001 to 0.00001 mm/sec) are classified as having low permeablities, while those with even slower rates are unacceptable for tile fields. The specific percolation rates of native soils depend on the distribution of various particle sizes, with the percentage of fines (silts and clays) perhaps being the most critical factor. Imported fill of suitable texture and to adequate depths (raised tile beds) is generally required to amend those soils having low to unacceptable percolation rates.

Apart from affecting percolation rates, textural characteristics also influence to some degree a soils ability to retain phosphorus; soil chemistry (for example, aluminum, iron, and calcium concentrations) is perhaps of equal or greater important in this regard. Information on the specific phosphorus retention capacities of various soil texture classes is not well documented; however, data from various publications are informative and allow some generalizations. For example, studies on the subsurface movement of effluent from private sewage disposal systems (Brandes 1974 and 1975, and Robertson,

Cherry, and Sudicky 1991) indicate that a decrease in phosphorus concentration below and downgradient of the tile fields is generally relatively rapid, regardless of soil type. Based on the studies of Brandes (1974 and 1975), concentrations decreased most rapidly with increasing silt and clay content in the soil; up to 98% of phosphorus was removed in soils containing 40% silt and clay, with significant reductions in concentrations within the first 3 m of the tile fields. Although the reductions are not as dramatic with sandy soils, as much as 78% phosphorus removal was reported by Brandes (1974), and phosphorus concentrations were typically reduced to 0.1 mg/L within 20 m of the tile fields. Brands (1974) concluded that the bulk of the effluent phosphorus was fixed within the native soil matrix directly below and downgradient of the tile fields, so that phosphorus concentrations reaching the groundwater and/or nearby water bodies were very low, even where sandy soils predominated.

Robertson, Cherry and Sudicky (1991) undertook detailed groundwater monitoring of two single family residences to determine the impact of septic systems on shallow unconfined aquifers in southern Ontario. One site at Cambridge, located on a carbonate-rich sand aquifer, was in operation for over 12 years, while the other site on the Muskoka River near Bracebridge, on a poorly buffered, carbonate-depleted sand aquifer, was in operation for one year. While high levels (about 10 mg/L) of phosphorus were found in the septic tank effluent, concentrations were substantially attenuated immediately below the tile bed. For example, at the Cambridge site, "... phosphate phosphorus >1 mg/L [was] mostly confined to the aquifer area immediately below the tile bed, while at Muskoka, no detectable phosphate phosphorus (>0.02 mg/L) was observed in the groundwater zone." (Robertson, Cherry and Sudicky 1991, p. 9). While the precise mechanism of attenuation was not confirmed at either site, the geochemistry of the groundwater suggests a hydroxylapatite phosphate phosphorus complexing process at the Cambridge site, while at the Bracebridge site, attenuation was likely controlled by the presence of sparsely soluble phosphate minerals such as stregnite (an iron complex) or varisite (an aluminum-based compound), or by absorption.

There is no question that identifying, understanding, and confirming the mechanisms which determine the limits to phosphorus attenuation in different shoreline landscapes is important. For example, if the control is soil surface absorption, then phosphorus mobility will increase when the number of absorption sites are filled. However, if the controlling process continues indefinitely, as in the case of chemical combination with other effluent and soil constituents to form minerals, then phosphorus transport will not be a concern as long as the septic system continues to operate properly. In our opinion, it is probably not one mechanism or the other which operates in any one situation; rather, both mechanisms are likely in effect at most lakeshore sites. Regardless, some guidelines on the phosphorus retention capacity of soils are available; in this regard, the following are reproduced from Aitkens (1977, p. 9):

"1. Good phosphorus retention capability - generally greater than 7 mg/100 g of soil. Generally uniform results.

2. Acceptable phosphorus retention - generally greater than 6 mg/100 g of soil.
3. Marginally acceptable phosphorus retention - generally greater than 5 mg/100 g of soil.
4. Not acceptable - generally less than 5 mg/100 g of soil."

From the foregoing, it is difficult to designate a score based on soil texture, simply because coarse and fine textured soils influence percolation and phosphorus retention capacity in different ways. In this regard, tile fields installed on clay soils often need to be partially or fully raised due to the clay's low permeability. The site modifications necessary for this type of site would suggest implementing a more stringent setback than on a site where no soil-based modifications would be required. However, clay has a relatively high phosphorus retention capacity, which would suggest that limited setbacks are required. As a result, the best approach, until such time as more data becomes available, would be to base the score for each soil type on whichever of its percolation and phosphorus retention characteristics is less desirable, as suggested in the following table.

Characteristics

Soil Type	Percolation Rate	Phosphorus Retention Capacity	Score
coarse sand and gravel	excessively rapid	low	10
silty clay and clay	low to impermeable	high	7
well-graded sands	permeable to moderate	low to medium	5
silty sand, clayey sand, silt and fine sand	moderate to low	medium to high	3
sandy loam	moderate to low	medium to high	3
loam	permeable to moderate	medium to high	0

5.3.4 Slope

The Ministry of the Environment (1983a) indicated that the most suitable slopes for installing tile fields are from 0 to 9%. Slopes ranging from 10% to 25% necessitate special installation techniques, while slopes greater than 25% are unacceptable. However, apart from these engineering considerations, slopes can also affect the volume and direction of groundwater flow where bedrock is close to the surface (Ontario Ministry of Agriculture and Food 1983), and by implication, the flow of tile field effluent. Further, the greater the slope, the faster the flow and the greater the erosive potential and sediment-bearing capacity of runoff. As mentioned above, the Ministry of

Natural Resources has recommended various setbacks for timber operations from watercourses according to shoreline slope classes to reduce sediment and phosphorus loadings.

Given the above, the following scores are suggested for the average slope of the shoreline (see Figure 5.1 for illustration of the relationship between slope percentages and angles).

Slope	**Score**
0 - 9%	0
10% - 25%	5
>25%	10

FIGURE 5.1

SLOPE PERCENTAGES (%) AND ANGLES IN DEGREES (^{O})

Expressing slope as a percentage permits easy comparison of the relationship of the vertical (rise) to the horizontal (run). For example, a 30% slope will rise 30 m vertically over a horizontal distance of 100 m.

This system should work well where slopes are uniform; however, there will be an obvious difficulty in assigning a single value to the varied slope conditions typical of the shorelines of many Ontario lakes, particularly those situated on the Canadian Shield. An example of one approach for addressing this problem is provided by Wischmeier and Smith (1978). In deriving the Universal Soil Loss Equation, they dealt with irregular slopes by segmenting them into uniform, or relatively uniform, grades, after which the slope sections were weighted using predetermined slope length and steepness and soil loss factors. A similar kind of methodology could be used here, as follows:

- identify slope segments according to the three broad slope classes noted above;
- measure the total horizontal lengths of each slope class and determine their respective percentages of the total slope length;
- multiply the percentages by the appropriate scores (see above), and sum the products to yield a weighted score for the entire slope.

The following example shows how this might work for a representative 80 m slope.

Horizontal Length of Class

Slope Class	m	%	Class Score	Weighted Score
0 - 9%	10	12.5%	0	0
10% to 25%	30	37.5%	5	1.875
>25%	40	50%	10	5
Total	80	100%		6.875 = 7

5.3.5 Vegetation Cover

The primary influences of vegetation cover in terms of mitigating phosphorus input to water bodies are through direct uptake by roots from the soil solution (although this generally would only apply to the upper soil horizons where the bulk of the rooting systems occur), and through interception of rainfall and runoff and consequent reduction of erosion potential and transport of phosphorus-bearing sediments and particles. The relative important of different cover conditions in terms of these interrelated values has been expressed in varying ways, for example, vegetation cover types (forest, pasture, cultivated, wetland, etc.) as input factors for erosion soil loss equations. In this regard, the differences in the relative amounts of runoff from natural woodland, old field (permanent pasture), and meadow landscapes are quite minor. Assuming that these plant community types are undisturbed, runoff is typically low; however, trampling and grazing of fields generally produce greater amounts of runoff than woods, old fields, and

meadows, with some variation depending on specific crops and cultivation practices. For example, runoff from areas planted with row crops is generally greater than from areas planted with small grains or legumes or from rotation meadows. Runoff is greatest from straight row treatments, but somewhat less from contoured fields, and less still from contoured and terraced fields. As might be expected, fallow fields produce the greatest amounts of runoff (Wischmeier and Smith 1978 and Dickinson n.d.).

Given the above, an appropriate approach to addressing vegetation cover would be to assign scores to broad cover types, determine the percentage of the area under question covered by each type, and calculate a weighted score in the same manner as was done for slopes. Suggested cover types and their respective scores are as follows.

Vegetation Cover Type

	Scope
Undisturbed woodlands, old fields and meadows	0
Disturbed woodlands, old fields and meadows	3
Close-seeded legumes (clover, alfalfa) and rotation meadows	5
Row crops	7
Fallow fields and base bedrock outcrops	10

An example of how this approach might be applied to a 20 ha site with varying vegetation cover characteristics is as follows:

Cover Type	Area Covered ha	%	Class Score	Weighted Score
Undisturbed woodland	4	20%	0	0
Rotation meadow	6	30%	3	0.9
Row crops	10	50%	7	3.5
Total	20	100%		4.4 = 4

In addition, we would suggest that 5 points be deducted from the vegetation cover score for shorelines fronted by wetlands which extend a minimum of 10 m offshore and consist of dense emergent aquatics and/or lowland thickets or forests, and which are to be retained intact. In this regard, the effect of phosphorus loading on a receiving lake or rover is strongly dependent upon the timing and rate of addition. If phosphorus is added at a time when other factors are limiting algal growth, or when phosphorus is already abundant, little additional growth will occur. Factors which control the entry rates and timing of phosphorus loadings to lakes can effectively function to suppress unwanted growth. Accordingly, nearshore wetlands and the vegetation of the land-water interface are important in regulating the timing and rate of phosphorus loading; significant in this regard is the zone of emergent plants including species such as cattails and bulrushes, and

the complex community of microflora (algae and bacteria) that grow on the surfaces of the plants and sediments. When phosphorus is added to this zone, it is not immediately utilized and incorporated into plant tissue; rather it tends to be first assimilated by microflora in the sediments and on decaying plant material. The phosphorus is later recycled to the emergent plants, and eventually becomes part of the bottom sediments following aging and death of the plants.

It should be emphasized that the above vegetation cover type categories are defined at a general level for practical planning purposes. In reality, the actual runoff can vary widely within each category, depending on a number of specific factors such as species composition, plant physiognomy, and stand height, age, and density; however, measurement of these factors would require detailed scientific study.

5.3.6 Recommended Shoreline Setback and Tile Field Fill Guidelines

We propose that a site be assigned a recommended minimum horizontal setback from water, based on its total score as shown in the following table. The setbacks would be not only from the lakes themselves, but also from all permanent and seasonal watercourses tributary to the lakes. Within these setbacks, there should be no buildings, campsites or sewage systems. Vegetation within the setbacks should be disturbed as little as possible, and the soil mantle should not be altered.

Total Score	**Recommended Horizontal Setback Distance (m)**
36 - 40	90
31 - 35	80
26 - 30	70
21 - 25	60
16 - 20	50
11 - 15	40
#10	30

To illustrate how the scoring system would be applied, we provide here five examples representative of typical site characteristics of the Rideau Lakes basin.

1. Rugged terrain dominated by Precambrian bedrock, discontinuous mantles of permeable, sandy soil, and forest cover interspersed with bare outcrops (for example, the north shore of Westport Sand Lake, and the north shore of Upper Rideau Lake east of Westport).

-	soil depth <25 cm	10
-	permeable sandy soil	5
-	slope >25%	10
-	vegetation cover	8

- setback = 80 m 33

2. Moderately rolling lands underlain by Precambrian bedrock, with shallow but continuous soil and forest cover (for example, the north shore of Big Rideau Lake near Murphy's Point Provincial Park).

- soil depth 25 - 50 cm 8
- coarse-textured sand 10
- slope 10% - 25% 5
- vegetation cover 0
- setback = 60 m 23

3. Level to moderately sloping lands underlain by limestone bedrock, with shallow but continuous soil and plant cover, varying from forest to uniformly dense old field communities (for example, the south shore of Big Rideau Lake near Jacklins Bay).

- soil depth 25 - 50 cm 8
- silty sands 3
- slope 0 - 9% 0
- vegetation cover 0
- setback = 40 m 11

4. Level to moderately sloping lands underlain by limestone bedrock, with deep soils and plant cover consisting predominantly of old fields, meadows, and cultivated fields (for example, the south shore of Westport, Sand Lake and the south shore of Upper Rideau Lake east of Westport).

- soil depth > 150 cm 0
- sandy loam 3
- slope 0 - 9% 0
- vegetation cover 3
- setback = 30 m 6

Coupled with these setbacks would be requirements to ensure sufficient phosphorus retention within tile fields. To this end, tile field fill should be installed with and regularly maintained to a phosphorus retention capability of at least 6 mg/100 g of soil (Aitkens1977).

Also, consideration should be given to approving a given setback, on condition that the applicant undertake to modify or abandon cultivation and revegetate the property to the extent required to qualify for that setback through a reduced vegetation cover score.

In conclusion, we believe that if shoreland properties are developed in accordance with the above setback and fill guidelines, the phosphorus impacts of development on lake trophic state will be statistically insignificant.

Our proposed approach to setbacks and fill is based on a review of literature most relevant to Ontario and a wide range of practical experience throughout the province. However, these guidelines are not definitive, and are put forward on the assumption that they will be improved and refined over time as municipalities, resource management agencies, and landowners gain experience in working with them. If the guidelines are implemented, we recommend that after three to five years, a comprehensive evaluation of their strengths, weaknesses and potentials for improvement be conducted.

THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC

BY-LAW NUMBER

The Council of the Township of South Frontenac, in accordance with the provisions of Section 17 of the Planning Act, 1990, hereby enacts as follows:

1. That the attached text and schedule constituting The Official Plan of the Township of South Frontenac which was prepared by the Council of the Township of South Frontenac, is hereby adopted.

2. That the Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing for approval of the Official Plan of the Township of South Frontenac.

3. This by-law shall come into force and take effect in accordance with Section 17(38) of the Planning Act R.S.O. 1990 as amended.

READ A FIRST TIME THIS 5TH DAY OF SEPTEMBER, 2000.

READ A SECOND TIME THIS 5TH DAY OF SEPTEMBER, 2000.

READ A THIRD TIME AND FINALLY PASSED THIS 5TH DAY OF SEPTEMBER, 2000.

CLERK **MAYOR**

SEAL OF THE CORPORATION

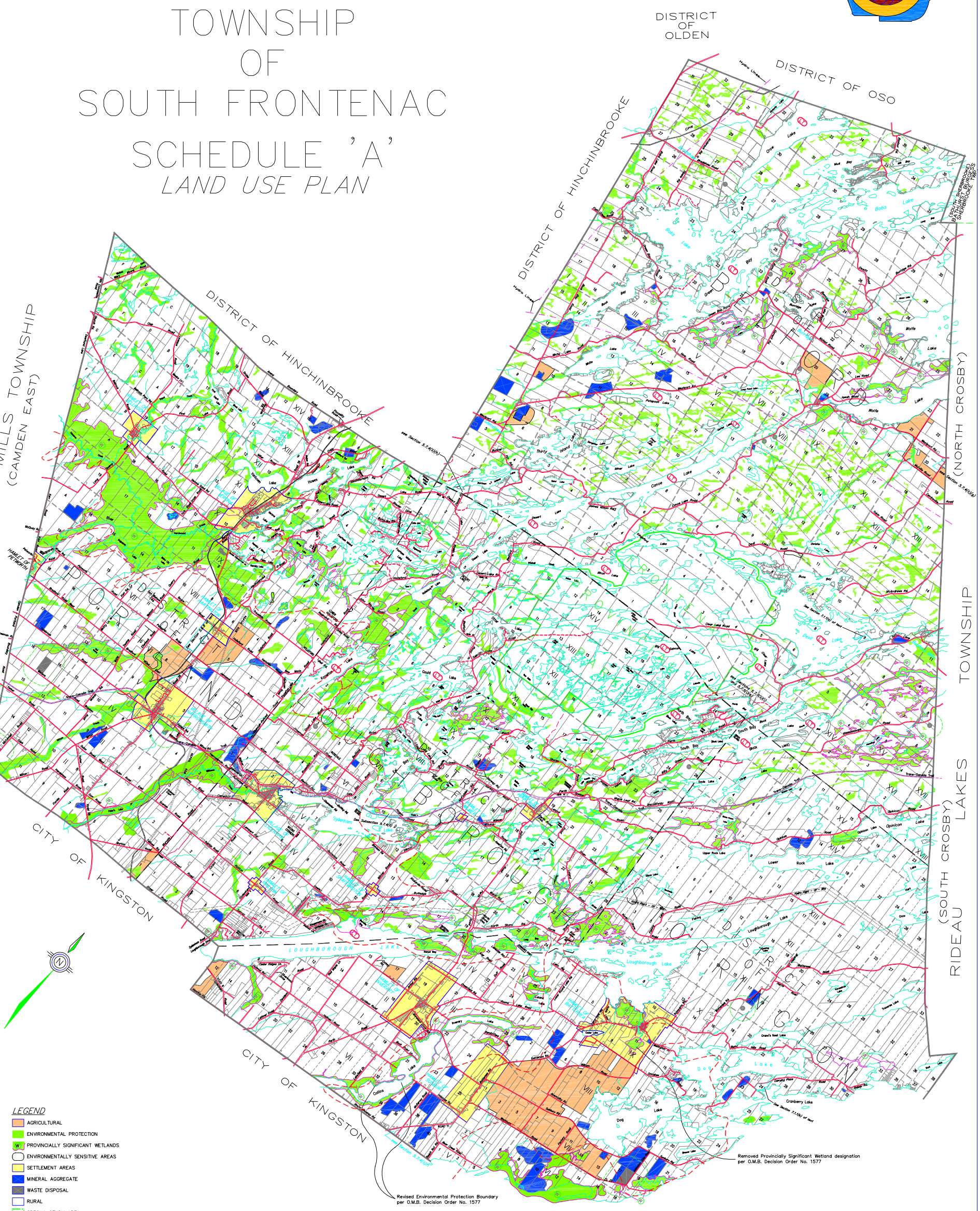
Certified that the above is a true copy of the By-law No. _____ as enacted and passed by the Council of the Corporation of the Township of South Frontenac on the _____ day of , 2000.

CLERK OF THE MUNICIPALITY

OFFICIAL PLAN OF THE TOWNSHIP OF SOUTH FRONTENAC

SCHEDULE 'A'

LAND USE PLAN


DISTRICT OF OLDEN
DISTRICT OF OSO
DISTRICT OF HINCHINBROOKE
STONE MILLS TOWNSHIP (CAMDEN EAST)
LOYALIST TOWNSHIP (ERNESTOWN)
CITY OF KINGSTON
CITY OF KINGSTON
TOWNSHIP OF SOUTH FRONTENAC (NORTH CROSBY)
TOWNSHIP OF RIDEAU LAKES (SOUTH CROSBY)
PORTLAND DISTRICT
PITTSBURGH DISTRICT
LOUGHBOROUGH DISTRICT
STORRINGTON DISTRICT
POWNAL DISTRICT
HAMLET OF HARROWSMITH
HAMLET OF ELPHIN
HAMLET OF FERNDALE
HAMLET OF HARLOWE
HAMLET OF HARTINGTON
HAMLET OF HARTLINGTON
HAMLET OF HARTWELL
HAMLET OF HARVEYS MILLS
HAMLET OF HARVEYS NECK
HAMLET OF HARVEYS POINT
HAMLET OF HARWOOD
HAMLET OF HARWOOD BEACH
HAMLET OF HARWOOD PLAINS
HAMLET OF HARWOOD POINT
HAMLET OF HARWOOD SHORES
HAMLET OF HARWOOD VILLAGE
HAMLET OF HARWOOD WOODS
HAMLET OF HARWOOD WOODS EAST
HAMLET OF HARWOOD WOODS WEST
HAMLET OF HARWOOD WOODS NORTH
HAMLET OF HARWOOD WOODS SOUTH
HAMLET OF HARWOOD WOODS CENTRAL
HAMLET OF HARWOOD WOODS EAST
HAMLET OF HARWOOD WOODS WEST
HAMLET OF HARWOOD WOODS NORTH
HAMLET OF HARWOOD WOODS SOUTH
HAMLET OF HARWOOD WOODS CENTRAL
Revised Environmental Protection Boundary per O.M.B. Decision Order No. 1577
Removed Provincially Significant Wetland designation per O.M.B. Decision Order No. 1577
LOUGHBOROUGH LAKE
Loughborough Lake
Sydenham Lake
Dog Lake
Cranberry Lake
Upper Rock Lake
Lower Rock Lake
Opinicon Lake
Bobs Lake
Crow Lake
Mud Bay
South Bay
Green Bay
Buck Bay
Pike Bay
Hyde Bay
Hoyer Bay
Cedar Ridges PA
Hartington PA
Hartwell PA
Hartwell Marsh PA
Hartwell Bay PA
Hartwell Creek PA
Hartwell Lake PA
Hartwell Point PA
Hartwell Shores PA
Hartwell Village PA
Hartwell Woods PA
Hartwell Woods East PA
Hartwell Woods West PA
Hartwell Woods North PA
Hartwell Woods South PA
Hartwell Woods Central

TOWNSHIP OF SOUTH FRONTENAC
COMPREHENSIVE ZONING BY-LAW
BY-LAW NO. 2003-75

PASSED SEPTEMBER 16, 2003
REVISED MAY 15, 2007
REVISED DECEMBER 18, 2012
REVISED JUNE 7, 2016

AMENDMENTS TO ZONING BY-LAW NO. 2003-75
CURRENT TO JUNE 19, 2018

BY-LAW #	DATE PASSED	ZONING MAP/TEXT	PURPOSE
2004-55	November 16, 2004	Schedule “A” and Text	From RU to RU-32
2004-59	July 13, 2004	Schedule “C”	From RRC-9 to RI-6
2004-63	August 3, 2004	Schedule “B” and Text	From RU to RW-21
2004-70	August 11, 2004	Schedule “A” and Text	From R to R-10
2004-71	May 18, 2004	Schedule “A” and Text	From RU to RU-28
2004-95	October 5, 2004	Schedule “H”	From EP to RLSI
2004-97	October 5, 2004	Schedule “C” and Text	From R-3-H to R-10
2004-102	January 24, 2006	Schedule “B” and Text	From RU to RU-29
2004-104	November 2, 2004	Schedule “C”	From RU to RLSW
2004-113	December 7, 2004	Schedule “A”	From RU to RI-1-H and From RI-1 to RU
2005-12	February 15, 2005	Schedule “D” and Text	From RW and RLSW to RW-21 and RW-22
2005-13	March 1, 2005	Schedule “E” and Text	From UR1 to UR1-5
2005-14	February 15, 2005	Schedule “E” and Text	From UI to UC-14
2005-21	March 15, 2005	Schedule “D”	From RU to RLSW
2005-22	March 15, 2005	Schedule “B”	From RU to RLSW
2005-31	April 19, 2005	Schedule “D”	From RU to Special R
2005-41	June 21, 2005	Schedule “A” and Text	From RLSW to RLSW-67
2005-49	May 17, 2005	Schedule “D” and Text	From RLSW to RRC-29
2005-51	June 7, 2005	Schedule “D”	From RU to RLSW
2005-52	June 7, 2005	Schedule “C” and Text	From RU to RU-30
2005-60	March 7, 2006	Text Change	R-5 (12 dwellings)
2005-61	July 5, 2005	Schedule “C” and Text	From RU to RU-31
2005-62	July 5, 2005	Schedule “E”	From UR1-H to UR1
2005-70	November 15, 2005	Schedule “C”	From OSP-5 to RU
2005-72	October 18, 2005	Schedule “C” and Text	From RRC-2 to RLSI-6 and RLSW-71
2005-78	September 6, 2005	Schedule “B”	From RU to RW
2005-79	September 6, 2005	Schedule “C” and Text	From RW to RLSW, RLSW-68 and RU

2005-80	September 6, 2005	Schedule “C” and Text	From RLSW to RLSW-69
2005-92	October 18, 2005	Schedule “F” and Text	From UR1 to UR2-1
2005-102	December 6, 2005	Schedule “C”	From RU to RLSW
2005-103	December 6, 2005	Schedule “E”	From CF to UR1
2005-104	December 6, 2005	Schedule “D”	From RLS-2 to RW
2006-01	January 10, 2006	Schedule “E”	From UC to UR2
2006-06	April 4, 2006	Schedule “E”	From RU to UR1
2006-08	September 5, 2006	Schedule “B”	From PB to RU-H
2006-09	February 7, 2006	Schedule “C”	From RU to RW
2006-15	March 7, 2006	Schedule “A”	From RU to RLSW
2006-16	March 17, 2006	Schedule “D” and Text	From RU to RU-33-H
2006-19	March 7, 2006	Schedule “D”	From RU to RLSW
2006-25	August 1, 2006	Schedule “D”	From RU-33-H to RU-33
2006-26	April 4, 2006	Schedule “D” and Text	From RLSW to RLSW-72-H
2006-30	March 21, 2006	Schedule “D”	From RRC-25 to RU
2006-37	April 18, 2006	Schedule “A” and Text	From RU to RU-34
2006-44	June 6, 2006	Schedule “A”	From RU to UC-15
2006-51	June 6, 2006	Schedule “E” and Text	From CF to UR1-6
2006-52	June 6, 2006	Schedule “B” and Text	From RU-24 and RLSW to RLSW-72
2006-53	OMB Approved June 1, 2006	Schedule “D” and Text	From RLS to RLSW and RLSW-70
2006-58	July 4, 2006	Schedule “E”	From RU to UR1
2006-59	July 4, 2006	Schedule “B” and Text	From EP to RW-17
2006-60	July 4, 2006	Schedule “C”	From RU to RLSW
2006-67	OMB Approved April 4, 2007	Schedule “A” and Text	From RLSW to RLSW-74
2006-68	August 1, 2006	Schedule “D”	From RU to RLSW
2006-79	September 5, 2006	Schedule B”	From RU-H to RU
2006-81	September 5, 2006	Schedule “E”	From CF to UR1
2006-85	September 19, 2006	Schedule “B” and Text	From RU to RW-24 and RW-25
2006-86	October 3, 2006	Schedule “B” and Text	From RC-10-H to RC-10
2006-102	November 7, 2006	Schedule “D”	From RU to RLSW
2006-114	December 5, 2006	Text Change	RRC-22 (more trailers)

2007-02	January 9, 2007	Schedule “D” and Text	From RU to RU-35
2007-03	January 9, 2007	Schedule “C and Text	From RU to RLSW and RLSW-75
2007-17	February 20, 2007	Schedule “H” and Text	From UR1 to UR1-7
2007-29	May 1, 2007	Schedule “D” and Text	From RU to RLSW and RLSW-78
2007-39	May 15, 2007	Schedule “A” and Text	From RU to RU-36
2007-42	May 15, 2007	All Schedules and certain Text	Housekeeping By-law
2007-52	June 5, 2007	Schedule “C” and Text	From A to A-1
2007-64	September 4, 2007	Schedule “D”	From RU to RW
2007-65	September 4, 2007	Schedule “D” and Text	From RU to CF-3
2007-67	September 18, 2007	Schedule “B” and Text	From RU to RLSW-57 and From RW to RU
2007-76	November 6, 2007	Schedule “C” and Text	From RU to RW-26 and RLSW
2007-85	November 27, 2007	Schedule “B” and Text	From RLSW to RLSW-79
2007-87	December 4, 2007	Schedule ”D”	From RU to RLSW
2007-92	December 18, 2007	Schedule “D”	From RU to RLSW
2007-93	December 18, 2007	Schedule “C”	From RU to RW
2008-02	January 8, 2008	Schedule “C” and Text	From RU to RW-27
2008-04	March 4, 2008	Text Change	RW-18 (setback)
2008-11	February 5, 2008	Schedule “B” and Text	From RU to UR1-8 and RU-37
2008-12	February 5, 2008	Schedule “D”	From RU to RLSW
2008-21	March 18, 2008	Schedule “C” and Text	From RU to RU-38
2008-38	December 16, 2008	Text Change	RRC-1 more units
2008-41	May 6, 2008	Schedule “A”	From UR1 to UI
2008-42	May 6, 2008	Schedule “C” and text	From RU to RU-40
2008-43	May 6, 2008	Schedule “B”	From OS to OSP and RW; From RU and RW to OS; Fr RLSW to OS
2008-47	June 17, 2008	Text Change	UC-14
2008-51	June 17, 2008	Schedule “D”	From RU to RLSW
2008-54	July 8, 2008	Schedule “C” and Text	From R-9-H to Special R
2008-55	August 5, 2008	Schedule “B” and Text	From RU to UI-4
2008-61	August 5, 2008	Schedule “B”	From RU to RLSW
2008-66	September 2, 2008	Schedule “B” and Text	From RU to RI-8
2008-67	September 2, 2008	Schedule “C”	From RU to RLSW

2008-68	September 2, 2008	Schedule “B” and Text	From RU to RLSW and RLSW-28
2008-69	September 2, 2008	Schedule “C”	From RU to RLSW
2008-70	September 2, 2008	Schedule “D”	From RU to RLSW
2008-74	October 7, 2008	Schedule “C”	From RU to RLSW
2008-75	October 7, 2008	Schedule “G” and Text	From UR1 to and UC to UC-17
2008-82	December 2, 2008	Schedule “B” and Text	From RU to RU-39 temporary use
2008-87	December 16, 2008	Schedule “E” and Text	From UR1 to UC-18
2009-02	January 13, 2009	Schedule “C” and Text	From RW to RW-29
2009-06	February 3, 2009	Schedule “D”	From RU to RLSW
2009-07	February 3, 2009	Schedule “B” and Text	From RLSW-72 to RLSW-81
2009-13	March 3, 2009	Schedule “D” and Text	From RU to RLSW-82
2009-17	March 17, 2009	Schedule “C”	From RU to RLSW
2009-26	April 1, 2009	Schedule “E” and Text	From UR1 to UC-19
2009-28	April 21, 2009	Schedule “B” and Text	From RU to RC-11
2009-37	May 19, 2009	Schedule “E” and Text	From RU to UC-20
2009-41	June 2, 2009	Schedule “D” and Text	From RU to RRC-34 and RLSW
2009-42	June 2, 2009	Schedule “C”	From RU to RLSW
2009-52	July 7, 2009	Schedule “C” and Text	From RU to RLSW-83 and RLSW-84
2009-53	July 7, 2009	Schedule “D” and Text	From RU to RRC-59
2009-54	July 7, 2009	Schedule “E”	From RU to UR1
2009-57	August 4, 2009	Schedule “B” and Text	From RU to CF-4
2009-66	September 1, 2009	Schedule “E”	From UC to UR1
2009-72	September 15, 2009	Schedule “E” and Text	From RU to UR1-9
2009-77	October 20, 2009	Schedule “H” and Text	From UR1 to UI-5
2009-78	October 20, 2009	Schedule “B” and Text	From RW to RU and RLSW-85
2009-79	October 20, 2009	Schedule “D” and Text	From RRC-46 to RLSW & from RU to RRC-46
2009-83	November 17, 2009	Schedule “C”	From RU to RLSW

2009-87	December 15, 2009	Schedule “C” and Text	From RRC-55 to RLSW-86
2009-88	December 15, 2009	Text only	R-18 setback changed
2009-89	December 15, 2009	Schedule “D”	From RU to RLSW
2009-93	January 12, 2010	Schedule “A”	From RU to QB
2010-02	January 12, 2010	Schedule “B and Text	From RI-4 to CF-4 Township Initiated
2010-04	January 12, 2010	Schedule “C”	From RU to RW & from RLS to RW
2010-05	January 12, 2010	Schedule “F”	From OS and UR1 to CF
2010-06	January 12, 2010	Schedule “B”	From RW to RLSW
2010-07	January 12, 2010	Schedule “E” and Text	From UR1- to UR1-10
2010-12	February 16, 2010	Schedule “B”	From RU to RW
2010-13	February 16, 2010	Schedule “E” and Text	From RU to RU-41
2010-21	November 20, 2013	Schedule “F”	From UR1 to CF
2010-16	March 2, 2010	Schedule “B” and Text	From RU to RU-42 temporary use
2010-22	April 6, 2010	Schedule “D”	From RU to RLSW
2010-31	May 4, 2010	Schedule “C” and Text	From R-20 to R-6 and R-22
2010-32	May 4, 2010	Schedule “B” and Text	From RW and PB to RLSW and RLSW-87
2010-33	May 4, 2010	Schedule “D” and Text	From RU to RW-30 & RW-31
2010-37	May 18, 2010	Schedule “C’ and Text	From RU to RU-43 temporary use
2010-43	June 15, 2010	Schedule “B”	From RW to RU & RLSW
2010-44	June 15, 2010	Text only.	Extend temporary use.
2010-45	June 15, 2010	Schedule “B” and Text	From R to R-23 temporary use.
2010-51	July 6, 2010	Schedule “C” and Text	From RU to RI-9
2010-52	July 6, 2010	Schedule “G” and Text	From UR1-2 to UC-21 and UI-5 and EP
2010-58	August 3, 2010	Schedule “B” and Text	From RU to RC-12
2010-59	August 3, 2010	Schedule “C” and Text	From RU to RU-44
2010-66	September 7, 2010	Schedule “C” and Text	From RU to RU-45
2010-74	October 5, 2010	Schedule “C”	From RU to RLSW
2010-76	October 5, 2010	Schedule “D”	From RU to RLSW
2010-82	November 2, 2010	Schedule “C”	From RLSW to RU & from RU to RLSW

2010-86	December 7, 2010	Schedule “A” and Text	From RU to QA-2
2011-04	January 18, 2011	Schedule “B” and Text	From RU to RLSW-88
2011-08	March 15, 2011	Text Change	Add new permitted use to UC-15
2011-16	March 15, 2011	Schedule “A” and Text	From RU to UR1 and RU-46
2011-18	March 15, 2011	Schedule “F”	Subdivision
2011-19	March 15, 2011	Text Change	Remove 50 m setback requirement
2011-28	May 3, 2011	Schedule “A”	From RU to CF & RC
2011-30	May 17, 2011	Schedule “D”	From RU to RLSW
2011-31	May 17, 2011	Schedule “C”	From RI-2 to RU
2011-32	May 17, 2011	Text Change	Change RRC-1
2011-41	July 5, 2011	Schedule “D” and Text	From RU to RLSW-82 and RLSW-89
2011-44	August 2, 2011	Schedule “H” and Text	From UR1 to UR1-11
2011-45	August 2, 2011	Schedule “C”	From RU to RLSW
2011-46	September 6, 2011	Schedule “A”	From RU-28 to RU
2011-62	October 4, 2011	Schedule “D”	From RU to RLSW
2011-68	November 1, 2011	Schedule “B”	From RU to RLSW
2011-69	November 1, 2011	Schedule “G” and Text	From UR1 to UR1-13
2011-82	December 20, 2011	Text Change	Temporary Use
2011-83	December 20, 2011	Text Change	Backyard Hens
2011-84	December 20, 2011	Schedule “B” and Text	From RU to WD-3 and OS
2011-85	January 10, 2012	Schedule “B” and Text	From RU to RC-14
2012-05	January 24, 2012	Schedule “B”	From RU to RLSW & RU-40
2012-17	March 6, 2012	Schedule “H” and Text	From UR1 to UR1-12
2012-19	April 3, 2012	Schedule “C”	From RRC-3 to RW
2012-21	March 20, 2012	Schedule “G” and Text	From UC-5 to UC-22
2012-25	April 17, 2012	Schedule “D” and Text	From RW to RW-32
2012-26	April 17, 2012	Schedule “B”	FromRLSW-81toRLSW
2012-35	June 5, 2012	Schedule “C”	From RLSW to RU
2012-39	June 19, 2012	Schedule “D”	From RU to RLSW
2012-47	August 7, 2012	Schedule “B”	From RI-8 to RU
2012-49	August 7, 2012	Schedule “A”	From RU to RU-28

2012-54	October 2, 2012	Schedule “A” and Text	From RU to RC-13
2012-62	October 16, 2012	Schedule “C” and “G” and Text	From RU to UR1-14
2012-64	November 6, 2012	Schedule “C”	From RU to RLS
2012-75	December 18, 2012	All schedules and certain text	Housekeeping by-law
2013-02	January 8, 2013	Schedule “B” and Text	From RLSW to RW-33
2013-04	February 5, 2013	Schedule “B” and Text	From RU to RLSW-91 and RLSW-92
2013-09	February 5, 2013	Schedule “D”	From RU to RLSW
2013-10	February 5, 2013	Schedule “E” and Text	From UR1 to UC-24
2013-17	March 5, 2013	Schedule “D” and Text	From RU to RW-34, RW-35 and RLSW-93
2013-20	March 5, 2013	Schedule “A”	From RU to RW
2013-21	March 5, 2013	Schedule “B”	From OS to RW
2013-32	June 4, 2013	Schedule “D” and Text	From RW to RRC-53
2013-34	June 4, 2013	Schedule “H” and Text	From UR1to CF, R-27, R-27-H, and EP
2013-40	June 18, 2013	Schedule “B”	From RC to RU
2013-43	July 2, 2013	Schedule “E”	From UC to UR1
2013-49	August 6, 2013	Schedule “D”	From RU to RU-h
2013-50	August 6, 2013	Schedule “D” and Text	From RLSW to RLSW-82 and RU
2013-51	August 6, 2013	Schedule “D”	From RLSW to RU
2013-55	September 3, 2013	Schedule “D”	From A to A1
2013-57	September 3, 2013	Schedule “C”	From A to RU
2013-62	October 1, 2013	Schedule “B” and Text	From RU to RU-47
2013-63	October 1, 2013	Schedule “C” and Text	From RRC-15 TO RRC-62
2013-75	December 17, 2013	Schedule “ B”	From RLSW to RLSW-H
2013-76	December 17, 2013	Schedule “B” and Text	From RLSW-60 to RLSW-H-60
2013-77	January 20, 2014	Schedule “C” and Text	From RLSW to RLSW-95: Approved by OMB
2014-01	January 7, 2014	Schedule “B” and Text	From RW to RLSW and RLSW-94
2014-10	February 4, 2014	Schedule “C”	From RU to RW
2014-13	February 18, 2014	Schedule “A”	From RU to RLSW and RLSW-67
2014-15	March 4, 2014	Schedule “C” and Text	From UR1 to UR1-15

2014-19	March 18, 2014	Text Change	Uses added to UC-20
2014-28	May 6, 2014	Schedule “G” and Text	From UC-21 and UI-5 to UC-25
2014-38	June 17, 2014	Schedule “A” and Text	From RU to RU-48
2014-41	July 8, 2014	Schedule “B” and Text	From RU to RW and RW-36
2014-42	July 8, 2014	Schedule “G”	From UC-23 to UR1
2014-43	July 8, 2014	Schedule “D”	From RU to RLSW
2014-49	August 5, 2014	Schedule “C” and Text	From RLSW-83 to RLSW-96
2014-65	November 4, 2014	Schedule “D” and Text	From RU to RRC-64 & RRC-32: from RRC-32 to RU
2014-60	October 7, 2014	Schedule “D” and Text	From RRC-46 to RRC-63
2014-66	November 4, 2014	Schedule “C” and Text	From UR1 to R-27
2014-70	December 16, 2014	Schedule “D” and Text	From RU to RU-33
2015-04	January 20, 2015	Schedule “A” and Text	From RU to RU-49
2015-09	February 3, 2015	Schedule “C” and Text	From RU & RU-40 to RLSW-97-h & RLSW-98-h & RLS-5-h
2015-20	June 2, 2015	Schedule “E” and Text	From UR1 to UR1-16
2015-28	June 2, 2015	Schedule “D” and Text	From RLSW-22 to RLSW & text (housekeeping)
2015-29	March 8, 2016	Schedule “E” and Text	From UR1 to UI-7 approved by OMB
2015-44	March 1, 2016 (OMB Settlement)	Schedule “C” and Text	From EP & RRC-2 to RLS-6-h, RLS-7-h, RLSW-99-h, RLSW-100-h & RLSW-101-h
2015-47	September 15, 2015	Schedule “D”	From CF-3 to RU
2015-55	October 20, 2015	Schedule “D”	From RU to RLSW
2015-64	December 15, 2015	Schedule “D”	From RLSW and RRC-35 to RLSW and RLSW-102
2016-08	March 15, 2016	Schedule “C” and Text	From RU to RW-37
2016-09	March 15, 2016	Schedule “B” and Text	From RU to RI-10-h
2016-10	March 15, 2016	Schedule “D”	From RU to RLSW
2016-12	March 1, 2016	Schedule “B” and Text	From RU to RU-50
2016-13	March 1, 2016	Schedule “D”	From OSP-4 to RLSW
2016-20	June 7, 2016	Schedules “B, “C” and “D” and certain Text	Housekeeping by-law
2016-21	March 15, 2016	Schedule “A” and Text	From RU to QA-3

2016-32	May 17, 2016	Schedule “D”	From OS to RLSW
2016-38	June 21, 2016	Schedule “D” and Text	From RLS-2 to RW, RLSW and RLSW-111
2016-41	July 5, 2016	Schedule “C” and Text	From RLSW to RLSW-112 and RLSW-113
2016-45	August 2, 2016	Schedule “C” and Text	From RRC-12 to RLSW & reduce # of cabins
2016-55	September 6, 2016	Schedule “E” and Text	From UI to UC-26 and EP
2016-56	September 6, 2016	Schedule “D”	From RU to RW
2016-61	October 4, 2016	Schedule “D” and Text	From RW to RW-38
2016-74	December 6, 2016	Schedule “E” and Text	From RU to RLSW-114, UR1-17 and CF-6
2017-06	February 21, 2017	Schedule “A”	From RU to RRC-42 and RLSW-117
2017-07	February 21, 2017	Schedule “A”	From RU to RW
2017-12	March 21, 2017	Schedule “F”	From UR1 to CF-H
2017-17	April 4, 2017	Schedule “G” and Text	From UC to UC-27-H
2017-22	May 2, 2017	Schedule “C”	From RRC-4 to RLSW
2017-39	July 11, 2017	Text only	New section 5.35 MDS and add Appendix 4
2017-40	July 11, 2017	Schedule “C” and Text (secondary dwelling)	From RLSW to RLSW-118
2017-41	July 11, 2017	Schedule “H”	From UR1 to CF
2017-58	December 5, 2017	Schedule “C” and Text	From RU-45 to RU and RLSW-115
2017-61	October 3, 2017	Schedule “E” and Text	From CF to UMR-2
2017-62	October 3, 2017	Schedule “H” and Text	From UR1 to UR1-18
2017-68	November 7, 2017	Schedule “B” and Text	From RU to RW-39
2017-69	November 7, 2017	Schedule “C’ and Text	From RU to RU-51

2017-74	December 5, 2017	Schedule “C”	From RW to OSP
2017-78	December 19, 2017	Schedule “B” and Text	From RU to R-29 McFadden Subdivision
2017-79	December 19, 2017	Schedule “C”	From RU to RW and RLSW
2018-03	January 16, 2018	Schedule “C”	From RU to RLSW
2018-17	March 20, 2018	Schedule “C” and Text	From RU to RU-52
2018-18	March 20, 2018	Schedule “E” and Text	From RU to UC-29-H
2018-29	May 1, 2018	Schedule “C” and Text	From RLSW to RW-40
2018-39	June 19, 2018	Schedule “E”	From RU to UC-29-H
2018-40	June 19, 2018	Schedule “A” and Text	From RU to RW-41
2018-41	June 19, 2018	Schedule “G”	From UR1 to UC
2018-42	June 19, 2018	Schedule “C”	From RRC-4 to RLSW

TOWNSHIP OF SOUTH FRONTENAC

ZONING BY-LAW

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THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC
COMPREHENSIVE ZONING BY-LAW
(By-law No. 2003-75)

SECTION 1 - PURPOSE

The purpose of the Comprehensive Zoning By-law is to implement the Official Plan which contains the goals and objectives of the municipality.

This comprehensive Zoning By-law is intended to prohibit the use of land and the erection or use of buildings or structures for or except for such purposes as set down in this by-law; to prohibit the erection or use of buildings on land which is subject to flooding, or on land by reason of its rocky, marshy or unstable character where the cost of construction of satisfactory waterworks, sewage, or drainage facilities is prohibitive; to regulate the height, bulk, location, size, floor area, spacing, character and use of buildings or structures; to regulate the minimum frontage and depth of a parcel of land and the portion of the area thereof that any building or structure may occupy; to require loading and parking facilities for buildings or structures erected or used for certain purposes; to prohibit the making or establishment of pits and quarries within defined areas and to regulate the making or establishment of pits and quarries within defined areas of the Township of South Frontenac.

SECTION 2 - TITLE

This By-law shall be cited as "Zoning By-law No. 2003-75" and shall apply to all land included within the Township of South Frontenac as shown on the attached schedules.

ZONING BY-LAWS OF THE FORMER TOWNSHIPS OF BEDFORD (BY-LAW 1997-16), LOUGHBOROUGH (BY-LAW 89-75), PORTLAND (BY-LAW 90-30) AND STORRINGTON (BY-LAW 1995-52) ARE HEREBY REPEALED.

READ A FIRST TIME THIS 16TH DAY OF SEPTEMBER, 2003.

READ A SECOND TIME THIS 16TH DAY OF SEPTEMBER, 2003.

READ A THIRD TIME AND FINALLY PASSED THIS 16TH DAY OF SEPTEMBER, 2003.

Original Signed by:	**Original Signed by:**
Mayor	**Administrator & Clerk**

I hereby certify that the following is a true copy of By-law No. 2003-75 as enacted by the Council of the Corporation of the Township of South Frontenac on the 16th day of September, 2003.

_____
Clerk, Township of South Frontenac

SECTION 3 - DEFINITIONS

For the purposes of this By-law, the definitions and interpretations in this Section shall govern unless the context indicates otherwise. The word "shall" is mandatory and not directory. Words used in the present tense include the future tense and the reverse. Words used in the plural number include the singular number and the reverse.

"ABATTOIR" shall mean a slaughter-house designed for the purpose of killing animals, skinning, dressing and cutting up of carcass, wrapping for sale for human consumption with cooler and freezer storage and may include indoor confinement of animals while awaiting slaughter but shall not include the manufacturing of meat by-products or any process related to rendering plants such as the manufacture of tallow, grease, glue, fertilizer, or any other inedible product.

"AGRICULTURE/AGRICULTURAL USE" shall mean the use of land, buildings or structures for the purposes of the growing of field crops, flower gardening, truck gardening, berry crops, tree crops, nurseries, aviaries, apiaries, maple syrup production, mushroom cultivation or farms for the grazing, breeding, raising, boarding of livestock or any other similar uses carried on in the field of general agriculture and aquaculture, including the sale of such produce, crops or livestock on the same lot.

"AGRICULTURE, INTENSIVE" shall mean land on which the predominant use is the commercial raising or feeding of cattle, hogs, poultry, rabbits or animals raised exclusively for their furbearing qualities, managed to maximize production and output in a confined area.

"AGRICULTURAL PRODUCE SALES OUTLET" shall mean a use accessory to a farm which consists of the retail sale of agricultural products produced on the farm where such outlet is located.

"ALTER" shall mean any alteration in a bearing wall or partition, column, beam, girder or other supporting member of a building or structure or any increase in the area or cubic contents of a building or structure.

“AREAS OF NATURAL AND SCIENTIFIC INTEREST (ANSI)” shall mean areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study, or education.

"ASSEMBLY OPERATION" shall mean the assembling of finished parts or materials into a final product but shall not include any large scale manufacturing operation or any operation discharging large amounts of liquids.

"AUCTION OUTLET" shall mean a building or part of a building where goods, merchandise, substances, articles or things are sold at a public sale to the person who bids or offers a higher price than any other is willing to pay.

"AUTOMOBILE" shall mean any vehicle propelled or driven otherwise than by muscular power, but does not include railway cars powered by steam, electricity or diesel fuel or other vehicles running upon rails.

"AUTOMOBILE BODY SHOP" shall mean a building where automotive cleaning, polishing, body repair and repainting is conducted but shall not include any other automotive use.

"AUTOMOBILE SALES AGENCY (New and Used)" shall mean a building and/or lot used for the display and sale of new and used automobiles and may include the servicing and repair of automobiles, the leasing or renting of utility or boat trailers and automobiles and the sale of automotive accessories and related products, but shall not include any other defined automotive use.

"AUTOMOBILE SERVICE STATION" shall mean a building or place where gasoline, propane, natural gas, diesel, oil, grease, anti-freeze, tires, tubes, tire accessories, spark plugs, batteries and other related items for automobiles, trucks, motorcycles, and snowmobiles are stored or kept for sale, or where such vehicles may be oiled, greased, washed or have their ignitions or brakes adjusted, tires inflated, batteries charged or more generally where repair or equipping of motor vehicles is executed or performed. An automobile service station may operate on a self-serve basis.

"BASEMENT" shall mean that portion of a building or structure which is partly underground and below the first floor and which has at least one half of its clear height above the adjoining ground level.

"BED AND BREAKFAST ESTABLISHMENT" shall mean a home occupation in a single detached dwelling containing not more than 4 guest rooms used or maintained for the short-term accommodation of the public, in which the owner or head lessee supplies, for hire or gain, lodgings with or without meals for 4 or more persons but does not include other establishments otherwise defined or classified herein.

"BOARDING OR ROOMING HOUSE" shall mean a dwelling in which long-term lodging with or without meals is supplied for gain to three (3) or more persons other than the lessee, tenant or owner of said dwelling, but does not mean or include a motel, hotel, hospital or similar commercial, community facility or institutional use, an apartment building or a bed and breakfast establishment.

"BUILDING (when used as a noun)" shall mean any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials, or equipment. Any tent, awning, bin, silo, vessel or vehicle used for any of the said purposes shall be deemed a building.

"BUILDING, ACCESSORY" (when used as a noun) shall mean a detached, subordinate building or structure that is naturally and normally incidental and subordinate to a principal use of a building or structure and is located on the same lot, and shall include a detached private garage, detached carport and a shipping container.

"BUILDING HEIGHT" shall mean the vertical distance between the average established grade and the highest point of the building or structure but does not include chimneys, antennas or other similar objects.

"BUILDING LINE, ESTABLISHED" shall mean the average setback of the existing buildings. A building line is considered to be established when at least three buildings have been erected on any one side of a continuous 300 metres (984.3 ft.) of land with street frontage.

"BUILDING, SUPPLY OUTLET" shall mean an establishment involved in the storage, display and sales of building supplies including lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning and similar items.

"BUILDING, PRINCIPAL" shall mean a building or structure in which the primary use is conducted.

"BULK STORAGE YARD" shall mean a place where land is used for the storage in the open of goods and materials, machinery, petroleum products and/or equipment, but does not include the storage of such items as would require approval under the Health Protection and Promotion Act, as amended, nor does it include a salvage yard as defined by this by-law.

"BUNKHOUSE" shall mean a separate building used or intended to be used for the seasonal accommodation of workers on a farm, in which lodging with or without meals is supplied or is intended to be supplied to such employees, and which use is not for profit, reward or gain.

"BUSINESS OFFICE" shall mean any building or part of a building in which one or more persons are employed in the management or direction of any agency, business, brokerage, labour or fraternal organization.

“BY-LAW ENFORCEMENT OFFICER" shall mean the officer or employee of the Township of South Frontenac appointed by the Corporation with the duty of administering and enforcing the provisions of all municipal by-laws.

"CARPORT" shall mean a building or structure of which at least forty percent (40%) of the area of the perimeter faces is open and unobstructed by any wall, door, post or pier and is used for the temporary parking or storage of private passenger motor vehicles or commercial vehicles of less than one tonne capacity and wherein neither servicing nor repairing of motor vehicles is carried on for remuneration.

"CAR WASH" shall mean building or structure for the operation of automobile washing.

"CAR WASH, AUTOMATIC" shall mean a car wash where the labour is not supplied by the patron.

"CAR WASH, COIN OPERATED" shall mean a car wash where the patron supplies the labour.

"CARTAGE OR EXPRESS TRUCK TERMINAL" shall mean a building, structure or place where trucks or tractor trailers are rented, leased, kept for hire, or stored or parked for remuneration, or from which trucks or transports, stored or parked on the property, are dispatched for hire as common carriers, and which may include a warehouse.

"CELLAR" shall mean the portion of a building or structure which is partly underground and below the first floor and which has at least one half of its clear height below the adjoining ground level.

"CEMETERY" shall mean a cemetery or columbarium within the meaning of the Cemetery Act, as amended.

"CERTIFICATE OF OCCUPANCY" shall mean a certificate issued by the Chief Building Official for the occupancy of any land, building or structure, residential, commercial or industrial purposes to the effect that the proposed use or activity complies with this By-law.

"CHIEF BUILDING OFFICIAL" shall mean the officer or employee of the Township of South Frontenac appointed by the Corporation with the duty of administering the provisions of the Ontario Building Code, Building By-law and Zoning By-law.

“CHIP TRUCK” shall mean a vehicular and mobile facility where light meals and drinks are prepared and served to the public and which does not necessarily provide for consumption thereof on the premises other than in parking areas.

"CHURCH" means a building for public worship and which may include a Church Hall, Auditorium, Sunday School, Convent, Monastery or other related uses, dedicated to public worship by a recognized religion that is:

a. charitable according to the laws of Ontario;
b. organized for the conduct of religious worship; and
c. permanently established both as to the continuity of its existence and as to its religious beliefs and practices.

"CLINIC" shall mean a building or part thereof used by qualified medical practitioners, dentists, osteopaths, or drugless practitioners, numbering more than two for public or private medical, surgical, physiotherapeutic or other human health purposes, but does not include a private or public hospital.

"CLUB" see "PRIVATE CLUB" and "COMMERCIAL CLUB".

"COMMERCIAL" shall mean the use of land, buildings or structures for the purpose of buying and selling commodities and supplying services as distinguished from such uses as the manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar uses.

"COMMERCIAL CLUB" shall mean any club other than a private club.

"CONSERVATION/CONSERVATION USES" shall mean the preservation, protection, improvement and use of land and/or water for the purpose of planned management of these natural resources.

"COMMUNITY CENTRE" shall mean any tract of land, building or buildings used for community activities whether used for commercial purposes or not, the control of which is operated under the Community Centres Act, as amended from time to time.

"CONTRACTOR'S YARD" shall mean a place where land is used for the storage in the open, of goods and materials, machinery and/or equipment normally utilized by the construction industry and may include the repair of machinery, but does not include the storage of such items as would require approval under the Health Protection and Promotion Act, as amended, nor does it include a salvage yard as defined by this by-law nor equipment or materials used for blasting.

"CONVERTED DWELLING" see "DWELLING, CONVERTED".

"CORNER LOT" see "LOT, CORNER".

"CORPORATION" shall mean the Corporation of the Township of South Frontenac.

“COUNCIL" shall mean the Municipal Council of the Corporation of the Township of South Frontenac.

"CRAFT SHOP" shall mean a building or structure where manufacturing is performed by tradesmen or craftsmen requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a tinsmith's shop, a potter's shop, a jeweller's shop, sculptor's studio or similar uses. A craft shop may also involve the sale of goods or materials manufactured on the premises.

"DECK" shall mean a horizontal surface supported on piers, free of any roof or other covering, and which may be surrounded by a railing the height of which is governed by the Ontario Building Code.

"DEVELOPMENT" shall mean the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act, but does not include activities that create or maintain infrastructure authorized under an environmental assessment process or works subject to the Drainage Act.

“DOCK” shall mean a structure built at the shoreline or anchored over water at which watercraft are berthed or stored and includes such structure whether floating or permanently anchored to the shore or the lake bed, but which excludes any structure used for human habitation.

"DRY CLEANING SHOP" see "LAUNDRY AND DRY CLEANING SHOP".

"DRIVE-IN RESTAURANT" see "RESTAURANT, DRIVE-IN".

"DRIVEWAY" shall mean an area of land which provides vehicular access from the travelled portion of a street to a parking aisle.

"DRY INDUSTRY" shall mean an industry which does not require the excessive use of water or other fluids in an industrial process.

"DUPLEX" see "DWELLING, DUPLEX".

"DWELLING" shall mean a separate residential building containing one or more dwelling units but does not include a hotel, a travel trailer, a bunkhouse or other similar use.

"DWELLING, ACCESSORY" shall mean a single detached dwelling which is accessory to a permitted non-residential use, located on the same lot therein and is occupied by either the owner or the person employed on the lot where such dwelling is located.

“DWELLING, SECONDARY” shall mean a self-contained residential household unit with kitchen and bathroom facilities located within an existing single detached dwelling - development of which is subject to the Building Code, Fire Code and the Township’s property standards by-laws.

"DWELLING UNIT" shall mean a group of rooms in a building which is designed and used or intended to be used as a single, independent and separate housekeeping establishment in which food preparation and sanitary facilities are provided for the use of the occupants, and which has a private entrance from outside the building or from a common hallway or stairway inside the building, but does not mean or include a tent, cabin, trailer, mobile home, seasonal residence or a room or suite of rooms in a boarding house, hotel, motel, motor hotel, or tourist home.

"DWELLING UNIT, ACCESSORY" shall mean a dwelling unit which is part of and accessory to a permitted non-residential building other than an automobile service station or commercial garage. Such dwelling unit shall be occupied by the owner of the non-residential building or by a person employed on the lot where such dwelling unit is located.

"DWELLING, CONVERTED" shall mean a dwelling altered to contain a greater number of dwelling units.

"DWELLING, DUPLEX" shall mean a building that is divided horizontally into two dwelling units, each of which has an independent entrance either directly or through a common vestibule.

"DWELLING, MULTIPLE" shall mean a separate building containing three or more dwelling units which are horizontally and vertically attached with masonry walls and which have separate private entrances from the exterior of the building or from a common hallway.

"DWELLING, SENIOR CITIZEN MULTIPLE" shall mean any multiple dwelling for senior citizen's sponsored and administered by any public agency or any service club, church or non-profit organization, either of which obtains its financing from Federal, Provincial or Municipal governments, or by public subscription or donation, or by any combination thereof, and such multiple dwellings shall include auxiliary uses such as club and lounge facilities, usually associated with senior citizen's development.

"DWELLING, SEASONAL" shall mean a detached building constructed and used as a secondary place of residence for seasonal vacations and recreational purposes and not as the principal residence of the owner or occupant thereof.

"DWELLING, SEMI-DETACHED" shall mean a separate building containing two dwelling units separated vertically by a common wall, each unit having separate entrance and exit facilities.

"DWELLING, SINGLE DETACHED" shall mean a separate building designed and intended to be occupied as a single housekeeping unit.

"EATING ESTABLISHMENT" shall mean a building or part of a building where food is prepared and/or cooked for sale to the public, and includes a restaurant, a drive-in restaurant, a take-out restaurant and a snack bar.

“ENDANGERED SPECIES” shall mean any native species, as listed in the Regulations under the Endangered Species Act, that is at risk of extinction throughout all or a significant portion of its Ontario range if the limiting factors are not reversed.

"ERECT" when used in this By-law includes construction, reconstruction, and relocation of buildings and structures, and without limiting the generality of the work, also includes:

a. any preliminary physical operation such as excavating, filling, regrading or draining;
b. altering any existing building or structure by adding, enlarging, extending, remodelling, renovating, moving, demolishing, or effecting other structural changes.

"ESTABLISHED GRADE" shall mean the average elevation of the ground level or sidewalk adjoining all outside walls of the building or structure.

"EXISTING" unless otherwise described, shall mean existing as of the date of the passing of this By-law.

"EXTERIOR SIDE LOT LINE" see "LOT LINE, EXTERIOR".

"EXTERIOR SIDE YARD" see "YARD, SIDE".

"FARM IMPLEMENT DEALER" shall mean an establishment for the repair and/or sale of agricultural implements including the sale of fuel, lubricants and related items for agricultural equipment on the same premises.

"FACTORY OUTLET" shall mean a building or part of a building in which the wholesale sale of products to the general public is carried on. The outlet may or may not be in the factory in which the goods were produced nor must the outlet be located on the same property in which the factory is located.

"FIRST FLOOR" shall mean the floor of a building at or immediately above the established grade.

“FISH HABITAT” shall mean the spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

"FLOOD PLAIN" shall mean:

a. the area, usually low lands, adjoining a watercourse which has been, or may be, covered by flood waters; or
b. where the high water mark is not known, any land situated between a watercourse and a line parallel to and at a distance of 15 metres (49.2 ft.) measured at right angles from the top of the bank of a watercourse; or
c. where the high water mark is not known and the bank of a watercourse is not discernible, the horizontal area, 20 metres (65.6 ft.) wide, on either side of the centre of a watercourse.

"FLOOR AREA, GROSS" shall mean the total floor area of all the storeys of a building and shall include the floor area of any apartment or areas common to the tenants, which floor areas are measured between exterior faces of the exterior walls of the building at each floor level, but excluding car parking areas within the building and any finished or unfinished basement or cellar. For the purpose of this definition, the walls of an inner court are and shall be deemed to be exterior walls.

"FLOOR AREA, GROUND" shall mean the floor area of the lowest storey of a building, approximately at or first above the finished grade level, of which the area is measured between the exterior faces of the exterior walls at the floor level of such storey, but excludes car parking areas within the building and any finished or unfinished basement or cellar. For the purpose of this paragraph, the walls of an inner court are and shall be deemed to be exterior walls.

"FORESTRY/FORESTRY USES" shall mean the commercial management, development, cultivation and harvesting of timber resources to ensure the continuous production of wood or wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, protection and production of water supplies, and preservation of the recreation resource.

"FRONT LOT LINE" see "LOT LINE, FRONT".

"FRONT YARD" see "YARD, FRONT".

"FUNERAL HOME" shall mean a building, or a portion of a building, designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for interment or cremation.

"GARAGE, PRIVATE" shall mean a separate building or a part of the principal building used for the parking or storage of private passenger motor vehicles or commercial vehicles of less than one tonne capacity and wherein neither servicing nor repairing is carried on for remuneration.

"GARDEN SUITE" shall mean a manufactured detached dwelling consisting of separate modular or panelized sections which are designed to permit easy delivery to and assembly into one integral unit on a specific site, and which are reusable and designed to permit easy disassembly for transport back to the factory or to another site at an appropriate time. Under no circumstances shall a garden suite be defined to include a single wide or double wide mobile home, a travel trailer, tent trailer or trailer otherwise designed.

"GIFT SHOP" shall mean a building or part of a building where crafts, souvenirs, gifts or similar items are offered or kept for sale at retail to the general public but shall not include any other establishment otherwise defined or classified in this By-law.

"GOLF COURSE" shall mean a public or private area operated for the purpose of playing golf and includes a par 3 or larger golf course.

"GREENHOUSE" shall mean a building for the growing of plants, shrubs, trees and similar vegetation which are primarily intended to be transplanted outdoors.

"GROUP HOME" shall mean a dwelling unit in which not less than three nor more than six people receive specialized or sheltered residential care and accommodation by virtue of their physical, mental, emotional, social or legal status and which is approved or licensed in accordance with any Act of the Parliament of Ontario. Without limiting the generality of the foregoing, group homes include a home for foster children, a home for elderly persons, a home for mentally or physically challenged persons and a home for people who are convalescing after hospital treatment and are under medical supervision but does not include a facility maintained and operated primarily for persons:

a. who have been placed on probation under the Probation Act, The Criminal Code (Canada) or the Juvenile Delinquent Act (Canada); or
b. who have been released on parole under the Ministry of Correctional Services Act; the Parole Act (Canada) or the Provincial Offenses Act; or
c. who are admitted to the institution for correctional purposes.

“HEALTH SPA” shall mean a building or buildings and associated land, facilities and accessory buildings and uses which provide for the physical and emotional treatment of the human body.

"HEREAFTER" shall mean after the date of the passing of this By-law.

"HEREIN" shall mean in this By-law and shall not be limited to any particular section of this By-law.

"HIGH WATER MARK" shall mean the mark made by the action of water under natural conditions on the shore or bank of a waterbody, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.

“HOBBY FARM” shall mean an agricultural use as defined in Section 3.2 of this By-law which is carried out on a parcel of land which is 9.9 ha (24.2 acres) or less in size.

"HOME INDUSTRY" shall mean an industry which is clearly incidental or secondary to the residential use of a single detached dwelling and is conducted either entirely within a single detached dwelling or in an accessory building to a single detached dwelling, by an inhabitant thereof. Such industries shall include: a veterinary hospital or clinic; woodworking; welding; plumbing; a machine or automobile body shop, a blacksmith or similar use. Retail uses may be permitted as a secondary use to a home industry provided the goods offered for sale have been manufactured or assembled on site.

"HOME OCCUPATION" shall mean a use which is clearly incidental or secondary to the residential use of a dwelling and is conducted entirely within such a dwelling by an inhabitant thereof and shall not use more than 25% of the gross floor area, including any basement, of the dwelling. Such uses may, among others, include: an outlet or office for a real estate agent;

hairdresser; dressmaker; dentist; doctor; chiropractor; physiotherapist; licensed masseur or masseuse or osteopath or other professional; or a bed and breakfast establishment.

"HOSPITAL, PRIVATE" shall mean a hospital as defined by the Public Hospitals Act, as amended from time to time.

"HOSPITAL, PUBLIC" shall mean a hospital as defined by the Public Hospitals Act, as amended from time to time.

"HOTEL" which includes a motel, motor hotel or inn, shall mean a building or structure used for the purpose of catering to the needs of the travelling public by supplying sleeping accommodations, food and refreshments.

"INSTITUTION" AND "COMMUNITY FACILITY" shall mean a building or part of a building used for non-commercial purposes by a public authority, organized body, religious group or society such as a public hospital, library, church, school, nursery school, convent or similar use.

"INTERIOR SIDE YARD" see "YARD, SIDE".

"KENNEL" shall mean a building or structure for the care of four (4) or more dogs, cats or other domestic household pets where such animals are kept commercially for boarding, training, propagation, grooming or sale.

"LANDSCAPED" shall mean an area not built upon and not used for any purpose other than as a landscaped area and which shall include at least a hedgerow of hardy shrubs or similar type of vegetation not less than .3 metres (0.98 ft.) in height at the time of planting and which, when fully grown, will reach a height of not less than 2 metres (6.6 ft.), extending the full length of the landscaped area and be maintained in a healthy growing condition. A landscaped area does not include driveways, parking spaces or parking aisles.

"LAUNDRY AND DRY CLEANING SHOP" shall mean a building or part of a building used for the purpose of receiving articles or goods of fabric to be subjected to a commercial process of laundering, dry cleaning, dry dyeing or cleaning elsewhere and for the pressing and distribution of any such articles or goods which have been subjected to any such process and shall include self-service laundry and/or self-service dry cleaning establishments.

"LIVESTOCK FACILITY" shall mean a manure storage system, feedlot or a building used to house livestock and poultry such as dairy and beef cattle, horse, swine, sheep, pigs, mink, rabbits, goats, geese, hens, turkeys and chickens.

"LOADING SPACE" shall mean an unencumbered area of land which is provided and maintained upon the same lot or lots upon which the principal use is located and which area:

a. is provided for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking shall not be for the purpose of sale or display;
b. is suitable for the temporary parking of one commercial motor vehicle;
c. is not upon or partly upon any street, lane or alley; and

d. has adequate access to permit ingress and egress of a commercial motor vehicle from a street by means of driveways, aisles, manoeuvring areas or similar areas, no part of which shall be used for the temporary parking or storage of one or more motor vehicles.

"LODGE" shall mean an establishment catering to the holidaying public by providing meals, and sleeping accommodation to at least five (5) guests in rooms or cabins, but shall not include any establishment otherwise defined herein.

"LOT" shall mean a parcel of land, the boundaries of which are defined in the last registered instrument by which legal or equitable title to the said parcel was lawfully and effectively conveyed or which is a whole lot as shown on a Registered Plan of Subdivision subject to the provisions of the Planning Act.

"LOT AREA" shall mean the total horizontal area within the lot lines of a lot, and in the case of a corner lot having street lines rounding at the corner with a radius of 6 metres (19.7 ft.) or less, the lot area of such lot is to be calculated as if the lot lines were projected to their point of intersection.

"LOT, CORNER" shall mean a lot situated at the intersection of two or more streets or private lanes, having an angle of intersection of not more than 135 degrees. The front lot line on a corner lot is deemed to be either lot line abutting the street.

"LOT COVERAGE" shall mean that percentage of the lot area covered by all buildings or structures but excluding any part of a building or structure which is constructed entirely below grade. For the purposes of calculating lot coverage, the lot coverage of each zone shall be deemed to apply only to that portion of such lot that is located within the said zone.

"LOT DEPTH" shall mean the horizontal distance between the midpoints of the front and rear lot lines, and where there is no rear lot line, lot depth means the length of a line within the lot between the midpoint of the front lot line and the most distant point of the apex(s) of a triangle formed by the side lot lines.

"LOT FRONTAGE" shall mean the horizontal distance between the side lot lines measured along the front lot line, but where the front lot line is not a straight line or where the side lot lines are not parallel, the lot frontage is to be measured 9 metres (29.5 ft.) back from the front lot line and parallel to the chord of the lot frontage. For the purpose of this paragraph the chord of the lot frontage is a straight line joining the two points where the side lot lines intersect the front lot line.

"LOT, INTERIOR" shall mean a lot other than a corner lot.

"LOT LINE" shall mean any boundary of a lot.

"LOT LINE, EXTERIOR SIDE" shall mean the longer of the lot lines of a corner lot which abuts a street.

"LOT LINE, FRONT" shall mean the line that divides a lot from a street, a private lane or a navigable waterway. In the case of a lot with frontage on a street, the front lot line shall be deemed to be the line that divides the lot from the street. In the case of a lot with frontage on a private lane and a navigable waterway, the lot line between the waterway and the lot shall be

deemed to be the front lot line. In the case of a corner lot either lot line may be deemed to be the front lot line. In the case of a lot with frontage on a public road and a navigable waterway, the lot line between the street and the lot shall be deemed to be the front lot line.

"LOT LINE, REAR" shall mean the lot line farthest from and opposite to the front lot line and where the side lot lines converge at the rear of the lot to form a triangular shaped parcel of land, the rear lot line shall mean the apex of the triangle formed by the side lot lines. Furthermore, where the rear lot line is situated adjacent to a body of water, such lot line shall be the line formed by the high water mark of a body of water.

"LOT LINE, SIDE" shall mean any lot line other than the rear or front lot line.

"LOT, THROUGH" shall mean a lot bounded on two opposite sides by streets provided however that if any lot qualifies as being both a corner lot and a through as herein defined, such lot shall be deemed a corner lot for the purpose of this By-law.

"MARINA" shall mean a building or structure with access to a body of water, where boats and boat accessories are berthed, stored, serviced, repaired or kept for sale and where facilities for the sale of marine fuels and lubricants may be provided.

“MARINE FACILITY” shall mean a dock, a boat launch, or a pumphouse, and shall not include boat houses.

"MARKET GARDEN" shall mean the use of land for the intensive commercial cultivation of vegetables, fruits or flowers.

“MERCHANDISING SERVICE SHOP” shall mean a building or part of a building in which persons are employed in furnishing the repair or servicing of articles, machines, goods or materials as opposed to the manufacture of same. Merchandising repair shops include such establishments as small engine repair of such items as lawn mowers, chain saws and snowmobiles.

“MINERAL AGGREGATE” shall mean gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailing or other material prescribed under the Mining Act.

“MINERAL AGGREGATE OPERATION” shall mean:

a. lands under license or permit, other than for a wayside pit or quarry, issued in accordance with the Aggregate Resources Act, or successors thereto;
b. for lands not designated under the Aggregate Resource Act, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
c. associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate, or the production of secondary related products.

“MINERAL MINING OPERATION” shall mean mining operations and associated facilities, or, past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use.

"MINIMUM DISTANCE SEPARATION", as amended from time to time, shall mean a separation requirement as provided for in Appendix 1.

a. Minimum Distance Separation I provides minimum distance separation for new or expanding development from existing livestock facilities.
b. Minimum Distance Separation II provides minimum distance separation for new or expanding livestock facilities from existing or approved development.

“MOBILE HOME” shall mean any dwelling that is designed to be made mobile, and constructed or manufactured in accordance with CSA standards for mobile homes to provide a permanent residence for one or more persons, but does not include a modular home or travel trailer as defined herein.

“MODULAR HOME” shall mean a transportable factory built, single detached dwelling unit at least 6 metres (19.7 ft.) in width designed in more than one unit to be towed on its own chassis by a special towing vehicle or transported on a railway flat and assembled on the site into one integral unit, and which is designed for continuous occupancy on a year-round basis but shall not include a mobile home or travel trailer, as defined herein.

“MODULAR HOME SITE” shall mean a parcel of land for placement of a modular home and for the exclusive use of the occupants.

"MULTIPLE DWELLING" see "DWELLING, MULTIPLE".

"MUNICIPALITY" shall mean the Corporation of the Township of South Frontenac.

“NAVIGABLE WATERWAY” shall mean a body of water or a stream pursuant to the Beds and Navigable Waters Act or the Navigable Waters Protection Act.

"NON-COMPLYING USE" shall mean a permitted land use, building or structure existing at the date of the passing of this By-law which does not comply with a setback provision or provisions of the zone within which it is located.

"NON-CONFORMING USE" shall mean a building, structure or land existing at the date of the passing of this By-law which is used for purposes not permitted in the respective zone in which it is located.

"NURSERY OR GARDEN CENTRE" shall mean a place where young trees are grown to be sold for transplanting and may also include the sale of related accessory garden supplies as well as the sale of fruits and vegetables provided such sale is subordinate to the select nursery stock.

"NURSING HOME" shall mean a nursing home within the meaning of the Nursing Homes Act, as amended from time to time.

"NURSERY SCHOOL" shall mean a day nursery within the meaning of the Day Nurseries Act, as amended from time to time, and shall include a day care centre.

"OPEN SPACE/OPEN SPACE USES" shall mean the open, unobstructed space on a lot, including the open, unobstructed space accessible to all occupants of any residential or commercial building or structure, which is suitable and used for the growth of grass, flowers, bushes and other vegetation and may include any surface pedestrian walk, patio, pool, or similar area, but does not include any driveway, ramp or parking spaces, parking aisles, loading spaces, vehicular manoeuvring areas or similar areas.

"OUTSIDE STORAGE" shall mean an accessory storage area outside of the principal or main building on the lot.

"PARK, PRIVATE" shall mean a park other than a public park.

"PARK, PUBLIC" shall mean a recreational area owned or controlled by the Corporation or by any Board, Commission or other Authority established under any statute of the Province of Ontario or Government of Canada.

"PARKING AISLE" shall mean an area of land which abuts and provides direct vehicular access to one or more parking spaces.

"PARKING AREA" shall mean an off-street area of land which is provided and maintained and which area comprises all parking spaces of at least the minimum number and size required according to the provisions of this By-law, and all driveways, aisles, vehicular manoeuvring areas, entrances, exits and similar areas used for the purpose of gaining access to or egress from the said parking spaces.

"PARKING SPACE" shall mean an off-street area of land, exclusive of aisles or any other land used for access or vehicular manoeuvring, for the temporary parking of one motor vehicle. A parking space may be located in the open or within a private garage, carport, building or other covered area and shall have adequate access to permit ingress and egress of a motor vehicle from a street by means of driveways, aisles or similar areas.

"PERSON(S)" shall mean any human being, association, firm, partnership, private club, incorporated company, corporation, agent, or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law.

"PERSONAL SERVICE SHOP" shall mean a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons. Personal service shops, include such establishments as barber shops, hairdressing salons, shoe repair and shoeshine shops and depots for collecting drycleaning and laundry.

“PET CEMETERY” shall mean land used as a burial ground for domestic pets and may include accessory buildings or structures.

"PIT" shall mean land or land under water from which unconsolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water

excavated for a building or other work on the excavation site or in relation to which an order has been made under the Aggregate Resources Act.

"PRIVATE CLUB" shall mean a building or part of a building used as a meeting place for members of an organization and includes a lodge, a fraternity, and a labour union hall. Such private clubs shall not be operated for profit.

"PRIVATE GARAGE" see "GARAGE, PRIVATE".

"PRIVATE HUNTING CAMP" shall mean a premises designed to provide temporary sleeping accommodation for one or more persons engaged in hunting.

"PRIVATE LANE" shall mean a street other than a "Street" as defined in this By-law.

"PRIVATE PARK" see "PARK, PRIVATE".

"PROFESSIONAL OFFICE" for the purposes of this By-law, is defined as one or more of the following: the office of an Accountant, Advertising Agent, Architect, Auditor, Chiropractor, Dentist, Engineer, Hairdresser, Insurance Agent, Lawyer, Ontario Land Surveyor, Optometrist, Physician, Planner, and Real Estate Agent or other similar professional occupations.

"PUBLIC AUTHORITY" shall mean the Corporation of the Township of South Frontenac and any Boards or Commissions thereof, the Bell Telephone Company of Canada, any company supplying natural gas or electricity to the Township and any Department of the Government of Ontario and Canada, or other similarly recognized agencies.

"PUBLIC PARK" see "PARK, PUBLIC".

"QUARRY" shall mean land or land under water from which consolidated aggregate is being or has been excavated and that has not been rehabilitated, but does not mean land or land under water excavated for a building or other work on the excavation site or in relation to which an order has been made under the Aggregate Resources Act.

"REAR LOT LINE" see "LOT LINE, REAR".

"REAR YARD" see "YARD, REAR".

"RECREATIONAL USE" shall mean the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, riding clubs, day camps, community centres, snow skiing and all similar uses, together with necessary and accessory buildings and structures, but does not include an arcade, a track for the racing of animals, motor vehicles, snowmobiles or motorcycles.

"RECREATIONAL USE, ACTIVE OUTDOOR" shall mean uses such as golf courses, lawn bowling greens, tennis courts, outdoor skating rinks and swimming pools, together with necessary and accessory buildings and structures.

"RECREATIONAL USE, PASSIVE OUTDOOR" shall mean such uses as hiking and ski trails, nature observation locations and open space as opposed to (for example) tennis courts, golf courses and baseball diamonds.

"RECREATIONAL ESTABLISHMENT, COMMERCIAL" shall mean a building used or intended to be used for a theatre, bowling alley, curling rink, swimming pool, billiard parlour, health club, athletic club or similar uses.

"RELIGIOUS INSTITUTION" shall mean buildings used as dwellings by religious orders for their own members, such as a convent or monastery.

"RESEARCH FACILITY" shall mean a building or part of a building or an area of open space in which investigation or inquiry for the purpose of producing new information or products is carried on, and shall be conducted in accordance with the provisions of Sections 5.20 and 5.21 of this By-law.

"RESIDENTIAL" shall mean the use of land, buildings, or structures for human habitation.

"RESORT" shall mean a tourist establishment that operates throughout all or part of the year and that has facilities for serving meals and furnishing equipment, supplies or services to persons in connection with recreational or health enhancement purposes (eg. a spa).

"RESTAURANT" shall mean a building or part of a building where food is prepared and/or cooked and offered for sale or sold to the public and where dining tables and table service are provided.

"RESTAURANT, DRIVE-THROUGH" shall mean premises consisting of a building or structure, together with a parking lot, where food is prepared and/or cooked and offered for sale or sold to the public for consumption either in a motor vehicle parked on the parking lot or for consumption on the premises and where dining tables may be provided but table service is not provided.

"RESTAURANT, TAKE-OUT" shall mean a building or part of a building where food is prepared and/or cooked and offered for sale or sold to the public and where neither dining tables nor table service are provided.

"RETAIL STORE" shall mean a building or part of a building where goods, merchandise, substances, articles or things are offered for retail sale directly to the general public and includes storage on the store premises of such goods, merchandise, substances, articles or things sufficient only to service such store.

"RETAIL STORE, CONVENIENCE" shall mean a retail store serving the daily or occasional needs of the residents in the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, stationery, hardware, magazines and newspapers.

“RIDEAU CANAL” shall mean the bed of Cranberry Lake, Dog Lake, the Cataraqui River, Beaupre and adjacent federal crown islands which form part of the Rideau Canal system.

"RIDING CLUB" shall mean an organization devoted to the use of a stable in which horses are sheltered and fed and which is used to facilitate equestrian events and which use may include riding arenas and training tracks.

"SALVAGE YARD" shall mean a fenced lot and/or land for the storage and/or handling of scrap material, which, without limiting the generality of the foregoing, may include a junk yard, a scrap metal yard and an automobile wrecking yard, but shall not include the storage of tires.

"SCHOOL" shall mean a public, separate, or high school under the jurisdiction of the Board of Education or the Roman Catholic Separate School Board, a private school, a continuation school, a technical school, a vocation school, a college, a university or other educational institution, but not a commercial school.

"SEASONAL RESIDENCE" see "DWELLING, SEASONAL".

"SEMI-DETACHED DWELLING" see "DWELLING, SEMI-DETACHED".

"SENIOR CITIZEN HOUSING" shall mean housing owned and operated by the government or a non-profit housing authority to provide residential accommodation for senior citizens.

"SERVICE SHOP" shall mean a building or part of a building, whether connected with a retail shop or not, used for the repair or servicing of articles, small engines, machines, goods, or materials as distinguished from manufacturing of same.

"SETBACK" shall mean the least horizontal dimension between the centreline of a street allowance or highwater mark, measured at right angles to such right-of-way or highwater mark, and the nearest part of any excavation, building or structure on the lot, or the nearest open storage use on the lot.

“SHIPPING CONTAINER” shall mean a standardize, reusable steel box originally constructed to contain materials and products for storage and movement securely in the global containerized freight transport system – also termed ‘sea containers’, ‘storage containers’ and ‘cargo containers’.

"SHOPPING CENTRE" shall mean a group of commercial uses which has been designed and developed as a unit by a single owner or group of owners, as distinguished from a business area consisting of unrelated individual commercial uses.

"SHORELINE" shall mean any lot line or portion thereof that abuts a waterbody.

"SIDE LOT LINE" see "LOT LINE, SIDE".

"SIDE YARD" see "YARD, SIDE".

"SIGHT TRIANGLE" shall mean an area free of buildings or structures, which area is determined by measuring from the point of intersection of street lines on a corner lot or where a corner is rounded from the point at which the extended street lines meet, the distance required by this By-law along each such street line and joining such points with a straight line thereby creating a triangular-shaped parcel of land. This triangular-shaped parcel of land located between the

intersecting street lines and the straight line joining the points located the required distance along the street lines is the sight triangle.

“SITE ALTERATION” shall mean activities, such as fill, grading and excavation, that would change the landform and natural vegetative characteristics of a site.

"SLEEPING CABIN" shall mean an accessory and subordinate, single storey (with no basement), detached building or structure with a maximum footprint of 27.9 sq. metres (300 sq. ft.) designed as sleeping accommodation only, to permit the better or more convenient enjoyment of the principal residential dwelling and may contain plumbing or sanitary waste disposal systems provided such system is connected to the system accommodating the principal dwelling and approved by the local Health Unit. No kitchen facilities shall be included in a sleeping cabin. In no case shall the definition of a sleeping cabin be deemed to include premises for the temporary accommodation of members of the public for a fee.

"SOLAR COLLECTOR" shall mean any structure subordinate to a principal structure designed specifically for the collection of solar energy for experimental or ornamental purposes or for the purposes of converting such energy for heating, lighting, water production or any other domestic or commercial use that may be obtained from such source. For the purposes of this By-law a solar collector shall be considered an accessory structure.

"STREET" shall mean a public highway as defined under the Highway Traffic Act, as amended, from which access may be taken to an abutting lot and which is dedicated, assumed and maintained by the municipality. A street does not include an unopened road allowance, a lane or an unassumed road on a Registered Plan which has been deemed not to be a Registered Plan under the Planning Act.

"STREET LINE" shall mean the limit of the street allowance and is the dividing line between a lot and a street.

"STRUCTURE" shall mean anything constructed or erected, the use of which requires location on the ground, or which is attached to something having location on the ground.

"TAKE-OUT RESTAURANT" see "RESTAURANT, TAKE-OUT".

"TAVERN" shall mean "a tavern" as defined by the Liquor Licence Act, as amended from time to time.

“TILLABLE AREA” shall mean lands where the depth of soil to bedrock is a minimum of six (6) inches.

"THROUGH LOT" see "LOT, THROUGH".

"TOP OF BANK" (Slope) shall mean a point which is the beginning of a significant change in the land surface, then from which the land surface slopes downward (at a grade of 30% or more) towards an abandoned or existing waterbody or watercourse. When there are two (2) or more slopes located together, separated by plateaus, the slope that is the closest to the highwater mark is the slope that is considered for the top of bank calculation.

"TOURIST ESTABLISHMENT" shall mean an operation that provides sleeping accommodation for the travelling public or sleeping accommodation for the use of the public engaging in recreational activities and includes the services and facilities in connection with which sleeping accommodation is provided, and without limiting the generality of the term, also includes a cabin establishment and a housekeeping cottage but does not include:

a. a camp operated by a charitable corporation approved under the Charitable Institutions Act;
b. a summer camp within the meanings of the regulations under The Health Protection and Promotion Act; or
c. a club owned by its members and operated without profit or gain.

"TOURIST HOME" shall mean a private dwelling that is not part of or used in conjunction with any other tourist establishment and in which there are at least five (5) rooms for rent to the travelling or holidaying public, whether rented regularly, seasonally or occasionally.

"TRAVEL TRAILER" shall mean any vehicle so constructed that is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, notwithstanding that such vehicle is jacked-up or that its running gear is removed, but not including any vehicle unless it is used or intended for the temporary living, sleeping or eating accommodation of persons therein, and shall be deemed to include a tent trailer and a motorhome.

"TRAVEL TRAILER PARK" shall mean a parcel of land maintained for the temporary parking of tents or travel trailers on individual sites, and shall be subject to the provisions of this By-law.

"TRAVEL TRAILER SITE" shall mean an area of land within a travel trailer park that is or is intended to be occupied by one tent or one trailer or similar vehicle within the meaning of a trailer as defined above with adequate access to a driveway or public street.

"USE" shall mean the purpose for which any land, building or structure is arranged, designed, or intended to be used, occupied or maintained.

"USE, ACCESSORY" shall mean a use customarily incidental and subordinate to the principal use or building located on the same lot.

"VETERINARY ESTABLISHMENT" shall mean a building or structure or part thereof used for the purpose of consultation, diagnosis and treatment of small domestic household animals, birds and pets and may also include boarding of such animals, birds and pets and accessory sales of pet supplies.

"WAREHOUSE" shall mean an establishment used for the storage and distribution of goods, ware, merchandise, substances, articles or things and may include an accessory retail use, but does not include a cartage or express truck terminal.

"WASTE DISPOSAL SITE" shall mean any land or land covered by water (such as in the case of a sewage lagoon) upon, into, in or through which or building or structure in which waste is

deposited or processed and any machinery or equipment or operation required for the treatment or disposal of waste.

"WASTE MANAGEMENT SYSTEM" shall mean all facilities, equipment and operations for the complete management of waste including the collection, handling, transportation, storage, processing and disposal thereof and may include one or more waste disposal sites.

"WATER FRONTAGE" shall all property abutting a waterbody measured perpendicular to the side lot lines in a straight line between the two said lot lines at a point where the side lot lines intersect with the highwater mark.

"WATERBODY" shall mean any natural or constructed body of water including lakes, rivers, streams, channels, wetlands and navigable waterways, but excludes a drainage or irrigation channel.

"WATERCOURSE" shall mean any surface stream or river and includes a natural channel for an intermittent stream and a municipal drain as defined by "The Drainage Act", as amended.

"WAYSIDE PIT" shall mean:

a. a temporary sand or gravel pit opened and used by a governmental authority or authorized contractor for the purpose of a particular public project such as road construction, or
b. a minor sand and gravel pit on a farm unit required only for the use of that farm unit.

"WAYSIDE QUARRY" shall mean a temporary quarry opened and used by a governmental authority or authorized contractor for the purpose of a particular public project such as road construction.

"WINDMILL/WIND POWERED ELECTRICAL GENERATOR" shall mean a structure consisting of rotating blades used to generate electrical energy from wind.

"WOODLOT" shall mean a wooded area in which the majority of trees are at least 10.2 centimetres (4.0 in.) in diameter and in which there is a minimum of a fifty (50) percent closed canopy of tree foliage.

"YARD" shall mean the space appurtenant to a building or structure on the same lot which is open, uncovered, and unoccupied except for such accessory buildings, structures, or uses which are specifically permitted by this By-law. In determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used.

"YARD, FRONT" shall mean the yard extending across the full width of the lot between the front lot line of the lot and the nearest part of any buildings or structures on the lot. The "minimum" front yard shall mean the distance between the front lot line and the nearest wall of any principal or accessory building on the lot, according to the context in which the term is used.

"YARD, REAR" shall mean the yard extending across the full width of the lot between the rear lot line of the lot and the nearest part of any principal building or structure on the lot. Where a rear yard is required for an accessory building in this By-law then this definition shall apply except that the words "accessory building" shall be substituted for "principal building". The "minimum" rear yard shall mean the minimum distance between the rear lot line and the nearest wall of any

principal building or accessory building on the lot, according to the context in which the term is used.

"YARD, SIDE" shall mean the yard extending from the front yard to the rear yard between the side lot line and the nearest part of any building or structure on the lot.

"YARD, INTERIOR SIDE" shall mean the side yard extending from the front yard to the rear yard between the side lot line and the nearest part of any building or structure on any lot and excluding any exterior side yard. The "minimum" interior side yard shall mean the minimum distance between an interior side lot line and the nearest wall of any principal or accessory building on the lot, according to the context in which the term is used.

"YARD, EXTERIOR SIDE" shall mean the side yard of a corner lot in which the side yard extends from the front yard to the rear yard between the side street line and the nearest part of any building or structure on the corner lot. The "minimum" exterior side yard shall mean the distance between the exterior side lot line and the nearest wall of any principal or accessory building on the lot, according to the context in which the term is used.

"ZONE" shall mean a designated area of land use shown on the schedules of this By-law.

SECTION 4 - ADMINISTRATION

4.1 ZONING ADMINISTRATION

This By-law shall be administered by a person appointed by the Council of the Township of South Frontenac as the Chief Building Official.

4.2 ISSUANCE OF BUILDING PERMITS

Where land is proposed to be used or a building or structure is proposed to be erected or used in violation of this By-law, no permit or licence required under any by-law of the Corporation for the use of the land or for the erection or the use of the building or structure shall be issued.

4.3 APPLICATIONS FOR BUILDING PERMITS

In addition to the requirements of the Ontario Building Code, the Corporation's Building By-law or any other by-law of the Corporation, every application for a building permit shall be accompanied by plans which, depending on the nature and location of the work to be undertaken, may be required by the Corporation to be based upon an actual survey prepared by an Ontario Land Surveyor drawn to an appropriate scale and showing the following:

4.3.1 the true shape and dimensions of the lot to be used or upon which it is proposed to erect any building or structure;

4.3.2 the proposed location, height and dimensions of the building, structure or work in respect of which the permit is being applied for;

4.3.3 the location of every building or structure already erected or partly erected on such lot;

4.3.4 the proposed locations and dimensions of yards, landscaped open spaces, parking areas, and loading spaces required by this By-law;

4.3.5 proposed grading or change in elevation or contour of the land and the proposed method for the disposal of storm and surface water from the land and from any building or structures thereon;

4.3.6 a statement signed by the owner or his agent duly authorized thereunto in writing, filed with the Chief Building Official, which statement shall set forth in detail the intended use of each building and structure or part thereof and giving all information necessary to determine whether or not every such building or structure conforms with the regulations of this By-law;

4.3.8 in addition to the above requirements, every application which involves the installation, enlargement or reconstruction of a sewage disposal system shall be accompanied by approval in writing from the appropriate responsible authority for the method of sewage disposal;

4.3.9 in addition to the above, where lands lie within established fill or flood lines, any building permit application in respect of such land shall be accompanied by the written approval and technical recommendations of the Conservation Authority having jurisdiction;

4.3.10 in addition to the above, the applicant shall indicate the source of potable water appropriate to the proposed development;

4.3.11 in addition to the above and where required, an Environmental Impact Study, site plan or other information which might be required by the Official Plan or this Comprehensive Zoning By-law.

4.4 INSPECTION OF LAND OR BUILDINGS

Where the Chief Building Official has reason to believe that any person has used land or used a building or structure contrary to this By-law, he/she, or an employee of the Township authorized by him/her, may at any reasonable hour, enter and inspect the land, building or structure.

4.5 VIOLATIONS AND PENALTIES

Any person who contravenes any provisions of the By-law is guilty of an offence, and for the purposes of this By-law, each day that a breach of this By-law continues shall constitute a separate offence and on summary, the offender shall be liable to be fined under the provisions of the Provincial Offences Act.

The conviction of an offender upon the breach of any of the provisions of this By-law shall not operate as a bar to a prosecution against the same offender upon any continued or subsequent breach of any such provision and any court of competent jurisdiction may convict any offender repeatedly for repeated breaches of the By-law.

4.6 OCCUPATION OF BUILDINGS

Occupation of all new buildings and converted dwellings shall require a Certificate of Occupancy from the Township Building Department in accordance with the Ontario Building Code and any other Township By-laws.

4.7 VALIDITY, EFFECTIVE DATE AND EXISTING BY-LAWS

4.7.1 Validity

If any section, clause or provision of the By-law, including anything contained on the schedules attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof other than the section, clause, or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this By-law shall remain in full force and take effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

4.7.2 Effective Date

This By-law shall, subject to the approval of the Ontario Municipal Board, come into force and take effect upon being passed by the Council of the Township of South Frontenac.

4.7.3 Existing By-laws

All by-laws in force within the Corporation regulating the use of lands and the character, location, bulk, height and use of buildings and structures be and the same, are amended insofar only as it is necessary to give effect to the provisions of this By-law and the provisions of this By-law shall govern unless otherwise specified.

SECTION 5 - GENERAL PROVISIONS

5.1 APPLICATION

This By-law shall apply to all lands within the Township of South Frontenac, and shall take effect on the day it is enacted.

5.2 INTERPRETATION

Nothing in this By-law shall be construed to exempt any person from complying with the requirement of any by-law of the Municipality or the County of Frontenac or from any law of the Province of Ontario or Canada, or any regulations under the provisions of the Conservation Authorities Act of a Conservation Authority having jurisdiction or from any other law in force from time to time.

5.2.1 In this By-law, the word "shall" is mandatory.

5.3 ZONES

5.3.1 For the purpose of this By-law, the Township of South Frontenac has been divided into zones, the boundaries of which are shown on the attached schedules.

5.3.2 The zones are referred to by the following names or symbols and are identified on the attached schedules by the following symbols:

ZONE	SYMBOL
AGRICULTURAL ZONE	A
RURAL ZONE	RU
WATERFRONT RESIDENTIAL ZONE	RW
LIMITED SERVICE RESIDENTIAL ZONE	RLS
LIMITED SERVICE RESIDENTIAL - WATERFRONT ZONE	RLSW
LIMITED SERVICE RESIDENTIAL - ISLAND ZONE	RLSI
RESIDENTIAL ZONE	R
MOBILE HOME RESIDENTIAL ZONE	MHR
URBAN RESIDENTIAL - FIRST DENSITY ZONE	UR1
URBAN RESIDENTIAL - SECOND DENSITY ZONE	UR2
URBAN MULTIPLE RESIDENTIAL ZONE	UMR
RURAL COMMERCIAL ZONE	RC
RECREATIONAL RESORT COMMERCIAL ZONE	RRC
URBAN COMMERCIAL ZONE	UC
RURAL INDUSTRIAL ZONE	RI
URBAN INDUSTRIAL ZONE	UI
PIT “A” ZONE	PA
PIT “B” ZONE	PB
QUARRY “A” ZONE	QA
QUARRY “B” ZONE	QB

MINING ZONE	M
WASTE DISPOSAL ZONE	WD
SALVAGE INDUSTRIAL ZONE	SI
COMMUNITY FACILITY ZONE	CF
OPEN SPACE - PUBLIC ZONE	OS
OPEN SPACE - PRIVATE ZONE	OSP
ENVIRONMENTAL PROTECTION ZONE	EP

5.3.4 Where the boundary of any zone is uncertain, and the boundary is shown following a street, lane, railway right-of-way, electric transmission line, right-of-way or watercourse, then the centre line of the street, lane, railway right-of-way, electric transmission line, right-of-way or watercourse is the zone boundary.

5.3.5 Where the boundary line of a zone does not correspond to a property line, to the centre line of a street, highway line, right-of-way or watercourse, the location of said boundary line shall be scaled from the scale shown on the attached schedules.

5.3.6 Where the boundary of any zone is uncertain and notwithstanding the provisions of this subsection, the dimensions contained in any amending by-law shall apply.

5.3.7 Where the regulations of a zone include a requirement that the minimum yard of a lot or parcel of land shall be a specific number of metres, such minimum yard shall be determined by measuring at right angles from either the street line of the public street or the lot line abutting such yard in the direction of such lot or parcel of land a distance equal to the said specific number of metres in the relevant regulation of such zone.

5.3.8 Subject to the provisions of Section 5.12, the minimum lot area shall be as contained in the appropriate section of this By-law for the zone in which the lot is located or such larger area as may be required by the appropriate authority pursuant to the provisions of the Health Protection and Promotion Act.

5.4 HOLDING ZONES

Where any zone symbol as shown on the attached schedules is followed by the symbol "H", this signifies that only existing uses are permitted and no person shall use the land for any new use or erect, alter or enlarge any building or structure on said lands until such time as the holding symbol has been removed by the Township in accordance with the provisions of the Planning Act.

5.5 PROHIBITIONS

5.5.1 No person shall use any land or erect any building or structure within a zone except for a permitted use established or erected in accordance with the regulations provided by this By-law for the zone in which it is located.

5.5.2 No person, except a public authority engaged in the implementation of public works or services shall reduce in area or frontage any lot already built upon, either by conveyance or alteration, so that the lot coverage of the building exceeds the maximum permitted by this By-law, or so that the area or frontage of the lot will be less than the minimum permitted by this By-law for the zone in which the lot is located.

5.5.3 Except in a commercial or industrial zone, not more than one permitted use shall be allowed on a lot unless specifically permitted in this By-law. This section shall not prohibit the establishment of a home occupation or home industry in conjunction with a dwelling where such use is permitted.

5.5.4 The purpose for which any land or building is used shall not be changed, no new building or addition to any existing building shall be erected and no land shall be severed from a lot, if such change, erection or severance creates a situation that contravenes any of the provisions of this By-law applicable to each individual remaining building, accessory building or lot.

5.5.5 Except as otherwise provided in this By-law, no building or structure shall be erected, altered, extended or enlarged except upon a lot nor shall any land be used for any permitted use unless it comprises a lot as defined herein; but this provision shall not prevent the use of any parcel or tract of land for agricultural purposes excluding the erection or enlargement of any building or structure except a fence.

5.5.6 No person shall erect or use any building as a dwelling upon any lot whereon there then exists, or is in the course of construction, or for which a building permit has been issued, a building erected or used or intended to be used as a dwelling.

5.5.7 No person shall occupy or permit to be occupied a building or part of it, unless the chief building official or a person designated by the chief building official has issued a permit authorizing occupation of the building or part of it.

5.5.8 Mining or mine exploration shall be prohibited in any Waterfront Residential, Limited Service Residential, Limited Service Residential-Waterfront and Limited Service Residential-Island Zones.

5.5.9 No commercial clear cutting of trees shall be permitted within 90 metres of the highwater mark of any waterbody in the Township.

5.5.10 No development shall be permitted within 30 metres of the fill area of a sanitary landfill operation.

5.6 SETBACK FROM PRIVATE LANES AND PUBLIC ROADS

5.6.1 Notwithstanding any other provision contained in this By-law, all development shall be set back a minimum of 5 metres (16.4 ft.) from either the travelled portion or the surveyed edge, whichever is greater, of all private lanes.

5.6.2 Notwithstanding any other provision contained in this By-law, no building or structure shall be hereafter erected in any zone closer than the sum of the front yard or exterior side yard requirement for such zone and the following where applicable:

5.6.2.1 15.25 metres (50.0 ft.) from the centre of the right-of-way of the road allowance of former provincial highway 38 and former County of Frontenac roads; and

5.6.2.2 10 metres (32.8 ft.) from the centre of the right-of-way of all other public roads in the Township of South Frontenac

5.6.3 Notwithstanding the provisions of this by-law to the contrary, where a building, structure or accessory use thereto is to be erected in a built-up area where there is an established building line, such dwelling or accessory use is not to be erected closer to the street line or to the centre of the right-of-way of the road or street, as the case may be, than the established building line on the date of passing of this By-law.

5.7 APPROVAL FOR SEWAGE DISPOSAL SYSTEMS

No building permit shall be issued for any building or structure which requires a private sewage disposal system unless the building permit application is accompanied by approval in writing from the appropriate responsible authority for the proposed method of sewage disposal.

5.8 FLOODING AND SHORELINE EROSION HAZARDS

5.8.1 No building or structure shall be located within the flood plain of a watercourse or waterbody, including a municipal drain, except where a municipal drain forms part of a road allowance, notwithstanding that such watercourse is not shown on any schedule forming part of this By-law without the written consent of the Conservation Authority.

5.8.2 Notwithstanding anything in this By-law, no building or structure (other than a marine facility as defined in this by-law), or septic tank installation including the weeping tile field shall be located:

a. within 30 metres (98.4 ft.) horizontal of the highwater mark of a waterbody or permanent watercourse, notwithstanding that such body of water or watercourse is not shown on any schedule forming part of this By-law. Additional setbacks of up to a maximum of 90 metres (295.3 ft.) horizontal may be required and will be determined through the rezoning and/or building permit approval process in accordance with the guidelines contained in Appendix 2 'Shoreline Setbacks' . Notwithstanding the above, one accessory building or structure not exceeding 2.97 sq. metres (32 sq. ft.) may be permitted no closer than 8 metres (26.2 ft.) from any waterbody in the Township; or

b. within 15 metres (49.2 ft.) horizontal of the top of bank of any embankment, the slope of which is greater than 30% from horizontal (see illustration); or

c. within 30 metres (98.4 ft.) horizontal of an Environmental Protection zone

5.8.3 In the absence of detailed mapping, and where a flooding or erosion hazard is suspected, Council, in consultation with the local Conservation Authority, will require that a proponent of development detail the extent of any hazard lands and the measures that would be required to address the following requirements:

a. that vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;

b. that new hazards are not created and existing hazards are not aggravated and that no adverse environmental impacts result;

c. the hazards can be safely addressed and carried out using established standards and procedures and the Conservation Authority has approved any floodproofing measures which are proposed;

d. a site plan and site plan agreement, if necessary, have been completed to the satisfaction of the Municipality in consultation with the appropriate Conservation Authority;

e. an amendment to the Zoning By-law setting out any applicable provisions has been obtained where required

Note: These provisions shall not apply to buildings, structures, and services requiring direct access to the water as an operational necessity such as a marina, marina service building or facility, pumphouse or other similar structure

5.8.4 Natural vegetative buffers should be maintained within 30 metres (98.4 ft.) of the highwater mark.

5.9 LEGAL NON-CONFORMING USES

5.9.1 Continuation of Existing Uses

The provisions of this By-law shall not apply to prevent the use of any lot, building or structure for any purpose prohibited by this By-law if such lot, building, or structure was lawfully used for such purpose on the day of passing of this By-law, so long as it continues to be used for that purpose.

5.9.2 Building Permit Issued

The provisions of this By-law shall not apply to prevent the erection or use for a purpose prohibited by this By-law of any building or structure, the plans for which have prior to the passing of this By-law been approved and a permit issued by the Township of South Frontenac's Chief Building Official so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided that the erection of such a building or structure is commenced within one year after the day of the passing of this By-law and the building or structure is completed within a reasonable time after the erection thereof is commenced.

5.9.3 Restoration to a Safe Condition

The provisions of this By-law shall not apply to prevent the strengthening to a safe condition of any non-conforming building or structure or part thereof provided such strengthening generally does not increase the height, size or volume, of such building or structure.

5.10 LEGAL NON-COMPLYING STRUCTURES

5.10.1 Buildings on Existing Lots

Where a building has been legally erected prior to the date of the passing of this By-law on a lot having less than the minimum frontage and/or area, or having less than the minimum front yard, side yard, rear yard or usable open space required by this By-law, the said building may be enlarged, reconstructed, repaired or renovated provided said enlargement, reconstruction, repair or renovation does not serve to further reduce a required yard or required usable open space and provided all other provisions of this By-law are complied with including the 30 metre (98.4 ft.) setback from the highwater mark of any waterbody or watercourse.

5.10.2 Existing Buildings Within 30 Metres (98.4 ft.) of a Waterbody or Watercourse

Where a building has been erected prior to the date of passing of this By-law on an existing lot and said building has less than the minimum 30 metre (98.4 ft.) setback from the highwater mark of a waterbody or watercourse, then said building may be repaired, renovated or strengthened to a safe condition provided there is no enlargement of the gross floor area or increase in height. In addition, no living space shall be added below grade to any existing building or structure.

5.11 REPLACEMENT OF BUILDINGS OR STRUCTURES

A building or structure, including a legal non-conforming and/or legal non-complying building or structure, may be replaced with a new building or structure in the case of partial or complete destruction caused by fire, lightning, explosion, tempest, flood or act of God, or demolition permit required by the Corporation of the Township of South Frontenac or other authority for safety, health or sanitation requirements, providing such building or structure is serviced by a potable water supply and sewage disposal system approved by the appropriate responsible authority. A building permit will only be issued, in the absence of zoning relief, provided no enlargement of the footprint or increase in gross floor area is proposed and provided the permit is applied for within 12 months of the partial or complete demolition/destruction. The replacement building shall be located on and not increase the footprint or gross floor area of the non-conforming/non-complying building. The applicant shall provide proof to the satisfaction of the Chief Building Official that there will be no increase in the size of the building footprint or gross floor area and that the replacement building will be located within the same footprint as the non-conforming/non-complying building. Where applicable, floodproofing and avoidance of erosion hazards should be considered.

5.12 EXISTING UNDERSIZED LOTS

Where a lot having a lesser lot area and/or lot frontage than that required herein is held under distinct and separate ownership from abutting lots, as shown by a registered conveyance in the records of the Registry or Land Titles Office on the date of passing of this By-law, or where such a lot is created as a result of an expropriation, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot, provided that a suitable building envelope, outside of any hazards, which is appropriate for the intended use and which minimizes environmental impacts can be identified. Furthermore, the lot must demonstrate that an adequate supply of potable water is available to service the proposed use. Such erection, alteration or use shall not contravene

any other provisions of this by-law and all relevant regulations made under the Health Protection and Promotion Act and requirements of the local Health Unit.

5.13 CELLAR

Notwithstanding anything contained in this By-law, no cellar or part of a cellar of any building shall be used as a whole dwelling unit.

5.14 YARD ENCROACHMENTS PERMITTED

5.14.1 Except as otherwise provided in this By-law, every part of any required yard shall be open and unobstructed by any building or structure from the ground to the sky, except for:

5.14.1.1 sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters or other ornamental features, provided however that the same shall not project more than 0.6 metres (1.97 ft.) into any required yard;

5.14.1.2 drop awnings, clothes poles, garden trellises, windmills, TV or radio antennas, or similar accessories;

5.14.1.3 fences, solar collectors, parking lots, retaining walls, driveways, patios and other such uses as specifically permitted in this By-law;

5.14.1.4 signs, provided however that the same shall be erected in accordance with the provisions of any Sign By-law or policy of the Municipality;

5.14.1.5 light standards, fuel pump islands and fuel pumps of automobile service stations, provided however that the same shall be erected in accordance with the applicable provisions of this By-law;

5.14.1.6 fire escapes, provided however that the same shall project into any required side or rear yard a distance of not more than 1.5 metres (4.9 ft.).

5.14.2 Notwithstanding the yard provisions of this By-law to the contrary, canopies, steps and unenclosed and uncovered decks may project into any required front or rear yard a maximum distance of 2.5 metres (8.2 ft.) but not encroach with the setback from the highwater mark. For the purpose of this section, a "deck" shall mean a horizontal surface supported on piers, free of any roof or other covering, and which may be surrounded by a railing the height of which is governed by the Ontario Building Code.

5.15 LANDS SEVERED BY PUBLIC UTILITY LINES

Where lands are acquired for the purpose of a public utility line and such acquisition results in a parcel of land without street frontage, the part of such parcel without street frontage shall be deemed for the purpose of this By-law to have frontage on such street providing the land has a permanent right of access to such street.

5.16 TEMPORARY USES

Nothing in this By-law shall prevent the use of any land, except for lands zoned Environmental Protection or Environmentally Sensitive Lands, or the erection or use of any

building or structure for a construction camp, work camp, tool shed, scaffold, or other building or structure including a temporary sales or rental office, which is incidental to and necessary for construction work on the premises, but only for so long as such use, building or structure is necessary for such construction work which has not been finished or abandoned. "Abandoned" in this Section shall mean the failure to proceed expeditiously with the construction of a work, specifically abeyance of construction for six months. A mobile home or travel trailer may be permitted as temporary living accommodations provided a building permit has been obtained for the permanent dwelling, a sewage disposal permit has been obtained from the appropriate authority and a permit from the Township is issued in accordance with the municipality's temporary living accommodations policy.

5.17 PUBLIC USES AND UTILITIES

5.17.1 Notwithstanding anything contained in this By-law, the Township of South Frontenac or any local board thereof, any transportation system owned, operated, or authorized by or for the Township of South Frontenac, any Department of the Federal or Provincial Government or any Conservation Authority established by the Government of Ontario, may, for purposes of public service, use any land or erect or use any building or structure in any zone except Environmental Protection Wetland provided:

5.17.1.1 that such use, building or structure, shall be in compliance with the height, coverage, landscaped open space and yard regulations prescribed for such a zone;

5.17.1.2 that there shall be no open storage of goods, materials, or equipment in the yards of any Residential Zone; and

5.17.1.3 that any building or structure erected or used in any Residential Zone shall be of a character and shall be maintained in general harmony with the buildings of the type permitted in the said zone.

5.17.2 Nothing in this By-law shall prevent the use of any land as a public park, a public street or for the location of a properly authorized traffic sign or signal, or any sign or notice of any Municipal, Provincial or Federal government department or authority.

5.18 MULTIPLE USES ON ONE LOT

Notwithstanding anything contained in this By-law, where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be complied with, provided that no dwelling shall be located closer than 3 metres (9.8 ft.) to any other building on the lot. A dwelling or dwelling unit as an accessory use will be allowed where permitted by this By-law in accordance with Section 5.19 below.

5.19 DWELLING OR DWELLING UNIT AS AN ACCESSORY USE IN A NON-RESIDENTIAL SETTING

No person shall use any lot or erect, alter or use any building or structure for the purpose of a dwelling or dwelling unit where the zoning is not residential except in accordance with the following regulations:

5.19.1 A single detached dwelling may be permitted with a private water supply and sewage disposal system having the approval of the Ministry of the Environment and/or Health Unit, as provided in certain non-residential zones.

5.19.2 A dwelling unit shall have separate bathroom and kitchen facilities from those of the non-residential use.

5.19.3 Each dwelling unit shall have separate parking spaces as required by the parking requirements hereto.

5.19.4 The dwelling unit shall have a separate building entrance to that provided for the non-residential use.

5.19.5 In a Commercial zone, one dwelling unit shall be permitted in a non-residential building provided it is located on the second storey of such building, or at the rear of such building if on the main floor.

5.19.6 Notwithstanding the provisions of clause 5.19.2 of this subsection, the gross floor area of the residential portion of a non-residential building in a Commercial zone shall not exceed one hundred (100) percent of the non-residential floor area.

5.20 PROHIBITED USES

5.20.1 Except as otherwise specifically permitted in this By-law, the following uses are prohibited in any zone;

5.20.1.1 refining coal oil or petroleum products;

5.20.1.2 tanning hides or skins;

5.20.1.3 manufacturing gas;

5.20.1.4 boat houses;

5.20.1.5 manufacturing glue;

5.20.1.6 a track for the racing of motor vehicles, motorcycles, go-carts or snowmobiles; and

5.20.1.7 locating or storing on any land for any purpose whatsoever, any disused railroad car, truck, bus or coach body, whether or not the same is situated on a foundation.

5.20.2 in addition to the uses prohibited in Clause 5.20.1 of this subsection, any use is prohibited which by its nature or the materials used therein is declared under the Health Protection and Promotion Act or any regulations adopted thereunder to be a noxious trade, business or manufacturer.

5.20.3 In addition to the uses prohibited in Clause 5.20.1 of this subsection, all uses of land and the erection or use of any building or structure for a purpose not permitted under the

"Permitted Use" subsection of one or more zones established by this By-law are and shall be deemed to be prohibited in each such zone, except for those uses of land and the erection or use of any building or structure for a purpose expressly permitted under the applicable provisions of this By-law.

5.21 OBNOXIOUS USES

Notwithstanding anything contained herein, no land shall be used and no building or structure shall be erected, altered or used for any purpose which is obnoxious, and without limiting the generality of this subsection, for any purpose that creates or is likely to become a nuisance or offensive, or both;

5.21.1 by the creation of noise or vibration in excess of the limits of the Environmental Protection Act;

5.21.2 by reason of the emission of gas, fumes, smoke, dust or objectionable odour in excess of the limits of the Environmental Protection Act;

5.21.3 by any combination of those things described in Clauses 5.21.1 and 5.21.2 of this subsection.

5.22 TRUCK, BUS AND COACH BODIES

No truck, bus or coach body, other than a dwelling unit erected and used in accordance with this and all other By-laws of the Township shall be used for human habitation, whether or not the same is mounted on wheels or other form of mounting or foundation.

5.23 SWIMMING POOLS

Notwithstanding any other provisions of this By-law a swimming pool is permitted as an accessory use in any residential, agricultural, rural, commercial, community facility or open space zone provided that:

5.23.1 no part of such pool shall be located closer to any lot line or street line than the minimum distance required for an accessory building located on such lot;

5.23.2 any building or structure required for changing clothing or for pumping or filtering facilities, or other similar accessory uses shall meet all of the accessory building requirements of the zone in which the pool is located;

5.23.3 fencing and enclosures of pools shall be in accordance with the Township’s swimming pool by-law.

5.24 ACCESSORY BUILDINGS

5.24.1 The total lot coverage of accessory buildings and structures including detached private garages shall not exceed five (5) percent of the lot area. A swimming pool and/or a tennis court may be permitted on the property, for which an additional 5% lot coverage is permitted. In no case shall the lot coverage of all accessory buildings and structures on a lot (excluding pools and tennis courts) exceed the lot coverage of the existing principal building.

5.24.2 Except as otherwise may be specified in this by-law, any accessory building which is not part of the main building shall be erected to the rear of the projected front or exterior side wall of the main building. Where accessory buildings are located behind the main buildings, they shall be located in accordance with the provisions of the particular zone.

5.24.3 No person shall use an accessory building for human habitation except where a dwelling is permitted as an accessory building.

5.24.4 An accessory building shall not be built closer to any lot line than the minimum distance required by this By-law except that common semi-detached garages may be erected on a mutual side lot line.

5.24.5 Except in accordance with Section 5.16 no accessory building shall be erected prior to the erection of a principal building or structure.

5.24.6 The minimum distance between any building on a lot including accessory buildings and principal buildings shall be 3.0 metres (9.8 ft.) and in no case shall any overhang, eaves or gutter project into this required minimum area which shall be clear of any obstruction from the ground to the sky.

5.24.7 A sleeping cabin as an accessory structure to a principal dwelling is permitted on all lands abutting a navigable waterway regardless of the zone classification.

5.25 FRONTAGE ON A STREET

5.25.1 No person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected fronts upon a street. For the purposes of this By-law a street does not include an unopened road allowance, a private lane, a right-of-way or an un-assumed road on a Registered Plan which has been deemed not to be a Registered Plan under the Planning Act. The above provisions shall not apply to prohibit the erection of any building on a lot on a registered plan of subdivision where a subdivision agreement has been entered into but the streets will not be assumed until the end of the maintenance period.

5.25.2 Notwithstanding the provisions of section 5.25.1 above, on lands situated within an RLS – Limited Service Residential Zone, an RLSW – Limited Service Residential-Waterfront or an RLSI – Limited Service Residential-Island Zone, a building permit may be issued for the erection of a building or structure on the lot with frontage on a private lane and/or a navigable waterway. Notwithstanding sections 5.30.1.1 and 5.30.1.2, at least two parking spaces shall be required for every dwelling unit. No building permit shall be issued for any lot whose only access is by means of a navigable waterway, unless adequate vehicular parking/boat docking is provided on the mainland. Legal use of mainland parking/docking areas shall be tied in perpetuity to the lot(s) for which the building permit is sought. The mainland area used for parking/docking shall have sufficient size for parking and sufficient water frontage for boat dockage. The parking area shall be set back a minimum of 15m, (49.2 ft.) from the high water mark.

5.25.3 No building permit shall be issued on an existing lot whose only means of access is by way of a Township unopened road allowance, unless the property owner has obtained

permission from the Township, and has entered into a licence agreement with the Township for use of the unopened road allowance.

5.26 RESIDENTIAL EXTERIOR SIDE YARDS

Notwithstanding the provisions of Sections 6 to 33 of this By-law to the contrary, the minimum required exterior side yard may be reduced to a minimum of 5 metres (16.4 ft.) provided that for every 1 metre (3.3 ft.) or part thereof, the exterior side yard is reduced below the minimum requirement, the minimum front yard shall be correspondingly increased by the same distance.

5.27 SIGHT TRIANGLES

Unless otherwise specified in this By-law, on a corner lot, within the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each point being measured 9 metres (29.5 ft.) along the street lines from the point of intersection of the street lines, no building or structure which would obstruct the vision of drivers of motor vehicles shall be erected and no trees, shrubs, hedges, fences or walls shall be planted, erected or maintained of greater height than 1 metres (3.3 ft.) above the centre line of the adjacent road at the lowest point. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the tangents to the street lines.

5.28 HOME OCCUPATION

A home occupation is permitted in the zones as indicated in this By-law provided that:

5.28.1 there is no display, other than a sign of a maximum size of 0.3 square metres (3.22 sq. ft.) to indicate to persons outside that any part of the dwelling is being used for a purpose other than residential. Furthermore, such a sign shall be setback a minimum of 3 metres (10 ft.) from any lot line;

5.28.2 such home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling nor create or become a public nuisance; in particular, in regard to noise, obnoxious odours, emission of smoke, traffic or parking;

5.28.3 no more than 1 person not resident in the dwelling shall be employed;

5.28.4 such home occupation does not interfere with television or radio reception;

5.28.5 there shall be no outside storage associated with the home occupation;

5.28.6 not more than 25 percent of the gross floor area of the dwelling, including the basement, or 55.7 sq. metres (600 sq. ft.), whichever is greater, is used for the purposes of home occupation uses except in the case of a bed and breakfast establishment;

5.28.7 on-site parking is provided in accordance with the provisions of Section 5.30; and

5.28.8 where a bed and breakfast establishment is established as a home occupation, the above provisions shall not apply. However, not more than 4 guest rooms shall be maintained for the accommodation of the public.

5.29 HOME INDUSTRY

A home industry is permitted in the zones as indicated in this By-law provided that:

5.29.1 there is no external storage of goods or materials;

5.29.2 there is no display, other than a sign of a maximum size of .3 square metres (3.22 sq. ft.) to indicate to persons outside, that any part of the dwelling or accessory building is being used for a purpose other than residential. Furthermore, such a sign shall be set back a minimum of 3 metres (10 ft.) from any lot line;

5.29.3 the home industry is clearly secondary to the main residential use and does not change the residential character of the dwelling or lot nor create or become a public nuisance; in particular in regard to noise, noxious odours, emission of smoke, traffic or parking;

5.29.4 not more than 1 person not resident in the dwelling shall be employed;

5.29.5 the home industry does not interfere with television or radio reception;

5.29.6 there are no goods, wares or merchandise, publicly offered or exposed for sale on the premises outside of any buildings;

5.29.7 on-site parking is provided in accordance with Section 5.30;

5.29.8 the maximum square footage of the accessory structure or building to be used for a home industry shall not exceed 111.48 sq. m (1,200 sq. ft.) gross floor area;

5.29.9 the lot upon which the home industry is located is not less than 2 ha (4.9 acres) in size;

5.29.10 the accessory structure or building within which the home industry is located is not closer than 20 m (65.5 ft.) from any lot line and shall be located behind the dwelling on the lot.

5.30 OFF STREET PARKING PROVISION

For every building or structure to be erected for, altered for, or its use converted to any of the uses specified in the following table, off-street parking facilities shall be provided and maintained either on the same lot on which the principal use is located or, where this is not possible, on a lot within 60 metres (196.9 ft.) of the lot on which the principal use is located and in accordance with the following table and other provisions contained in this subsection unless otherwise specifically provided.

5.30.1 Minimum Parking Space Requirements

5.30.1.1 Residential - Two (2) spaces for every dwelling unit.

5.30.1.2 Marina - One (1) space for every 2 docking berths.

5.30.1.3 Senior Citizen Multiple Dwelling

a. Up to 30 dwelling units, parking spaces shall equal 50 percent of the number of dwelling units.
b. Between 30 and 60 units, parking spaces shall equal 40 percent of the number of dwelling units.

5.30.1.4 Nursing Home - One (1) space for every two (2) beds.

5.30.1.5 Private of Commercial Club, or Recreational Establishment - One (1) space for every three (3) persons to be accommodated in the design capacity of the building.

5.30.1.6 Funeral Home - One (1) space for every 3 chapel seating spaces or fraction thereof with a minimum of 10 spaces.

5.30.1.7 Church or Place of Worship, Community Hall, Arena - One (1) space for every three (3) persons to be accommodated according to maximum permitted capacity.

5.30.1.8 Schools - One (1) space per classroom, and one space for each 10 people of maximum design capacity of the assembly hall or auditorium.

5.30.1.9 Government or Public Utility Building - One (1) space for every 23 square metres (247.6 sq. ft.) of gross floor area.

5.30.1.10 Business or Professional Office - One (1) space for every 23 square metres (247.6 sq. ft.) of gross floor area and, notwithstanding the provision in section 5.30 above, for the office of a doctor, chiropractor or dentist, there shall be a minimum of three (3) parking spaces provided on the same lot.

5.30.1.11 Hotel/Motel/Resort - One (1) space for every guest room and one (1) space for every 8 square metres (86.1 sq. ft.) of gross floor area.

5.30.1.12 Boarding or Rooming House, Bed and Breakfast or Tourist Home - One (1) space for every two (2) bedrooms.

5.30.1.13 Place of Assembly such as Halls, Lodges, Labour Union Halls, Dance Halls, Community Centres, Theatres - One (1) space for every three (3) persons of maximum design capacity.

5.30.1.14 Bowling Lanes and Billiard Establishments - One (1) space for every two (2) persons of design capacity. Design capacity shall mean six (6) persons per bowling lane and two (2) persons per billiard table.

5.30.1.15 Drive-Through Restaurant or Take-Out Restaurant - One (1) space for very 2 square metres (21.5 sq. ft.) of gross floor area.

5.30.1.16 Restaurant, Tavern, Banquet Hall, Beverage Room, Lounge or Meeting Areas, excluding a Drive-Through or Take-Out Restaurant - One (1) space for every 4.5 square metres (48.4 sq. ft.) of public floor area or one (1) space for every four (4) persons of design capacity, whichever is the greater with a minimum of 10 spaces.

5.30.1.17 Retail, Wholesale Sales, Service Establishment or Studio - One (1) space for every 28 square metres (301.4 sq. ft.) of gross floor area.

5.30.1.18 Retail Lumber and Building Supply Outlet - One (1) space for every 28 square metres (301.4 sq. ft.) of retail floor space with a minimum of 6 spaces.

5.30.1.19 Automotive Sales Establishment, (New and Used) - A minimum of ten (10) spaces plus (1) space for every employee working on the premises during the peak business period.

5.30.1.20 Industrial Establishment - One (1) space for every 37 square metres (398.3 sq. ft.) of gross floor area.

5.30.1.21 Warehouse or Bulk Storage Yard - One (1) space for every employee working on the premises during the peak business period.

5.30.1.22 Post Offices, Museums, Art Galleries and Libraries - One space for every 46 square metres (495.2 sq. ft.) or fraction thereof of public floor area.

5.30.1.23 Home Occupation or Home Industry - One (1) space for every 18 square metres (193.8 sq. ft.) of floor area devoted to the use.

5.30.1.24 Uses Permitted by this By-law Other than Those Listed Above but Excluding Accessory Uses to Single Detached Dwellings - One (1) space for every 28 square metres (301.4 sq. ft.) of gross floor area.

5.30.2 Off-Street Parking Requirements

5.30.2.1 **Each parking space must have a width of not less than 2.7 metres (8.9 ft.) and a length of not less than 6 metres (19.7 ft.)** and must be readily accessible at all times and arranged in such a manner to provide access and manoeuvring space for the parking and removal of a motor vehicle without the necessity of moving any other motor vehicle, except that this shall not apply in the case of a single detached dwelling.

5.30.2.2 Ingress and egress to and from the parking aisles prescribed by this section shall be provided by a sufficient number of adequate, unobstructed driveways having a minimum width of 6 metres (19.7 ft.), except that in the case of a single detached dwelling, the width may be reduced to 3.5 metres (11.5 ft.).

5.30.2.3 All off-street parking spaces, driveways and aisles required herein shall be constructed and maintained with a stable surface.

5.30.2.4 Where a ramp to parking aisles provides access from a street, such a ramp shall not be located closer than 7.5 metres (24.6 ft.) from the street line and a level stopping space shall be provided between the ramp and the street grade so as to provide adequate vision to the street in both directions.

5.30.2.5 Where a lot, building or structure accommodates more than one type of use, the parking requirement for the whole building shall be the sum of the requirements for the separate parts of the lot, building or structure occupied by the separate types of uses.

5.30.2.6 The parking requirements referred to herein shall not apply to any building in existence at the date of enactment of this By-law so long as the gross floor area as it existed at that date is not increased or the use changed. If an addition is made or the use is changed, then additional parking spaces shall be provided up to the number required for such addition.

5.30.2.7 Where the application of ratios results in a fraction of a parking space, the required number of spaces shall be increased to the next whole number.

5.30.2.8 In the case of a parking structure completely or partly below finished grade, it shall not be necessary to comply with the setback requirements of the particular zone, except that the minimum distance between such a structure and the street line shall be 7.5 metres (24.6 ft.).

5.30.2.9 Where parking requirements are related to seating capacity and seating is by open benches, each .6 metres (2 ft.) of open bench shall be counted as one seat.

5.30.2.10 The lights used for illumination of parking spaces, aisles and driveways shall be so arranged as to divert the light away from adjacent lots and streets.

5.30.2.11 A structure not more than 4.5 metres (14.8 ft.) in height and not more than 4.5 square metres (14.8 ft.) in area may be erected in the parking area for the use of parking attendants.

5.30.2.12 No sign shall be erected in any parking area other than a directional sign, signs necessarily incidental to the efficient operation of a commercial parking lot, and a sign which gives the name of the owner. The maximum size of any such sign shall be 1 square metre (10.8 sq. ft.).

5.30.2.13 No gasoline pump or other service station equipment shall be located or maintained on any parking space or aisle.

5.30.2.14 In a Residential Zone, not more than 50 percent of the aggregate area of the side yards and rear yard shall be occupied by parking spaces, aisles or driveways.

5.30.2.15 Entrances and exits to parking spaces shall not pass through zones other than the zones requiring the parking spaces.

5.30.2.16 Where off-street parking abuts a Residential Zone, a wooden fence at least 1.5 metres (4.9 ft.) in height shall be erected and maintained and the land within 3 metres (9.8 ft.) of the Residential Zone shall be maintained in an open space condition.

5.30.2.17 No parking or loading facility or part thereof shall be located and no land shall be used for the parking or storage of any vehicle within 1 metre (3.3 ft.) of any lot line or street line, or within 3 metres (9.8 ft.) of the boundary of any Residential Zone.

5.30.2.18 Notwithstanding Section 5.30.1 of this by-law to the contrary, where any building, structure, use or activity is permitted or is legally in existence at the date of passing of this By-law within the Rural Commercial (RC), Recreational Resort Commercial (RRC), or Urban Commercial (UC) Zone classifications, and is subsequently changed in use or enlarged or extended in floor area, number of employees, number of dwelling units, seating capacity or otherwise which results in the reduction of the minimum required parking facilities and/or number of parking spaces and such number of parking spaces or part thereof cannot be provided in accordance with the minimum requirements, then such required parking spaces or part thereof shall be subject to a cash-in-lieu contribution towards municipal parking facilities, the cost of which shall be established by the Council of the Corporation of the Township of South Frontenac from time to time for the determined deficiency.

5.30.2.19 No person shall construct or make use of an entrance onto any property within the Township without first obtaining an entrance permit from the Township Roads Department.

5.30.2.20 In addition to the parking requirements of section 5.30.1, Barrier-Free parking spaces shall be provided and the number of such spaces required will be dependent on the total number of off-street spaces required as follows:

Number of Parking Spaces Required (as per section 5.30.1 above)	Number of Barrier-Free Parking Spaces Also Required
0 – 50	1
51 – 100	2
101 – 200	3
201 – 300	4
301 – 400	5
401 – 600	6

5.31 OFF-STREET LOADING SPACE REQUIREMENTS

5.31.1 No person shall erect or use any building or structure in any zone for any commercial or industrial purpose involving the movement of goods unless off-street loading spaces are provided and maintained in accordance with the following provisions:

5.31.1.1 280 sq. m (3,013.99 sq. ft.) to 930 sq. m (10,010.8 sq. ft.) - 1 space

5.31.1.2 exceeding 930 sq. m (10,010.8 sq. ft.) - 2 loading spaces plus a minimum of 1 additional loading space for each 1400 sq. m (15,070.0 sq. ft.) or fraction thereof in excess of 930 square metres (10,010.8 sq. ft.).

5.31.2 Each loading space shall be at least 9.0 metres (29.5 ft.) long, 3.5 metres (11.5 ft.) wide and have a vertical clearance of at least 4.0 metres (13.1 ft.).

5.31.3 The required loading spaces shall be provided on the lot occupied by the building or structure for which the said loading spaces are required and shall not form a part of any street or lane.

5.31.4 For any commercial or industrial use, no loading space or part thereof shall be located and no land shall be used for loading purposes within 1.5 metres (4.9 ft.) of any lot line, or within 3 metres (9.8 ft.) of any street line or boundary of any Residential zone, or within 3 metres (9.8 ft.) of the lot line of a residential use.

5.31.5 Access to loading spaces shall be by means of a driveway at least 6 metres (19.7 ft.) wide contained within the lot on which the spaces are located and leading to a street or lane located within or adjoining the zone in which the use is located.

5.31.6 The driveways and loading spaces shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.

5.31.7 The loading requirements referred to herein shall not apply to any building in existence at the date of enactment of this By-law so long as the gross floor area as it existed at the date is not increased. If an addition is made, then additional loading spaces shall be provided up to the number required for such addition.

5.32 GROUP HOMES

Group Homes are permitted subject to a site specific amendment to this By-law subject to the following requirements;

5.32.1 in addition to the minimum parking requirements of Section 5.30, one additional parking space shall be provided for each attendant or staff member who resides outside of the group home; and

5.32.2 the provisions of the site specific zones in which the group home is situated shall be complied with.

5.32.3 group homes will be located only on public roads.

5.33 GARDEN SUITES

Notwithstanding the provisions of Section 5.5.3 of the By-law to the contrary, garden suites shall be permitted subject to the following requirements:

5.33.1 a garden suite, as defined in this by-law, may be permitted by Council under Section 39 of the Planning Act, subject to passage of a temporary use by-law to establish the period of time for which the use is to be permitted and to define the area to which the by-law applies;

5.33.2 the gross floor area of living space in such dwelling shall consist of a minimum of 49 square metres (527.4 sq. ft.) and a maximum of 62 square metres (667.4 sq. ft.);

5.33.3 the dwelling unit shall be self-contained and shall have a private entrance and separate culinary, sanitary, dining and sleeping area;

5.33.4 the sanitary sewage disposal, water supply and electrical services for the dwelling unit shall be derived from and connected to the services of the single detached dwelling upon which lot the garden suite is situated, subject to the approval of the authorities responsible for the various services;

5.33.5 all of the provisions of the respective zones in which the garden suite is situated shall be complied with in addition to the following special criteria:

5.33.5.1 Rear Yard (Minimum) 4.5 metres (14.8 ft.)

5.33.5.2 Building Height (Maximum) 4.5 metres (14.8 ft.)

5.33.5.3 Separation Distance from the Principal Dwelling (Maximum) 4.5 metres (14.8 ft.) Principal Dwelling (Maximum

5.34 RESIDENTIAL USE PROHIBITION (PITS AND QUARRIES)

5.34.1 Residential land uses shall be prohibited within 300 metres (984.3 ft.) of an existing or proposed quarry, within 150 metres (492 ft.) of an existing or proposed pit above the water table, and 300 metres (984.3 ft.) of an existing or proposed pit below the water table.

5.34.2 Residential land uses may be permitted on lands between 300 metres (984.3 ft.) and 500 metres (1,640 ft.) of an existing or proposed quarry provided a minor variance or rezoning application is approved by the Township.

5.35 AGRICULTURE - MINIMUM DISTANCE SEPARATION

a. Notwithstanding any other yard or setback provisions of this By-Law to the contrary, no residential, institutional, commercial, industrial or recreational use, located on a separate lot, outside of the boundaries of a “Settlement Area” and permitted in the Zone in which the lot is situated, shall be erected or altered unless it complies with the Minimum Distance Separation (MDS I) calculated using the Ministry of Agriculture, Food and Rural Affairs, “MDS Implementation Formulae and Guidelines”, as amended (Appendix 1). Despite the aforementioned, existing vacant lots which cannot be developed as a result of MDS I may be developed subject to the approval of the Committee of Adjustment. Within “Settlement Area” boundaries, MDS 1 will not be applied to proposed new development except where Council determines that special circumstances warrant such application.

b. Notwithstanding any other yard or setback provisions of this By-Law to the contrary, no livestock facility, shall be erected or expanded except in compliance with the Minimum Distance Separation (MDS II) calculated using the Ministry of Agriculture, Food and Rural Affairs, “MDS Implementation Formulae and Guidelines”, as amended (Appendix 1). Despite the aforementioned, existing livestock facilities which cannot be expanded as a result of MDS II may be expanded subject to the approval of the Committee of Adjustment.

c. Where a new or expanded livestock facility is proposed adjacent to a vacant non-farm residential parcel of land containing a lot area of 2 hectares (4.9 acres) or less, the minimum separation distance shall be calculated from the nearest part of the new or expanded agricultural use to the boundary of the vacant lot.

d. Where a new or expanded livestock operation is proposed adjacent to a vacant non-farm residential parcel of land containing a lot area greater than 2 hectares (4.9 acres), the minimum separation distance shall provide for a minimum building area on the vacant lot of 1 hectare (2.5 acres).

e. No livestock facility shall be located within 30 metres (98.4 ft.) of a dug well or within 15 metres (49.2 ft.) of a drilled well or within 30 metres (98.4 ft.) of a drilled well having less than 6 metres (19.7 ft.) of casing."

Note: Despite the Minimum Distance Separation requirements specified above, an MDS II calculated setback may be reduced from any cemetery listed in Appendix 4 to this By-law.

5.36 MINOR VARIANCE

The Committee of Adjustment may consider a variance to any provision of this By-law provided that:

a. the variance conforms with the intent of the Township Official Plan and Zoning By-law;
b. the variance is appropriate for the proper development of the property; and
c. the variance is minor in nature.

5.37 ENVIRONMENTALLY SENSITIVE OVERLAY

5.37.1 Environmentally Sensitive Lands identified on the schedules to this by-law include all lands that have significant biological, geological, zoological or other unique natural features such as sensitive groundwater recharge and discharge areas, natural connections between natural heritage features, fish habitat, significant wildlife habitat, significant woodlands, significant valleylands and areas of natural and scientific interest, as well as all lands within 300 metres of the highwater mark of highly sensitive lake trout lakes and 90 metres of the highwater mark of any other waterbody, 50 metres from Significant Areas of Natural and Scientific Interest and significant portions of the habitat of an endangered or threatened species, 30 metres from fish habitat and 120 metres of land zoned Environmental Protection. Development or site alteration in these areas shall take place in accordance with the underlying zone requirements but shall be accompanied by the written approval and technical recommendations of the Conservation Authority having jurisdiction. An Environmental Impact Assessment shall accompany all development or site alteration applications.

An Environmental Impact Assessment will consist of:

a. a description of the proposed development, its purpose including site planning details, a general locational map, proposed buildings, existing land uses and details showing the existing vegetation, site topography, drainage, soils and fish and wildlife habitat areas.

b. a description of the negative impacts that will be caused or which might reasonably be expected to be caused to the environment and the ecological functions and features associated with the feature;
c. description of the negative impacts the proposed development will have on fish habitat including water quality requirements or effect on other features and functions;
d. a statement indicating whether negative impacts will result from the proposal and a description of the actions necessary or which might be expected to be necessary to prevent change or to mitigate or remedy the negative impacts which might be expected to occur upon the environment and/or ecological functions and features as a result of the proposed development;
e. a description of how the mitigative measures will be implemented and/or enforced;
f. any measures, where deemed appropriate, to monitor the mitigation measures and to assess the long term impacts associated with the proposal.

5.37.2 In areas that are permanently inundated with water, the only permitted uses shall be water-oriented recreational activities and docks, provided they do not interfere with conditions necessary for safe boating and navigation and they receive all necessary approval from but not limited to the Conservation Authority, Ministry of Natural Resources or Parks Canada. In addition, riparian habitat, fish habitat and public lands should be considered for all water oriented recreational activities and docks. Landowners are advised to contact the Rideau Canal Office for permission to construct on or over the bed of the Canal or the relevant Conservation Authority and Ministry of Natural Resources for all other waterbodies in the Township.

5.38 LANDS ABUTTING AN OPEN SPACE SPECIAL ONE (OS-1) ZONE (CATARAQUI TRAIL)

All building on lands abutting an Open Space Special One (OS-1) Zone will be set back 3.0 metres (9.8 ft.) from the zone boundary.

5.39 SEASONAL ROADS

Sections of the public road system in the Township are seasonally maintained only, by the Township, and may not be able to be travelled at times of the year. The Township is under no obligation to provide access to properties taking access from these roads.
Areas taking access from seasonally maintained roads have been zoned to a Special Limited Services Residential Zone (RLS-2).

5.40 POTABLE WATER FOR DEVELOPMENT OF NON-WATERFRONT LOTS CREATED BY CONSENT AFTER APRIL 30, 2002

Prior to stamping of the deed for any non-waterfront lot created by consent after April 30, 2002, the applicant shall submit a well drillers report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6 hour pump test.

5.41 HOBBY FARM

The number of livestock permitted on a Hobby Farm shall be in accordance with the following or the Minimum Distance Separation MDS formula, whichever is more restrictive:

Minimum Lot Area Hectares (Acres)	Animal Units Permitted As defined in the MDS	Tillable Area Hectares (Acres)
0 - 1.2 (0 - 3)	Not permitted	N/A
1.2 - 1.6 (3 - 4)	1	1.2 (3)
1.6 - 2.4 (4 - 6)	2	1.2 (3)
2.4 - 4.8 (6 - 12)	3	2.4 (6)
4.8 - 7.3 (12 - 18)	4	3.6 (9)
7.3 - 9.9 (18 - 25)	5	4.8 (12)

Notwithstanding the above, on lots that are between 1 acre and 3 acres in size, a maximum of ten (10) hens shall be permitted.

5.42 BUILDINGS AND STRUCTURES IN THE WATER

No permanent building, structure or vessel located on or in a waterbody within the Township shall be used for human habitation on a year-round basis.

5.43 WINDMILLS/WIND POWERED ELECTRICAL GENERATORS

Notwithstanding anything in this by-law to the contrary, one (1) windmill or wind powered electrical generator is permitted, as an accessory structure to a permitted dwelling in any zone, provided:

a. it does not exceed 30 metres in height; and
b. it is located behind the principal use building on the property; and
c. it does not conflict with federal aviation regulations; and
d. it is located at a distance not less than one half its height from any lot line.

Additional windmill structures are permitted subject to the above provided they are used in conjunction with a permitted agricultural use.

5.44 LAKE TROUT LAKES

Lands abutting or adjacent to sensitive lake trout lakes shall be developed in accordance with the following provisions:

a. Highly Sensitive Lake Trout Lakes
   Development or site alteration of lots existing on the day of adoption of the Official Plan (September 5, 2000) that are within 90 metres of a highly sensitive lake trout lake, shall only be undertaken on the basis of tertiary treatment sewage system technologies that can demonstrate that their use will not adversely impact lake water quality over the long term.

5.45 DEVELOPMENT ADJACENT TO OR WITHIN KNOWN MINERAL DEPOSITS OR ABANDONED MINE HAZARDS

In areas adjacent to (within 500 metres (1,640.4 ft.) or in known mineral deposits or in areas of mineral potential, development which would preclude or hinder the establishment of a new mining operation or expansion of an existing operation or which would prevent access to a mineral resource, will not be permitted unless:

a. resource use would not be feasible; or
b. the proposed land use or development serves a greater long term public interest; and
c. issues of public health and safety and environmental impacts are addressed.
In reviewing any planning or development application, Council shall verify that the Ministry of Northern Development and Mine's "Abandoned Mine Inventory System" (as updated from time to time) does not indicate that a mine hazard (past or present) exists within close proximity to the subject lands. If the Inventory indicates that a potential hazard exists, the applicant shall be responsible for ensuring that any hazards are mitigated such that the hazard is removed and that the property is safe for the proposed development. Council may require proof by way of a technical study, that the hazard has been removed.

5.46 CONSERVATION AUTHORITY ACT REGULATIONS

There are three Conservation Authorities (C.A.) having jurisdiction in the Township (Cataraqui, Quinte and Rideau Valley). These C.A.'s may, in consultation with the Township, enact Regulations under Section 28 of the Conservation Authorities Act to control development on lands with environmental sensitivity and/or natural hazards. All development or site alterations affected by these regulations must conform to these regulations where applicable.

5.47 RIDEAU CANAL

Parts of the Township are located within the Rideau Canal. Where applicable, all development and site alteration shall conform with federal regulations as they relate to lands under the jurisdiction of the Rideau Canal.

SECTION 6 - AGRICULTURAL ZONE (A)

6.1 Within an A - Agricultural Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

6.2 PERMITTED USES

- agricultural uses, including a livestock facility and intensive agricultural uses,
- conservation uses including reforestation and other activities connected with the conservation of soil or wildlife,
- wood lots,
- wayside pits and wayside quarries,
- open space uses,
- a single detached dwelling as an accessory use to agriculture,
- a single detached dwelling,
- a dock, subject to approval from the appropriate authority,
- accessory buildings or uses to the above uses,
- a hobby farm,
- a home occupation, in accordance with the provisions of Section 5.28 of this By-law,
- a home industry, in accordance with the provisions of Section 5.29 of this By-law,
- a garden suite in accordance with the provisions of Section 5.33 of this By-law;
- an agricultural produce sales outlet.

6.3 ZONE REGULATIONS

6.3.1 Residential Uses

- Lot Area (Minimum) 8,000 sq. metres (86,114 sq. ft.)
- Lot Frontage (Minimum) 76 metres (249.3 ft.)
- Front Yard (Minimum) 20 metres (65.6 ft.)
- Rear Yard (Minimum) 10 metres (32.8 ft.)
- Interior Side Yard (Minimum) 3 metres (9.8 ft.)
- Exterior Side Yard (Minimum) 10 metres (32.8 ft.)
- Gross Floor Area (Minimum) 59 sq. metres (635.2 sq. ft.)
- Lot Coverage (Maximum) 30 percent
- Building Height (Maximum) 11 metres (36.1 ft.)
- Off-street parking shall be provided in accordance with Section 5.30.
- Setback from Highwater Mark (Minimum) 30 metres (98.4 ft.)

6.3.2 For All Other Uses

- Lot Area (Minimum) 35 hectares (86.5 acres)
- Lot Frontage (Minimum) 150 metres (492.1 ft.)
- Building Height (Maximum) 45 metres (147.6 ft.)
- Front Yard and Exterior Side Yard

(Minimum) 20 metres (65.6 ft.)

- No principal building or structure shall be located less than 10 metres (32.8 ft.) from an interior side lot line or a rear lot line.
- Off-street parking shall be provided in accordance with Section 5.30.
- Livestock facilities shall be located in accordance with Section 5.35.
- The minimum lot area and the number of livestock permitted on hobby farms shall be in accordance with Section 5.41 of this by-law.

6.3.3 For Accessory Buildings Not Attached to the Principal Building

- Rear Yard (Minimum) 3.0 metres (9.8 ft.)
- Interior Side Yard (Minimum) 3.0 metres (9.8 ft.)
- Exterior Side Yard (Minimum) 20 metres (65.6 ft.)
- Setback from Highwater Mark (Minimum) 30 metres (98.4 ft.)

6.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the A Agricultural Zone.

6.5 SPECIAL A - AGRICULTURAL ZONES

A-1 (Part Lot 9, Concession VIII, Storrington District – Sonneveld)
Notwithstanding the permitted uses of section 6.2 and the zone regulations in section 6.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Agricultural (A-1) Zone the following uses are prohibited:

- a single detached dwelling as an accessory use to agriculture
- a single detached dwelling
- a home occupation
- a home industry
- a garden suite

All other provisions of this by-law shall apply.

SECTION 7 - RU - RURAL ZONE

7.1 Within an RU- Rural Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

7.2 PERMITTED USES

- agricultural uses, including a livestock facility and intensive agricultural uses,
- conservation uses, including reforestation and other activities connected with the conservation of soil or wildlife,
- wood lots,
- wayside pits and wayside quarries,
- open space use,
- a kennel,
- an apiary,
- a riding club,
- a greenhouse,
- a cold storage warehouse,
- a grain drying facility,
- a hobby farm,
- a livestock assembly area or a livestock exchange,
- an agricultural sales barn,
- a veterinary clinic,
- a research facility,
- a single detached dwelling,
- a dock, subject to approval from the appropriate authority,
- accessory buildings or uses to the above uses, including a single detached dwelling as an accessory use to agriculture,
- a home occupation, in accordance with the provisions of Section 5.28 of this By-law,
- a home industry, in accordance with the provisions of Section 5.29 of this By-law,
- an agricultural produce sales outlet.

7.3 ZONE REGULATIONS

7.3.1 For Agricultural, Conservation, and Wood Lot Uses; A Kennel, A Riding Club, A Greenhouse, A Cold Storage Warehouse, A Grain Drying Facility, A Livestock Assembly Area, A Research Facility, A Livestock Exchange, An Agricultural Sales Barn, A Veterinary Clinic and A Hobby Farm:

- Lot Area (Minimum) — 8000 sq. metres (86,114.0 sq. ft.)
- Building Height (Maximum)
  a. Agricultural Uses — 45 metres (147.6 ft.)
  b. All other uses — 25 metres (82.0 ft.)
- Front Yard and Exterior Side Yard (Minimum) — 20 metres (65.6 ft.)

- No principal building or structure shall be located less than 10 metres (32.8 ft.) from an interior side lot line or a rear lot line.
- No building or structure used for the housing, training or care of animals in conjunction with a kennel as defined in this By-law, shall be located less than 150 metres (492.1 ft.) from a residential zone or existing residential use.
- No accessory building or structure shall be located less than 3 metres (9.8 ft.) from any interior side lot line or rear lot line.
- No accessory building or structure shall be greater than 6 metres (19.7 ft.) in height.
- Setback from Highwater Mark (Minimum) 30 metres (98.4 ft.)
- The minimum lot area and the number of livestock permitted on a hobby farm shall be in accordance with Section 5.41.
- Off-street parking shall be provided in accordance with Section 5.30.
- Livestock facilities shall be located in accordance with Section 5.35.

7.3.2 For Single Detached Residential Uses:

- Lot Area (Minimum) 8000 sq. metres (86,114.1 sq. ft.)
- Lot Frontage (Minimum) 76 metres (250 ft.)
- Front Yard (Minimum) 20 metres (65.6 ft.)
- Rear Yard (Minimum) 10 metres (32.8 ft.)
- Interior Side Yard (Minimum) 3 metres (9.8 ft.)
- Exterior Side Yard (Minimum) 10 metres (32.8 ft.)
- Gross Floor Area (Minimum) 59 sq. metres (635.1 sq. ft.)
- Lot Coverage (Maximum) 20 percent
- Building Height (Maximum) 11 metres (36.1 ft.)
- Off-street parking shall be provided in accordance with Section 5.30.
- Rear Yard (Minimum) for Accessory Buildings 3 metres (9.8 ft.)
- Interior Side Yard (Minimum) for Accessory Buildings 3 metres (9.8 ft.)
- Exterior Side Yard (Minimum) for Accessory Buildings 20 metres (65.6 ft.)
- Building Height for Accessory Buildings 6 metres (19.7 ft.)
- Setback from Highwater Mark (Minimum) 30 metres (98.4 ft.)

7.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the RU Rural Zone.

7.5 SPECIAL RU RURAL ZONES

RU-1 (Part Lot 6, Concession XIV, Portland District - Pepper)

Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-1) shall be used only in accordance with the following:

- One single detached dwelling shall be permitted in addition to those uses permitted in the RU zone.

All other provisions of this by-law shall apply.

RU-2 (Part Lot 18, Concession VII, Storrington District - Rural Lands/Leachate Treatment)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-2) shall be used only in accordance with the following:

- The treatment of leachate produced by and originating from the landfill site located to the immediate north of Washburn Road on Part of Lot 18, Concession 7;
- Leachate treatment systems located on the above described lands may include both passive and active systems such as, but not necessarily limited to, a marsh treatment system and a rotating biological disk type of leachate treatment plant. In more specific terms, whatever systems are most effective in the treatment of leachate generated by the adjacent landfill site may be utilized.
- Under no circumstances shall the above described lands be utilized for the landfilling of any waste.
- Adequate separation distances shall be provided between any residential building and any building devoted to the treatment of water polluted by the adjacent landfill site.

All other provisions of this by-law shall apply.

RU-3 (Part Lot 38, Concession VII, Storrington District - McGarvey Stone House)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-3) shall be used only in accordance with the following:

- The existing stone building may be converted into a maximum of four multiple unit dwelling units in accordance with the provisions of Sections 16.3 and 16.4 of this by-law.

All other provisions of this by-law shall apply.

RU-4 (Part Lot 10, Concession I, Storrington District - Heska Subdivision)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-4) shall be used only in accordance with the following:

- A single detached dwelling shall not be permitted.

All other provisions of this by-law shall apply.

RU-5 (Lot 5, Concession VII, Loughborough District - Sands)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-5) shall be used only in accordance with the following:

- Zone Provisions
  a. lot frontage (minimum) 42.1 m (138.2 ft.)
  b. interior side yard (minimum) 0.9 m (3 ft.)

All other provisions of this by-law shall apply.

RU-6 (Part Lot 22, Concession IV, Storrington District - Stewart)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-6) shall be used only in accordance with the following:

- Additional Permitted Use duplex dwelling
- Permitted Dwelling Units per Lot (maximum) 2

All other provisions of this by-law shall apply.

RU-7 (Part Lot 20, Concession XII, Bedford District - Wallond)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-7) shall be used only in accordance with the following:

- Permitted Uses
    a. a multiple unit dwelling;
    b. a home occupation;
    c. an accessory building or use to the above uses.
- The maximum number of dwelling units per lot is 6.

All other provisions of this by-law shall apply.

RU-8 (Part Lot 6, Concession IV, Portland District - Beckwith)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-8) shall be used only in accordance with the following:

- Two dwelling units are permitted within an original single dwelling unit.

All other provisions of this by-law shall apply.

RU-9 (Part Lots 32 and 33, Concession XIII, Storrington District - Sullivan Pet Cemetery)

- Removed.

RU-10 (Lot 5, Concession I, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-10) shall be used only in accordance with the following:

- The minimum lot frontage shall be 106 metres (350 ft.).

All other provisions of this by-law shall apply.

RU-11 (Part Lot 1, Concession V, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-11) shall be used only in accordance with the following:

- A maximum of two (2) separate dwelling units shall be permitted in the existing building.

All other provisions of this by-law shall apply.

RU-12 (Part Lot 13, Concession V, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-12) shall be used only in accordance with the following:

- A maximum of two (2) separate dwelling units shall be permitted in the existing building.

All other provisions of this by-law shall apply.

RU-13 (Lots 1 and 2, Concession IX, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-13) shall be used only in accordance with the following:

- The physical joining of the new house with the original house building shall be permitted. A maximum of two (2) separate dwelling units shall be permitted in the combined building, one on each side of the joint between the new and original buildings.
- This exception applies only to the existing buildings (the new and the original houses), and not to any alteration or replacement of the existing buildings (the new and the original houses), except for the alteration required to physically join the two buildings.

All other provisions of this by-law shall apply.

RU-14 (Part Lot 2, Concession IV, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-14) shall be used only in accordance with the following:

- All uses as outlined in Section 7.2 of this by-law except a single detached dwelling and a home occupation shall be permitted in the Special Rural (RU-14) Zone.

All other provisions of this by-law shall apply.

RU-15 (Part Lot 1, Concession III, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-15) shall be used only in accordance with the following:

- Not more than 65 percent of the total floor area of the dwelling unit and/or up to 20.0 sq. metres (215.3 sq. ft.) in an accessory building may be used for trades purposes.

All other provisions of this by-law shall apply.

RU-16 (Part Lot 4, Concession XIII, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-16) shall be used only in accordance with the following:

- The minimum setback from the centre of county roads shall be 22.8 metres (74.8 ft.).

All other provisions of this by-law shall apply.

RU-17 (Part Lot 15, Concession V, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-17) shall be used only in accordance with the following:

- Two dwelling units shall be permitted in the existing building.

All other provisions of this by-law shall apply.

RU-18 (Part Lots 21 and 22, Concession XII, Loughborough District - Edwardson Development Corp.)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-18) shall be used only in accordance with the following:

- The minimum lot area shall be 23.4 hectares (58 acres).
- That any further division of lands zoned RU-18 shall proceed only by a plan of subdivision in accordance with Section 50 of the Planning Act RSO 1990.

All other provisions of this by-law shall apply.

RU-19 (Part Lot 3, Concession III, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-19) shall be used only in accordance with the following:

- Permitted Uses
    a. a semi-detached dwelling consisting of one 1-bedroom dwelling unit containing a maximum of 65.8 sq. metres (216 sq. ft.) of bedroom floor area and one 3-bedroom unit containing a maximum of 39.2 sq. metres (422 sq. ft.) of bedroom floor area;
    b. all uses other than additional residential uses permitted in Section 7.2 of this by-law.

All other provisions of this by-law shall apply.

RU-20 (Part Lot 1, Concession IV, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-20) shall be used only in accordance with the following:

- A semi-detached dwelling may be permitted.
- The minimum lot size for use for a semi- detached dwelling shall be 0.93 hectares (2.3 acres).

All other provisions of this by-law shall apply.

RU-21 (Lot 9, Concession II, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-21) shall be used only in accordance with the following:

- The minimum lot frontage shall be 39.3 metres (128 ft.).
- The minimum lot size shall be equal to the size of the retained portion (approximately 1.93 ha or 4.8 acres).

All other provisions of this by-law shall apply.

RU-22 (Lot 20, Concessions X and IX, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-22) shall be used only in accordance with the following:

- A multiple residential dwelling is a permitted use.

All other provisions of this by-law shall apply.

RU-23 (Lot 21, Concession X, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-23) shall be used only in accordance with the following:

- The minimum lot frontage shall be 21.9 metres (71.9 ft.).

All other provisions of this by-law shall apply.

RU-24 (Lot 23, Concession XIV, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-24) shall be used only in accordance with the following:

- Zone Provisions
    a. lot size (minimum) shall be equal to the size of the rezoned portion i.e., approximately 7.68 ha (19 acres)

All other provisions of this by-law shall apply.

RU-25 (Lot 20, Concession I, Storrington District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-25) shall be used only in accordance with the following:

- Permitted uses shall include a dwelling and one accessory dwelling unit in addition to those uses listed in Section 7.2 of this By-law.

All other provisions of this by-law shall apply.

RU-26 (Lot 37, Concession VII, Storrington District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-26) shall be used only in accordance with the following:

- an accessory storage building or structure shall be permitted prior to the construction of the primary use on the property;
- the storage building shall not be used for the purposes of human habitation.

All other provisions of this by-law shall apply.

RU-27 (Lot 23, Concession V, Storrington District - Martin)
Notwithstanding any provision of this by-law to the contrary, the following uses only shall be permitted on the lands zoned Special Rural (RU-27):

- Permitted Uses
    a. a welding and fabrication shop;
    b. a single detached dwelling;
    c. a home occupation;
    d. a home industry;
    e. accessory uses to the above.

All other provisions of this by-law shall apply.

RU-28 (Lot13, Concession III, Portland District - Selle)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-28) shall be used only in accordance with the following:

- In addition to the uses specified in section 7.2 of this By-law, the following uses are permitted;
    a. a sawmill and planing mill.

All other provisions of this by-law shall apply.

RU-29 (Part Lots13 and 14, Concession IV, Loughborough District - Orser)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-29) shall be used in accordance with the following:

- access may be by way of a private right-of-way.

In the RU-29 zone there is no commitment or requirement by the Municipality to assume responsibility for ownership or maintenance of any private lane. Due to conditions of privately-maintained roads, there is no commitment or requirement by the Municipality to ensure that emergency vehicles are able to access privately-owned roads.

All other provisions of this by-law shall apply.

RU-30 (Part Lot 18, Concession III, Storrington District - Cumpson)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-30) Zone the following special provision shall apply:

- lot frontage (Minimum) 70 metres (230 ft.)

All other provisions of this by-law shall apply.

RU-31 (Part Lot 5, Concession V, Storrington District - Gordon)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-31) shall be used in accordance with the following:

- In addition to the uses permitted in section 7.2 of this By-law, the following uses are permitted
    a. a secondary temporary dwelling unit.

- In addition to the zone regulations in section 7.3 of this By-law, the following regulations apply
    a. street access to both dwellings (principal and secondary) is limited to one driveway only;
    b. the maximum permitted floor area of the temporary second dwelling is 55.7 sq. metres (600 sq. ft.);
    c. the maximum height of the temporary second dwelling is one storey or 4.5 metres whichever is the lower number;
    d. the temporary second dwelling shall be permitted for a maximum period of ten (10) years from the date of approval of this Zoning By-law Amendment on July 5, 2005.

All other provisions of this by-law shall apply.

RU-32 (Part Lot 7, Concession IV, Portland District - Kerr)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RU-32) shall be used only in accordance with the following:

- In addition to the uses permitted in section 7.2 of this By-law, the following uses are permitted
    a. storage warehousing including open storage.

All other provisions of this by-law shall apply.

RU-33 (Lot 22, Concession XI, Bedford District – Ellel Ministries)
Notwithstanding any provision of this by-law to the contrary, the following provisions shall apply in the Special Rural (RU-33) zone:

- Permitted Uses
    a. a healing wellness retreat accommodating up to 60 patrons;
    b. one dwelling unit;
    c. a home occupation;
    d. accessory uses and buildings to the above.

- The above permitted uses are subject to a site plan agreement registered on the title of the property and subject to approval of KFL&A Public Health or Ministry of the Environment depending on volume of septage.

All other provisions of this by-law shall apply.

RU-34 (Lot 17, Concession XIV, Portland District-Hartwick)
Notwithstanding any provision of this By-law to the contrary, the lands zoned Special Rural Exception (RU-34) Zone shall be used in accordance with the following:

- In addition to the uses permitted in section 7.2 of this By-law, the following uses are permitted:
    a. A golf driving range.
    b. A mini golf course

All other provisions of this by-law shall apply.

RU-35 (Lot 2, Concession I, Bedford District-Ogilvie)
Notwithstanding any provision of this By-law to the contrary, on the lands zoned Special Rural Exception (RU-35) Zone, the following uses only shall be permitted:
- Permitted Uses
    a. Vehicle and boat trailer parking.
    b. Accessory storage.

All other provisions of this by-law shall apply.

RU-36 (Lot 17, Concession V, Portland District-Poelwyk)
Notwithstanding the provisions of section 7.3.2 of this By-law, on the lands zoned Special Rural (RU-36) Zone, the following provisions shall apply:

- For Single Detached Residential Uses
    a. Lot Frontage (Minimum) 75 metres (246 ft.)
    b. Front Yard (Minimum) 100 metres (328 ft.)

All other provisions of this by-law shall apply.

RU-37 (Part Lot 3, Concession IV, Loughborough District, RKR Landholdings)
Notwithstanding any other provision of this By-law to the contrary, the following shall apply in the RU-37 zone:

- Lot Frontage (Minimum) 20 metres (66 ft.)
- Front Yard (Minimum) 100 metres (328 ft.)

All other provisions of this By-law shall apply.

RU-38 (Part Lot 24, Concession I, Storrington District – Green)
Notwithstanding any provision of this By-law to the contrary, on the lands zoned Special Rural (RU-38) Zone, the following provisions shall apply:

- In addition to those permitted in section 7.2 of this By-law, the following use is permitted:
    a. A secondary temporary dwelling unit.

- In addition to the regulations section 7.3 of this By-law the following regulations apply:
    a. street access to both dwellings (principal and secondary) is limited to one driveway only;
    b. the maximum permitted footprint area of the temporary secondary dwelling is 59 metres^2 (638ft.^{2});
    c. the temporary second dwelling use shall be permitted for a maximum period of three (3) years
    d. from the date of the approval of this Zoning By-law Amendment of December 20, 2011.

All other provisions of this by-law shall apply.

RU-39 (Lot 22, Concession VIII, Loughborough District - Desgagne)
Notwithstanding any provision of this By-law to the contrary, on the lands zoned Special Rural (RU-39) Zone, the following provisions shall apply:

- In addition to the uses permitted in section 7.2 of this By-law the following use is permitted
    a. A garden suite.

- In addition to the zone regulations section 7.3 of this By-law the following regulations apply
    a. street access to both dwellings (principal and garden suite) is limited to one driveway only;
    b. the maximum permitted footprint area of the garden suite 59 metres^2 (667.4 ft.^{2});
    c. the temporary second dwelling use shall be permitted for a maximum period of three (3) years
    d. from the date of the approval of this Zoning By-law Amendment being December 2, 2008.

All other provisions of this by-law shall apply.

RU-40 (Part Lot 26, Concession X, Storrington District – 1073650 Ontario Inc. & Part Lot 6, Concession XIV, Loughborough District, Pierce)
Notwithstanding any provision of this By-law to the contrary, on the lands zoned Special Rural (RU-40) Zone, the following uses only shall be permitted:

- Permitted Uses
    a. vehicle parking and boat moorage;
    b. accessory storage.

All other provisions of this by-law shall apply.

RU-41 (Part Lot 5, Concession IV, Portland District – Lambert)
Notwithstanding the zone regulations in section 7.3.2 or any other provision of this By-law to the contrary, on the lands zoned Special Rural (RU-41) Zone, the following provision shall apply:

- Lot Frontage (Minimum) 20 metres (66 ft.)

All other provisions of this by-law shall apply.

RU-42 (Lot 13, Concession V, Loughborough District, McGibbon)
Notwithstanding any provision of this By-law to the contrary, on the lands zoned Special Rural (RU-42), the following provisions shall apply:

- In addition to the uses permitted in section 7.2 of this By-law the following uses are permitted:
    a. A secondary temporary dwelling unit.

- In addition to the zone regulations section 7.3 of this By-law the following regulations apply:
    a. street access to both dwellings (principal and secondary) is limited to one driveway only;
    b. the maximum permitted gross floor area of the temporary secondary dwelling is 59 metres ^{2} (638ft. ^{2})
    c. the temporary second dwelling shall be permitted for a maximum period of three (3) years from
    d. the date of the approval of this Zoning By-law Amendment which is March 2, 2010.

All other provisions of this by-law shall apply.

RU-43 (Lot 34, Concession XI, Storrington District, Aldridge)
Notwithstanding any provision of this By-law to the contrary, on the lands zoned Special Rural (RU-43), the following provisions shall apply:

- In addition to the uses permitted in section 7.2 of this By-law the following uses are permitted:
    a. A secondary temporary dwelling unit.

- In addition to the zone regulations section 7.3 of this By-law the following regulations apply:
    a. street access to both dwellings (principal and secondary) is limited to one driveway only;
    b. the temporary second dwelling shall be permitted for a maximum period of three (3) years from
    c. the date of the approval of this Zoning By-law Amendment which is May 18, 2010.

All other provisions of this by-law shall apply.

RU-44 (Lot 23, Concession I, Storrington District, Sloan-Latimer)
Notwithstanding the zone regulations of section 7.3.2 or any other provision of this By-law to the contrary, on the lands zoned Special Rural (RU-44), the following provisions shall apply:

- Lot Frontage (Minimum) 50 metres (163 ft.)
- Rear Yard for Principal Building (Minimum) 150 metres (492 ft.)

All other provisions of this by-law shall apply.

RU-45 (Part Lots 23 & 24, Con. III, Storrington District – 1073650 Ontario Inc.)
Notwithstanding the zone regulations in section 7.3.2 or any other provision of this By-law to the contrary, on the lands zoned Special Rural (RU-45) Zone, the following provision shall apply:

- Setback from Highwater Mark (Minimum) 40 metres (131 ft.)

All other provisions of this by-law shall apply.

RU-46 (Part Lot 7, Concession VII, Portland District – Asselstine)
Notwithstanding the zone regulations in section 7.3.1 and 7.3.2 or any other provision of this By-law to the contrary, on the lands zoned Special Rural Zone (RU-46), the following provisions shall apply:

- For Single Detached Residential Buildings
  West Side Yard (Minimum) 30 metres (98.4 ft.)

- For All Other Buildings
  West Side Yard (Minimum) 40 metres (131 ft.)

All other provisions of this by-law shall apply.

RU-47 (Part Lot 2, Concession II, Loughborough District – Fellows)
Notwithstanding the zone regulations in section 7.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Rural (RU-47), the following provision shall apply:

- No development shall be located within 30 metres (98.4 ft.) of the rear lot line of any lot fronting on Forest Road.

All other provisions of this by-law shall apply.

RU-48 (Part Lot 6, Concession V, Portland District – Davis)
Notwithstanding the zone regulations in section 7.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Rural (RU-48), the following provision shall apply:

- No development shall be located behind the rear lot line of any existing lot that fronts on Wallace Road.

All other provisions of this by-law shall apply.

RU-49 (Part Lot 12, Concession XIV, Portland District – McInnes)
Notwithstanding the zone regulations in section 7.3.2 or any other provision of this By-law to the contrary, on the lands zoned Special Rural (RU-49), the following provision shall apply:
- Lot Frontage (Minimum) 72 metres (236 ft.)

All other provisions of this by-law shall apply.

RU-50 (Part Lot 1, Concession IV, Loughborough District - Bannon
Notwithstanding the provisions of section 7.2 or any other provision of this By-law to the contrary, on the lands zoned Special Rural (RU-50), the following use is also permitted:

- A group home is permitted within the existing principal building.

All other provisions of this by-law shall apply.

RU-51 (Part Lot 6, Concession VII, Storrington District - Jespersen)

Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Rural (RU-51), the following special provision applies:

i) Lot Frontage (Minimum)……65 metres (213 ft.)

All other provisions of this By-law shall also apply.

RU-52 (Part Lot 36, Concession VII, Storrington District – Holland)

Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Rural (RU-52), the following provision shall apply:

- A secondary dwelling is permitted as part of the principal building.

All other provisions of this by-law shall apply.

SECTION 8 - RW - WATERFRONT RESIDENTIAL ZONE

8.1 Within an RW - Waterfront Residential Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

8.2 PERMITTED USES

- a single detached dwelling,
- a seasonal dwelling,
- a dock, subject to approval from the appropriate authority,
- accessory buildings or uses including one sleeping cabin,
- a home occupation, in accordance with the provisions of Section 5.28 of this By-law,
- a home industry, in accordance with the provisions of Section 5.29 of this By-law.

8.3 ZONE REGULATIONS

8.3.1 For the Single Detached or Seasonal Dwelling

• Lot Area (Minimum)	10,000 sq. metres (107,642 sq. ft.)
• Road Frontage (Minimum)	76 metres (250 ft.)
• Water Frontage (Minimum)	91 metres (300 ft.)
• Front Yard (Minimum)	20 metres (65.6 ft.)
• Rear Yard (Minimum)	10 metres (33 ft.)
• Interior Side Yard (Minimum)	3 metres (9.8 ft.)
• Exterior Side Yard (Minimum)	20 metres (65.6 ft.)
• Lot Coverage (Maximum)	5 percent
• Gross Floor Area (Minimum)	59 sq. metres (635.1 sq. ft.)
• Building Height (Maximum)	11 metres (36.1 ft.)

- Off-street parking shall be provided in accordance with Section 5.30.

8.3.2 For Accessory Buildings Not Attached To The Principal Building

• Rear Yard (Minimum)	3 metres (9.8 ft.)
• Interior Side Yard (Minimum)	3 metres (9.8 ft.)
• Exterior Side Yard (Minimum)	3 metres (9.8 ft.)
• Building Height (Maximum)	6 metres (19 ft.)

8.3.3 Notwithstanding any setbacks specified in sections 8.3.1 and 8.3.2 above, the minimum required setback from the highwater mark or floodline of a waterbody shall be 30 metres (98.4 ft.).

8.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot building, structure or use within the RW - Waterfront Residential Zone.

8.5 SPECIAL RW - WATERFRONT RESIDENTIAL ZONES

RW-1 (Part Lot 23, Concession II, Bedford District - Cicuto/Matos)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Residential Waterfront (RW-1) shall be used only in accordance with the following:

- The minimum lot size shall be 6.5 ha (16.2 acres).
- The minimum setback from the highwater mark of Bob's Lake and Eagle Creek for all buildings and structures shall be 40 metres (131.2 ft).

All other provisions of this by-law shall apply.

RW-2 (Part Lot 24, Concession X, Bedford District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Residential Waterfront (RW-2) shall be used only in accordance with the following:

- The minimum setback from the highwater mark of Wolfe Lake shall be 40 metres (131.2 ft.).
- No boathouses shall be permitted.

All other provisions of this by-law shall apply.

RW-3 (Lot 8, Concession IX, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Residential Waterfront (RW-3) shall be used only in accordance with the following:

- The minimum setback from the highwater mark of Cronk Lake to any new structure shall be no less than approximately 17.07 metres (56 feet).

All other provisions of this by-law shall apply.

RW-4 (Lot 25, Concession XIV, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Residential Waterfront (RW-4) shall be used only in accordance with the following:

- The minimum setback from the highwater mark of Buck Lake shall be 15 metres (49.2 ft.).

All other provisions of this by-law shall apply.

RW-5 (Lots 3 and 4, Concession XII, Loughborough District - Cordell)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Residential Waterfront (RW-5) shall be used only in accordance with the following:

- Permitted Uses
    a. The maximum number of lots to be zoned RW-5 shall be four (4). Additional lots on lands zoned RW-5 shall only be considered by the Township on the basis of a plan of subdivision.

- Zone Requirements
    a. Notwithstanding any other section of this by-law to the contrary, direct access to the lands zoned RW-5 may be from a private right-of-way. The location of the private lane entrance from Holleford Road shall be subject to the approval of the Township Road Superintendent.

All other provisions of this by-law shall apply.

RW-6 (Part Lot 6, Concession V; Part 1, Plan 10256, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Residential Waterfront (RW-6) shall be used only in accordance with the following:

- A single dwelling and accessory building or structure may be erected not closer than 9 metres (29.5 ft.) from the highwater mark of Sydenham Lake.

All other provisions of this by-law shall apply.

RW-7 (Lot 10, Concession X, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Residential Waterfront (RW-7) shall be used only in accordance with the following:

- A sundeck attached to an existing dwelling may be permitted to be located within 12.2 metres (40 feet) of the highwater mark of Gould Lake.

All other provisions of this by-law shall apply.

RW-8 (Lot 4, Concession XIII, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Residential Waterfront (RW-8) shall be used only in accordance with the following:

- All buildings or structures shall be constructed no closer to the highwater mark of Buck Lake than the present cottage is located.

All other provisions of this by-law shall apply.

RW-9 (Lot 27, Concession IX, Bedford District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Residential Waterfront (RW-9) shall be used only in accordance with the following:

- The minimum lot area shall be 20 ha (49.4 acres).
- The minimum width of the lot at the highwater mark of Green Lake shall be 180 metres (590.6 ft.).

All other provisions of this by-law shall apply.

RW-10 (Part Lot 11, Concession XIV, Bedford District - Tett Subdivision)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Residential Waterfront (RW-10) shall be used only in accordance with the following:

- The following minimum setbacks from Devil Lake shall apply:

a.	Lots 8, 9, 11 and 12 Registered Plan 1812	Buildings:	18.0 metres (59.1 ft.)
		Structures:	30.0 metres (98.4 ft.)
b.	Lot 10 Registered Plan 1812	Buildings:	24.0 metres (78.7 ft.)
		Structures:	30.0 metres (98.4 ft.)

All other provisions of this by-law shall apply.

RW-11 (Lot 13, Concession VI, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Residential Waterfront (RW-11) shall be used only in accordance with the following:

- The minimum setback from the highwater mark shall be 23.0 metres (75.5 ft.) from the highwater mark of Sydenham Lake.

All other provisions of this by-law shall apply.

RW-12 (Lot 1, Concession XII, Bedford District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Residential Waterfront (RW-12) shall be used only in accordance with the following:

- Permitted Uses
    a. boat docking;
    b. parking for the exclusive use of water access only lots located in Lots 1 and 2, Concessions 12 and 13, Bedford District, on Porcupine and Buck Islands.

- Zone Requirements

a. number of boat docks/ships (maximum) 18
b. number of parking spaces (maximum) 7

All other provisions of this by-law shall apply.

RW-13 (Lot 2, Concession XI, Bedford District - Snelgrove #2)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Residential Waterfront (RW-13) shall be used only in accordance with the following:

- Zone Requirements
  a. lot frontage (minimum) along the highwater mark 24.7 m (81.0 ft.)
  b. setback from highwater mark of Buck Lake (North Bay) (Minimum) 52.5 m (172.2 ft.)

All other provisions of this by-law shall apply.

RW-14 (Lot 26, Concession XI, Storrington District - Hughson)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Residential Waterfront (RW-14) shall be used only in accordance with the following:

- Permitted Uses
  a. Parking for two cars and boat trailers.

All other provisions of this by-law shall apply.

RW-15 (Lot 1, Concession XII, Bedford District - Daub)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Residential Waterfront (RW-15) shall be used only in accordance with the following:

- Permitted Uses
  a. single detached dwelling;
  b. accessory buildings or structures.

- Zone Requirements
  a. lot area (minimum) 0.32 ha (.8 acres)
  b. setback from highwater mark of Buck Lake 9.1 m (30 ft.)

All other provisions of this by-law shall apply.

RW-16 (Lot 1, Concession 12, Bedford District - Daub)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Residential Waterfront (RW-16) shall be used only in accordance with the following:

- Permitted Uses

The following use shall be permitted in addition to uses permitted in the RW zone:

a. parking for the exclusive use of 33 water access only lots located on Porcupine Island and having deed rights to parking at this location.

- Zone Requirements
  a. number of parking spaces (maximum) 33

All other provisions of this by-law shall apply.

RW-17 (Lot 12, Concession VII, Loughborough District – Chubaty/Reade)
Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Waterfront Residential (RW-17) Zone, the following provision shall apply:

- Water Frontage (Minimum) 86 metres (285 ft.)

All other provisions of this by-law shall apply.

RW-18 (Lot 1, Concession I, Bedford District - Czychun)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Residential Waterfront (RW-18), the following shall apply:

- Zone Provisions
  a. existing vegetation shall be maintained within 30 metres (98.4 ft.) of Thirteen Island Lake.

- Zone Requirements
  a. Water Frontage (Minimum) 15.2 metres (50 ft.)
  b. Setback from the Highwater Mark of Thirteen Island Lake 91 metres (300 ft.)

All other provisions of this by-law shall apply.

RW-19 (Lot 1, Concession I, Bedford District - Czychun)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Residential Waterfront (RW-19), the following shall apply:

- Zone Requirements
  a. use of the waterfront shall be limited to pedestrian traffic (walking trails);
  b. existing vegetation shall be maintained within 122 metres (400 ft.) of Thirteen Island Lake.

All other provisions of this by-law shall apply.

RW-20 (Lot 18, Concession III, Bedford District - Nybom)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Residential Waterfront (RW-20), the following use is permitted in addition to the uses permitted in section 8.2 of this By-law:

- a metal fabricating shop, the use of which is limited to the existing structure as of the date of passage of this by-law.

All other provisions of this by-law shall apply.

RW-21 (Part Lots 2 and 3, Concession XII, Loughborough District – McKnight)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Residential Waterfront (RW-21), the following provision shall apply:

- direct access may be from a private right-of-way.

All other provisions of this by-law shall apply.

RW-22 (Part Lot 22, Concession VII, Loughborough District – Lyle/Walker)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Residential Waterfront (RW-22), the following provision shall apply:

- Setback from highwater mark of a body of water (Minimum) 100 metres (328 ft.)

All other provisions of this by-law shall apply.

RW-23 (Part Lot 22, Concession VII, Loughborough District – Lyle/Walker)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Residential Waterfront (RW-23), the following provision shall apply:

- Waterfrontage (Minimum) 33.8 metres (111 ft.)

All other provisions of this by-law shall apply.

RW-24 (Part Lot 4, Concession XII, Louhborough District – Pat Kerr)
Notwithstanding the zone regulations in section 8.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Waterfront Residential (RW-24) Zone the following provisions shall apply:

- Setback from highwater mark or floodline of a waterbody (minimum) 50 metres (164 ft.).

The following special provision shall also apply:

- direct access may be from a private right-of-way

All other provisions of this by-law shall apply.

RW-25 (Part Lot 4, Concession XII, Louhborough District – Pat Kerr)
Notwithstanding the zone regulations in section 8.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Waterfront Residential (RW-24) Zone the following provisions shall apply:

- Setback from highwater mark or floodline of a waterbody (minimum) 40 metres (131 ft.).

All other provisions of this by-law shall apply.

RW-26 (Part Lot 18, Concession IV, Storrington District, Heath)
Notwithstanding any other provision of this By-law to the contrary, the following shall apply in the RW-26 zone:

- Setback of any septic system from the highwater mark or floodline of a waterbody (minimum) 300 metres (984 ft.)

All other provisions of this By-law shall apply."

RW-27 (Part Lot 18, Concession IV, Storrington District, Moore)
Notwithstanding any other provision of this By-law to the contrary, the following shall apply in the RW-27 zone:

- Setback of any development from the highwater mark or floodline of a waterbody (minimum) 45 metres (148 ft.)

- Setback of any septic system from the highwater mark or floodline of a waterbody (minimum) 300 metres (984 ft.)

All other provisions of this By-law shall apply.

RW-28 (Part Lot 9, Concession IX, Loughborough District – Rini)
Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Waterfront Residential (RW-28) Zone, the following provision shall apply:

- Road Frontage (Minimum) 47 metres (155 ft.)

All other provisions of this By-law shall apply.

RW-29 (Part Lot 22, Concession V, Storrington District – Finucane)
Notwithstanding the provisions of section 8.3.1 and 8.3.2 or any other provision of this By-law to the contrary, the following restrictions shall apply in the (RW-29) Zone:

- Lot Coverage for Principal Building (Maximum) 9 percent
- Gross Floor Area (Maximum) 415 m^2 (4,467 $ft.^2$)
- No accessory buildings are permitted except those existing on the date of adoption of this by-law.

A site plan agreement shall be entered into between the owners and the Township dealing with locations of buildings, environmental protection and management of the lands within the 30 metre setback area from the lake before, during and after the construction period.

All other provisions of this By-law shall apply.

RW-30 (Part Lot 2, Concession XVII, Bedford District, Barton)
Notwithstanding the zone regulations of section 8.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Waterfront residential Zone (RW-30), the following provision shall apply:

- Water Frontage (Minimum) 34 metres (112 ft.)

All other provisions of this By-law shall apply.

RW-31 (Part Lot 2, Concession XVII, Bedford District, Barton)
Notwithstanding the zone regulations of section 8.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Waterfront residential Zone (RW-31), the following provision shall apply:

- Water Frontage (Minimum) 41 metres (134 ft.)
- Setback from Highwater Mark or Floodline of a Waterbody (Minimum) 90 metres (295 ft.)

All other provisions of this By-law shall apply.

RW-32 (Part Lot 16, Concession IV, Bedford District, Snavely)
Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Waterfront Residential Zone (RW-32), the following uses only are permitted:

- Vehicle and Boat Trailer Parking.
- Boat Mooring.
- Accessory Storage.

All other provisions of this By-law shall apply.

RW-33 (Part Lot 22, Concession VII, Bedford District, Greenslade)
Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Waterfront Residential Zone (RW-33), the following provisions shall apply:

- Road Frontage (Minimum) 64 metres (210 ft.)

All other provisions of this By-law shall apply.

RW-34 (Part Lots 23 & 24, Concession X, Bedford District – Deneault)
Notwithstanding the zone regulations in section 8.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RW-34), the following provisions shall apply:

- Waterfrontage (Minimum) 85 metres (279 ft.)
- The uses permitted in the RW-34 zone are subject to a site plan agreement to be entered into between the owner(s) and the municipality and registered on the title of the property, specifying the siting of all buildings and septic systems at a location at least 30 metres from the inland wetland, 15 metres from the top-of-bank of the inland wetland and 120 metres from the Provincially Significant Wetland within Wolfe Lake.

All other provisions of this by-law shall apply.

RW-35 (Part Lots 23 & 24, Concession X, Bedford District – Deneault)
Notwithstanding the zone regulations in section 8.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RW-35), the following provisions shall apply:

- The uses permitted in the RW-35 zone are subject to a site plan agreement to be entered into between the owner(s) and the municipality and registered on the title of the property, specifying the siting of all buildings and septic systems at a location at least 30 metres from the inland wetland, 15 metres from the top-of-bank of the inland wetland and 120 metres from the Provincially Significant Wetland within Wolfe Lake and at the northwest portion of the lot.

All other provisions of this by-law shall apply.

RW-36 (Part Lot 16, Concession X, Loughborough District, Shales)
Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Waterfront Residential Zone (RW-36), the following provisions shall apply:

- Lot Area (Minimum) 0.8 Hectare (2ac.)

All other provisions of this By-law shall apply.

RW-37 (Part Lot 15, Concession IX, Storrington District, B. Campbell)
Notwithstanding the provisions of section 8.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Waterfront Residential Zone (RW-37), the following provisions shall apply:

- Water Frontage (Minimum) 86 Metres (236 ft.)

All other provisions of this By-law shall apply.

RW-38 (Part Lot 9, Concession XIII, Bedford District – Amacher)
Notwithstanding the provisions of section 8.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Waterfront Residential (RW-38), the following provisions shall apply:

- Lot Area (Minimum) 4,000 metres^2 (I ac.)
- Water Frontage (Minimum) 67 metres (220 ft.)
- Setback from highwater mark or floodline of a body of water for any new structure (Minimum) 30 metres (98.4 ft.)
- Gross floor area for any new principal building (Maximum) 185 metres^2 (2,000 ft.^{2})
- Footprint for any new principal building (Maximum) 120 metres^2 (1,300 ft.^{2})
- No living space shall be added below grade

All other provisions of this by-law shall apply.

RW-39 (Part Lot 11, Concession VI, Loughborough District - Quintal

Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Waterfront Residential (RW-39), the following special provision applies:

i) Lot Area (Minimum)…….5,261 metres^2 (1.3 ac.)

All other provisions of this By-law shall also apply.

RW-40 (Part Lot 33, Concession VII, Storrington District – Corcoran)

Notwithstanding the provisions of section 8.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Waterfront Residential (RW-40), the following provisions apply:

ZONE REGULATIONS

For Single Detached Dwelling

- Size of Footprint (Maximum)…….3,080 ft.^{2}

For Accessory Buildings Not Attached to the Principal Building

- Total Footprint of All Structures (Maximum)…….2,202 ft.^{2}

The uses permitted in the RW-40 zone are subject to a site plan agreement to be entered into between the owner and the municipality and registered on the title of the property, specifying locations of all buildings and structures; well and septic system; requiring that all structures existing within the 30 metre setback from the lake on the day of passage of this by-law on May 1, 2018, be removed prior to any building permit being issued for new development; and that use of the land be in accordance with the Environmental Site Evaluation report dated April 23, 2018 from Ecological Services.

All other provisions of this By-law shall apply.

RW-41 (Part Lot 19, Concession XI, Portland District – McPherson)

Notwithstanding the provisions of section 8.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Waterfront Residential (RW-41), the following special provision shall apply:

ZONE REGULATIONS

Setback from highwater mark or floodline

of a body of water (Minimum)…….23 metres (75 ft.)

All other provisions of this By-law shall apply.

SECTION 9 - RLS - LIMITED SERVICE RESIDENTIAL ZONE

9.1 Within an RLS - Limited Service Residential Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

In a Limited Service Residential Zone, there is no commitment or requirement by the municipality to assume responsibility for ownership or maintenance of any private lane. Due to road condition of privately maintained roads, there is no commitment or requirement by the municipality to ensure that emergency vehicles are able to access privately owned roads. The intent of the Limited Service Residential Zone is to recognize residential development on private lanes.

9.2 PERMITTED USES

- a seasonal dwelling,
- a single detached dwelling,
- accessory buildings or uses,
- a home occupation, in accordance with the provisions of Section 5.28 of this By-law.

9.3 ZONE REGULATIONS

9.3.1 For the Principal Building

- Lot Area (Minimum) 8,000 sq. metres (86,114 sq. ft.)
- Lot Frontage on a Private Lane (Minimum) 76 metres (250 ft.)
- Front Yard (Minimum) 20 metres (65.6 ft.)
- Rear Yard (Minimum) 10 metres (32.8 ft.)
- Interior Side Yard (Minimum) 3 metres (9.8 ft.)
- Exterior Side Yard (Minimum) 20 metres (65.6 ft.)
- Lot Coverage (Maximum) 10 percent
- Building Height (Maximum) 11 metres (36.1 ft.)
- Gross Floor Area (Minimum) 59 sq. metres (635.1 sq. ft.)
- Off-street parking shall be provided in accordance with Section 5.30.

9.3.2 For Accessory Buildings Not Attached To The Principal Building

- Rear Yard (Minimum) 3 metres (9.8 ft.)
- Interior Side Yard (Minimum) 3 metres (9.8 ft.)
- Exterior Side Yard (Minimum) 3 metres (9.8 ft.)
- Building Height (Maximum) 6 metres (19.7 ft.)

9.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot building, structure or use within the RLS - Limited Service Residential Zone.

9.5 SPECIAL RLS - LIMITED SERVICE RESIDENTIAL ZONES

RLS-1 (Part Lots 4/5, Concession 11, Portland District - Babcock, Sortberg)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential (RLS-1) shall be used only in accordance with the following:

- There shall be a maximum of four (4) seasonal dwellings and accessory buildings and uses.

All other provisions of this by-law shall apply.

RLS-2 (Land Adjacent to Seasonally Maintained Public Roads, Bedford & Storrington Districts)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential (RLS-2) shall be used only in accordance with the following:

- All lands with frontage on a seasonally maintained public road, including lands with additional frontage on water, shall only be used for the following permitted uses:

    a. a seasonal dwelling;
    b. a sleeping cabin;
    c. agricultural uses;
    d. conservation uses;
    e. woodlots;
    f. accessory uses, buildings or structures not including an accessory single detached dwelling as an accessory to any of the above uses.

All other provisions of this by-law shall apply.

RLS-3 (Lot 22, Concession 13, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential (RLS-3) Zone shall be used only in accordance with the following:

- The lot shall be used for vehicle parking with a maximum of four (4) motor vehicles only.

All other provisions of this by-law shall apply.

RLS-4 (Lot 2, Concession XIII, Bedford District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential (RLS-4) Zone shall be used only in accordance with the following:

- There shall be a private sewage disposal system serving the lot identified as Part 1, Reference Plan #13R-7401, deposited May 1, 1987.

All other provisions of this by-law shall apply.

RLS-5 (Lot 26, Concession X, Storrington District)
Notwithstanding the provisions of section 9.3.1 or any other provision of this by-law to the contrary, on the lands zoned Special Limited Service Residential (RLS-5) Zone, the following special provision shall apply:

- Setback from any inland pond (Minimum) 35 metres (115 ft.)

All other provisions of this by-law shall apply.

RLS-6 (Part Lots 20 & 21, Concession V, Storrington District - Applewood)
Notwithstanding the provisions of section 9.3.1 or any other provision of this by-law to the contrary, on the lands zoned Special Limited Service Residential (RLS-6) Zone, the following provisions shall apply:

- Lot Area (Minimum) 6,700 metres^2 (72,120 ft.^{2})
- Lot Frontage on a Private Lane (Minimum) 50 metres (164 ft.)
- Front Yard Setback (Minimum) 15 metres (50 ft.)

- For the purposes of Section RLS-6 the lane (common element) side of the lot is deemed to be the Front Yard.

- The holding ("H") symbol is to be removed by by-law to permit development only when a Plan of Condominium Agreement between the property owner and the Township has been entered into and registered.

All other provisions to this by-law shall apply.

RLS-7 (Part Lots 23 & 24, Concessions VI & VII, Loughborough District – Magenta Waterfront Development; Johnston Point)
Notwithstanding the provisions of section 9.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential (RLS-7), the following provisions shall apply:

- Units 7 and 15
    a. Setback from Highwater Mark or Floodline of a waterbody (Minimum)
        i. Building 50 metres (164 ft.)
        ii. Septic 60 metres (197 ft.)

All other provisions of this by-law shall apply.

RLS-8 (Part Lots 23 & 24, Concessions VI & VII, Loughborough District – Magenta Waterfront Development; Johnston Point)
Notwithstanding the provisions of section 9.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential (RLS-8), the following provisions shall apply:

- Units 12 and 13
    a. Setback from Highwater Mark or Floodline of a waterbody (Minimum)
        i. Building 60 metres (197 ft.)
        ii. Septic 60 metres (197 ft.)

All other provisions of this by-law shall apply.

SECTION 10 - RLSW - LIMITED SERVICE RESIDENTIAL - WATERFRONT ZONE

10.1 Within a RLSW - Limited Service Residential - Waterfront Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

In a Limited Service Residential Waterfront Zone, there is no commitment or requirement by the municipality to assume responsibility for ownership or maintenance of any private lane. Due to road condition of privately maintained roads, there is no commitment or requirement by the municipality to ensure that emergency vehicles are able to access privately owned roads. The intent of the Limited Service Residential Waterfront Zone is to recognize residential development on private lanes.

10.2 PERMITTED USES

- a seasonal dwelling,
- a single detached dwelling,
- a dock, subject to approval from the appropriate authority,
- accessory buildings or uses, including one sleeping cabin,
- a home occupation, in accordance with the provisions of Section 5.28 of this By-law.

10.3 ZONE REGULATIONS

10.3.1 For the Principal Building

- Lot Area (Minimum) — 10,000 sq. metres (107,642 sq. ft.)
- Lot Frontage, Private Lane (Minimum) — 76 metres (250 ft.)
- Water Frontage (Minimum) — 91 metres (300 ft.)
- Front Yard (Minimum) — 30 metres (98.4 ft.)
- Rear Yard (Minimum) — 10 metres (32.8 ft.)
- Interior Side Yard (Minimum) — 3 metres (9.8 ft.)
- Exterior Side Yard (Minimum) — 10 metres (32.8 ft.)
- Gross Floor Area (Minimum) — 59 sq. metres (635.1 sq. ft.)
- Lot Coverage (Maximum) — 5 percent
- Building Height (Maximum) — 11 metres (36.1 ft.)
- Setback from highwater mark or floodline of a body of water (Minimum) — 30 metres (98.4 ft.)
- Off-street parking shall be provided in accordance with Section 5.30.
- Where communal docking facilities are proposed, such facilities shall be located a minimum of 60 metres (196.9 ft.) from the nearest residential use, residential land use designation or residential zone.

10.3.2 For Accessory Buildings Not Attached To The Principal Building

- Rear Yard (Minimum) — 3 metres (9.8 ft.)

- Interior Side Yard (Minimum) 3 metres (9.8 ft.)
- Exterior Side Yard (Minimum) 3 metres (9.8 ft.)
- Building Height (Maximum) 6 metres (19.7 ft.)
- Setback from highwater mark or floodline of a body of water (Minimum) 30 metres (98.4 ft.)
- In the case of docks, where a rear yard or interior side yard abuts a body of water, then such rear yard and/or interior sideyard may be reduced to zero metres.

(See also section 5.6.1).

10.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot building, structure or use within the RLSW - Limited Service Residential-Waterfront Zone.

10.5 SPECIAL RLSW - LIMITED SERVICE RESIDENTIAL - WATERFRONT ZONES

RLSW-1 (Part Lot 1, Concession XII, Block 18, Registered Plan 1938, Portland District - McCaldon)

Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-1) shall be used only in accordance with the following:

- The issuance of a building permit within 40 metres (131.2 ft.) of the highwater mark of Fourteen Island Lake shall require the prior written approval of the Napanee Regional Conservation Authority.
- No accessory building shall be located in any front yard, except for a boathouse or dock which has been approved by the Napanee Region Conservation Authority and the Ministry of Natural Resources.
- The minimum lot area permitted is 10 hectares (24.7 ac).

All other provisions of this by-law shall apply.

RLSW-2 (Part Lot 2, Concession VIII, Loughborough District)

Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-2) shall be used only in accordance with the following:

- A minimum setback of 122.0 metres (400.3 ft.) shall be required from the highwater mark of Knowlton Lake.

All other provisions of this by-law shall apply.

RLSW-3 (Part Lot 32, Concession 6, Part of Lots 33 and 34, Concession VII, Bedford District - Bob's Lake Co-operative Limited)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-3) shall be used only in accordance with the following:

- Notwithstanding that the lands zoned RLSW-3 are inclusive of several parcels, the above named uses shall be permitted only as outlined in this by-law according to identification by R-Plan and Part numbers.
- Permitted uses shall include a total of fifty-two (52) campsites for recreational vehicles, inclusive of all parcels other than Plan R6236, Part 5.
- A maximum of ten (10) campsites shall be permitted on the portion of the lands located on Plan R98, Pts. 3-17 and R-166, Pts. 1 and 3.
- No trailers will be permitted on Plan R6236, Part 5.
- Zone Provisions:
    a. Replacement of any existing trailers on the subject property will be subject to a minor variance application to determine the appropriateness of the size of the replacement trailer and location thereof.

All other provisions of this by-law shall apply.

RLSW-4 (Part Lot 8, Concession VI, Loughborough District - Guy)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-4) shall be used only in accordance with the following:

- The minimum rear yard requirement shall be 1 metre;
- The maximum floor area for a seasonal dwelling shall be 167 sq. metres (1,797.6 sq. ft.).

All other provisions of this by-law shall apply.

RLSW-5 (Part Lots 26, 27 and 28, Concession VI, Bedford District - Dewitt)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-5) shall be used only in accordance with the following:

- A minimum setback from the highwater mark of Bob's Lake of 18.3 metres (60 ft.) shall be required for all existing structures.

All other provisions of this by-law shall apply.

RLSW-6 (Part Lot 22, Concession XIII, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-6) shall be used only in accordance with the following:

- The permitted land use shall be for a boathouse only.

All other provisions of this by-law shall apply.

RLSW-7 (Part Lot 2, Concession XIII, Bedford District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-7) shall be used only in accordance with the following:

- The minimum setback from the highwater mark of Buck Lake shall be 40 metres (131.2 ft.) on the lot identified as Parts 6 and 7, Reference Plan No. 13R-7401, deposited May 1, 1987.

All other provisions of this by-law shall apply.

RLSW-8 (Part Lot 2, Concession XIII, Bedford District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-8) shall be used only in accordance with the following:

- The minimum setback from the highwater mark of Buck Lake shall be 50 metres (164.0 ft.) on the lot identified as Parts 8, 9 and 10, Reference Plan No. 13R-7401, deposited May 1, 1987.

All other provisions of this by-law shall apply.

RLSW-9 (Part Lot 22, Concession V, Bedford District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-9) shall be used only in accordance with the following:

- A minimum setback of 40.0 metres (131.2 ft.) from the highwater mark of Green Bay shall be required for all buildings or structures, including septic tanks and tile fields.

All other provisions of this by-law shall apply.

RLSW-10 (Part Lots 28 and 29, Concession IV, Bedford District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-10) shall be used only in accordance with the following:

- A minimum setback of 75 metres (246.1 ft.) from the highwater mark of Crow Lake shall be required for all septic tanks and tile beds.

All other provisions of this by-law shall apply.

RLSW-11 (Part Lot 24, Concession X, Bedford District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-11) shall be used only in accordance with the following:

- No boathouses shall be permitted.

All other provisions of this by-law shall apply.

RLSW-12 (Part Lot 32, Concession VI, Bedford District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-12) shall be used only in accordance with the following:

- The minimum setback from the highwater mark of Mud Bay shall be 45 metres (147.6 ft.).

All other provisions of this by-law shall apply.

RLSW-13 (Part Lot 14, Concession III, Bedford District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-13) shall be used only in accordance with the following:

- The minimum setback from the highwater mark of White Lake shall be 42.0 metres (137.8 ft.).

All other provisions of this by-law shall apply.

RLSW-14 (Part Lot 7, Concession IV, Bedford District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-14) shall be used only in accordance with the following:

- The minimum setback from water for any sewage disposal system leaching bed shall be 36.5 metres (119.6 ft.).

All other provisions of this by-law shall apply.

RLSW-15 (Part Lot 14, Concession III, Bedford District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-15) shall be used only in accordance with the following:

- The minimum setback from the highwater mark of White Lake shall be 50.0 metres (164.0 ft.).

All other provisions of this by-law shall apply.

RLSW-16 (Part Lots 27 and 28, Concession IX, Bedford District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-16) shall be used only in accordance with the following:

- The minimum setback from water for a sewage disposal system leaching bed shall be 90.0 metres (295.3 ft.).

All other provisions of this by-law shall apply.

RLSW-17 (Part Lot 28, Concession IX, Bedford District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-17) shall be used only in accordance with the following:

- The minimum setback from water for a sewage disposal system leaching bed shall be 102.0 metres (334.6 ft.).

All other provisions of this by-law shall apply.

RLSW-18 (Part Lot 27, Concession IX, Bedford District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-18) shall be used only in accordance with the following:

- The minimum setback from water for a sewage disposal system leaching bed shall be 72.0 metres (236.2 ft.).

All other provisions of this by-law shall apply.

RLSW-19 (Part Lot 27, Concession IX, Bedford District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-19) shall be used only in accordance with the following:

- The minimum setback from water for a sewage disposal system leaching bed shall be 44.0 metres (144.4 ft.).

All other provisions of this by-law shall apply.

RLSW-20 (Part Lot 27, Concession IX, Bedford District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-20) shall be used only in accordance with the following:

- The minimum setback from water for a sewage disposal system leaching bed shall be 40.0 metres (131.2 ft.).

All other provisions of this by-law shall apply.
RLSW-21 (Part Lot 10, Concession XIII, Bedford District - Trickey)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-21) shall be used only in accordance with the following:

- Uses shall be limited to a private car parking, boat storage building and a marine facility.

All other provisions of this by-law shall apply.

RLSW-22 (Part Lot 2, Concession XI, Bedford District - Norman)
Deleted by by-law 2015-28.

RLSW-23 (Part Lot 17, Concession II, Bedford District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-23) shall be used only in accordance with the following:
- The minimum setback from the highwater mark of Buck Bay shall be 76.0 metres (249.3 ft.)

All other provisions of this by-law shall apply.

RLSW-24 (Part Lots 1 and 2, Concession XV, Storrington District - McIlquham/Donovan)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-24) shall be used only in accordance with the following:

- Up to three sleeping cabins shall be permitted in conjunction with the principal dwelling.

All other provisions of this by-law shall apply.

RLSW-25 (Lots 22 and 23, Concession VI, Loughborough District - Lanark Firewood #1)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-25) shall be used only in accordance with the following:

- Permitted Uses
    a. the only permitted use shall be parking for the benefit of 5 water access residential lots.

All other provisions of this by-law shall apply.

RLSW-26 (Lot 15, Concession X, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-26) shall be used only in accordance with the following:

- The minimum setback from the highwater mark of Draper Lake shall be 45.7 metres (147.6 ft.).

All other provisions of this by-law shall apply.

RLSW-27 (Lot 1, Concession XII, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-27) shall be used only in accordance with the following:

- The minimum setback from the highwater mark of Fourteen Island Lake for Lots 1 and 2 shall be 45 metres (147.6 ft.).

All other provisions of this by-law shall apply.

RLSW-28 (Lot 8, Concession VI, Loughborough District - Ross)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-28) shall be used only in accordance with the following:

- A seasonal dwelling with a maximum floor area of 677.88 sq. metres (7,296.9 sq. ft.) may be permitted within 3.9 metres (13 feet) of the highwater mark of Sydenham Lake on a lot with a minimum area of 0.19 hectares (0.47 acres).

- These additions include a 116.5 sq. metre (1,254.0 sq. ft.) (10.2 m x 11.58 m) (33.5 ft. x 38.0 ft.) addition to a residence and a 20.81 sq. metre (224.0 sq. ft.) (4.27 m x 4.88 m) (14.0 ft. x 16.0 ft.) screened porch, which total 137.31 sq. metres (1,478.0 sq. ft.).

- Any building openings will have a minimum elevation of 131.9 m geodetic.

- The maximum size of the boathouse shall meet the requirements of the department of Fisheries and Oceans Authorization No. 525-3384.

All other provisions of this by-law shall apply.

RLSW-29 (Part Lots 9 and 10, Concession IV, Bedford District - Gulyas)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-29) shall be used only in accordance with the following:

- Permitted Uses
  a. two accessory structures shall be the only permitted buildings or structures, located no closer to the highwater mark of Norway Lake than on the day of adoption of this by-law.

- Zone Requirements
  a. gross floor area of shed (maximum) 11.89 sq. m (128 sq. ft.)
  b. gross floor area of trailer (maximum) 18.58 sq. m (200 sq. ft.)

All other provisions of this by-law shall apply.

RLSW-30 (Lot 2, Concession XIII, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-30) shall be used only in accordance with the following:

- The minimum setback from the highwater mark of Fourteen Island Lake shall be 15 metres (49.2 ft.)

All other provisions of this by-law shall apply.

RLSW-31 (Lot 9, Concession VI, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-31) shall be used only in accordance with the following:

- The minimum setback from the highwater mark of Sydenham Lake shall be 15 metres (49.2 ft.).

All other provisions of this by-law shall apply.

RLSW-32 (Lot 1, Concession 13, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-32) shall be used only in accordance with the following:

- The minimum setback from the highwater mark shall be 21 metres (68.9 ft.) from the highwater mark of Little John Lake.

All other provisions of this by-law shall apply.

RLSW-33 (Lot 23, Concession XII, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-33) shall be used only in accordance with the following:

- The minimum setback from the highwater mark of South Bay shall be 23 metres (75.5 ft.).

All other provisions of this by-law shall apply.

RLSW-34 (Lot 3, Concession IX, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-34) shall be used only in accordance with the following:

- The minimum setback from the highwater mark of Knowlton Lake shall be 12 metres (39.4 ft.).

All other provisions of this by-law shall apply.

RLSW-35 (Lot 8, Concession VI, Loughborough District - Ross)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-35) shall be used only in accordance with the following:

- The minimum setback from the highwater mark of Sydenham Lake shall be 9.14 metres (30.0 ft.).

All other provisions of this by-law shall apply.

RLSW-36 (Lot 7, Concession V, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-36) shall be used only in accordance with the following:

- The minimum setback from the highwater mark of Sydenham Lake shall be 24 metres (78.7 ft.).

All other provisions of this by-law shall apply.

RLSW-37 (Lot 22, Concession XII, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-37) shall be used only in accordance with the following:

- The minimum setback from the highwater mark of Buck Lake shall be 23 metres (75.5 ft.).

All other provisions of this by-law shall apply.
RLSW-38 (Part Lot 11, Concession IV, Bedford District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural (RLSW-38) shall be used only in accordance with the following:

- Forestry uses shall be the only uses permitted.

All other provisions of this by-law shall apply.

RLSW-39 (Lot 22, Concession XII, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-39) shall be used only in accordance with the following:

- The minimum setback from the highwater mark of South Bay shall be 22.8 metres (74.8 ft.).

All other provisions of this by-law shall apply.

RLSW-40 (Lots 7 and 8, Concession I, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-40) shall be used only in accordance with the following:

- The minimum setback from the highwater mark of Loughborough Lake shall be 19.0 metres (62.3 ft.).

All other provisions of this by-law shall apply.

RLSW-41 (Lot 22, Concession XI, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-41) shall be used only in accordance with the following:

- The minimum setback from the highwater mark of South Bay shall be 19.4 metres (63.6 ft.).

All other provisions of this by-law shall apply.

RLSW-42 (Lot 3, Concession IX, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-42) shall be used only in accordance with the following:

- The minimum setback from the highwater mark of Knowlton Lake shall be 21 metres (68.9 ft.).
- The roof runoff of all buildings shall be directed to the east, and not be allowed to discharge to the west or south where it could run directly into the lake.

All other provisions of this by-law shall apply.

RLSW-43 (Lot 2, Concession VIII, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-43) shall be used only in accordance with the following:

- A filter bed may be erected not closer than 21.0 metres (68.9 ft.) from the highwater mark of Knowlton Lake.

All other provisions of this by-law shall apply.

RLSW-44 (Lots 1 and 2, Concession IX, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-44) shall be used only in accordance with the following:

- The minimum setback from the highwater mark of Knowlton Lake shall be 24.38 metres (80.0 ft.).
- Structures shall be permitted to be built at a distance of approximately 7 metres (23 feet) from the right-of-way at the property.

All other provisions of this by-law shall apply.

RLSW-45 (Lot 16, Concession IX, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-45) shall be used only in accordance with the following:

- The minimum setback from the highwater mark of Indian Lake shall be 25 metres (82.0 ft.).

All other provisions of this by-law shall apply.

RLSW-46 (Lot 8, Concession VI, Loughborough District - McFarlane)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-46) shall be used only in accordance with the following:

- A seasonal dwelling with a maximum floor area of 92.9 sq. metres (1,000 sq. ft.) may be permitted within 5 metres (16 feet) of the highwater mark of Sydenham Lake.

All other provisions of this by-law shall apply.

RLSW-47 (Lot 1, Concession XIII, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-47) shall be used only in accordance with the following:

- A 93.18 sq. metre (1,003.0 sq. ft.) addition to an existing seasonal dwelling is permitted within 12.68 metres (41.6 ft.) of the highwater mark of Minktrap Lake.

All other provisions of this by-law shall apply.

RLSW-48 (Part Lot 1, Concession XII, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-48) shall be used only in accordance with the following:

- A seasonal dwelling and accessory building or structure may be erected not closer than 21.4 metres (70.2 ft.) from the highwater mark of Fourteen Island Lake.

All other provisions of this by-law shall apply.

RLSW-49 (Lot 2, Concession IX, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-49) shall be used only in accordance with the following:

- An addition to an existing seasonal dwelling may be constructed not closer than 19.5 metres (64 ft.) from the highwater mark of Knowlton Lake.

All other provisions of this by-law shall apply.

RLSW-50 (Lots 1 and 2, Concession XII, Portland District - Meredith)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-50) shall be used only in accordance with the following:

- On Lots 2, 3, 4, 8 and 9 of Plan 1889, all development shall be set back a minimum of 15 metres (49.2 ft.) from the shoreline of Fourteen Island Lake and on Lots 5, 6, 7, 10 and 11 of Plan 1889, development shall be set back a minimum of 30 metres (98.4 ft.) from the shoreline of Fourteen Island Lake.

- On the lands zoned RLSW-50, a building permit may be issued for a building or structure to be erected, extended or enlarged providing that all other provisions of this by-law are complied with.

All other provisions of this by-law shall apply.

RLSW-51 (Lots 1 and 2, Concession XII, Portland District - Fourteen Island Lake)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-51) shall be used only in accordance with the following:

- The issuance of a building permit, within 40 metres (131.2 ft.) of the highwater mark of Fourteen Island Lake, shall require the prior written approval of the Quinte Region Conservation Authority.

- No accessory building shall be located in any front yard, except for a boathouse or dock which has been approved by the Quinte Region Conservation Authority and the Ministry of Natural Resources.

All other provisions of this by-law shall apply.

RLSW-52 (Lots 1 and 2, Concession XI, Bedford District - Snelgrove)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-52) shall be used only in accordance with the following:

- The minimum lot frontage measured along the highwater mark of Milk Lake shall be 213.4 m (700 ft.).

All other provisions of this by-law shall apply.

RLSW-53 (Lot 2, Concession XI, Bedford District - Snelgrove)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-53) shall be used only in accordance with the following:

- Permitted Uses
  a. No more than one (1) additional lot may be created by consent on lands zoned RLSW-53, without plan of subdivision approval.

All other provisions of this by-law shall apply.

RLSW-54 (Lot 11, Concession X, Bedford District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-54) shall be used only in accordance with the following:

- Lot Area (Minimum) 5.3 ha (13 acres)
- Lot Frontage (Minimum) 182.9 m (600 ft.)

All other provisions of this by-law shall apply.

RLSW-55 (Lot 11, Concession IX, Bedford District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-55) shall be used only in accordance with the following:

- Lot Area (Minimum) 2.4 ha (6 acres)
- Lot Frontage (Minimum) 243.8 m (800 ft.)

All other provisions of this by-law shall apply.

RLSW-56 (Lot 11, Concession X, Bedford District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-56) shall be used only in accordance with the following:

- Lot Area (Minimum) 20.2 ha (50 acres)
- Lot Frontage (Minimum) 304.8 m (1,000 ft.)

All other provisions of this by-law shall apply.

RLSW-57 (Lot 5, Concession V, Loughborough District-Heney)
Notwithstanding the provisions of section 10.3.1 of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-57) Zone, the following provision shall apply:

- Zone Regulations
    a. Water Frontage (Minimum) 78 metres (256 ft.)

All other provisions of this by-law shall apply.

RLSW-58 (Lot 23, Concession VI, Loughborough District - Lanark Firewood)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-58) shall have the following special provisions:

- the only permitted use of the lands shall be parking for the benefit of 5 water access residential lots;
- lot area (minimum) 9,246.4 sq. m (2.3 acres)
- lot frontage (minimum) 39.0 m (127.95 ft.)

All other provisions of this by-law shall apply.

RLSW-59 (Lot 22, Concession VI, Loughborough District - Lanark Firewood)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-59) shall have the following special provisions:

- lot area (minimum) 2.5 ha (6.1 acres)
- lot frontage (minimum) 210.4 m (6590.3 ft.)

All other provisions of this by-law shall apply.

RLSW-60- H (Lot 22, Concession VI, Loughborough District - Lanark Firewood)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-60) shall have the following special provisions:

- lot area (minimum) 6.2 ha (15.3 acres)
- lot frontage (minimum) 217.2 m (712.6 ft.)

- The holding symbol shall be removed to allow development only when the subject land has been remediated in accordance with the Environmental Report dated November 17, 2011 from Ecological Services and to the satisfaction of the Township.

All other provisions of this by-law shall apply.

RLSW-61 (Lots 22 and 23, Concession VI, Loughborough District - Lanark Firewood)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-61) shall have the following special provisions:

- lot area (minimum) 31.7 ha (78.2 acres)
- lot frontage (minimum) 1,098.9 m (3,605.3 ft.)

All other provisions of this by-law shall apply.

RLSW-62 (Lot 22, Concession VI, Loughborough District - Lanark Firewood)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-62) shall have the following special provisions:

- lot area (minimum) 2.9 ha (7.3 acres)
- lot frontage (minimum) 642.2 m (2,106.95 ft.)

All other provisions of this by-law shall apply.

RLSW-63 (Lot 9, Concession IX, Storrington District)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-63) the following special provision shall apply:

- Minimum frontage (on a private right-of-way) 130 metres (426.5 ft.)

All other provisions of this by-law shall apply.

RLSW-64 (Lot 9, Concession IX, Storrington District)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-64) the following special provision shall apply:

- Lot Area (Minimum) 0.32 hectares (0.8 ac.)

All other provisions of this by-law shall apply.

RLSW-65 (Part Lots 5 and 6, Concession III, Bedford District - McGowan)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-65) the following special provision shall apply:

- Setback from Highwater mark or floodline of a waterbody (Minimum) 40 metres (131 ft.)

All other provisions of this by-law shall apply.

RLSW-66 (Part Lot 32, Concession VII, Storrington District - Card)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-66) the following special provision shall apply:

- Minimum frontage (on a private right-of-way) 30 metres (98.4 ft.)

All other provisions of this by-law shall apply.

RLSW-67 Part Lot 5, Concession XIV, Portland District - Gibson)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-67), the following special provisions shall apply:

- Permitted Uses Limited to:
    a. A single detached dwelling
    b. Accessory uses to the above

- Zone Regulations
    a. Setback from highwater mark or floodline of a body of water (Minimum) 3.6 metres (12 ft.)
    b. A tertiary sewage treatment system shall be installed and used for the treatment of all sanitary waste
    c. Development shall be subject to a site plan agreement registered on the title of the property.

All other provisions of this by-law shall apply.

RLSW-68 (Part Lot 25, Concession VI, Storrington District - Lake)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-68) the following special provision shall apply:

- Waterfontage (Minimum) 40.5 metres (133 ft.)

All other provisions of this by-law shall apply.

RLSW-69 (Part Lot 20, Concession IX, Storrington District -Thompson)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-69) shall be used in accordance with the following:

- In addition to the uses permitted in section 10.2 of this By-law, the following uses are permitted:
    a. A temporary second dwelling unit.

- In addition to the zone regulations in section 10.3 of this By-law, the following regulations apply:
    b. Street access to both dwellings (principal and secondary) is limited to only one driveway;
    c. The maximum permitted floor area of the temporary second dwelling unit is 111.48 sq. metres (1200 sq. ft.);
    d. the maximum height of the temporary second dwelling structure is one storey or 4.5 metres, whichever is lesser;
    e. the temporary second dwelling shall be permitted for a maximum period of ten (10) years, the period ending on September 7, 2015.

All other provisions of this by-law shall apply.

RLSW-70 (Part Lot 31 Concession VII, Bedford District - Tallian)
Deleted as per OMB settlement agreement.

RLSW-71 (Part Lot 21 Concession V, Storrington District - Beach)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-71), shall be used only in accordance with the following:

- Permitted Uses Limited to:
    a. Car parking and boat mooring for the exclusive use of a water access lot on the adjacent peninsula lot and having deeded rights to parking, storage and mooring at this location.

- Zone Regulations
    a. Number of parking spaces permitted (maximum) 3

All other provisions of this by-law shall apply.

RLSW-72 (Lot 23, Concession XIV, Loughborough District – Snelgrove)
Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-72) Zone, the following special provision shall apply:

- Water Frontage (Minimum) 427 metres (1,400 ft.)

All other provisions of this by-law shall apply.

RLSW-73 (Part Lot 2, Concession XIII, Bedford District -Gurr)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-73) shall be used in accordance with the following:

- In addition to the uses permitted in section 10.2 of this By-law, the following uses are permitted:
    a. A temporary second dwelling unit.

- In addition to the zone regulations in section 10.3 of this By-law, the following regulations apply:
    a. Street access to both dwellings (principal and secondary) is limited to only one driveway;
    b. The maximum permitted floor area of the temporary second dwelling unit is 62 sq. metres (667.4 sq. ft.);
    c. the temporary second dwelling shall be permitted for a maximum period of ten (10) years, the period ending on April 4, 2016.

All other provisions of this by-law shall apply.

RLSW-74 (Lot 8, Concession X, Portland District - Fink)
Notwithstanding any provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-74) Zone, the following provisions shall apply:

- In addition to the uses permitted in section 10.2 of this By-law the following uses are permitted:
    a. A temporary second dwelling unit.

- In addition to the zone regulations section 10.3 of this By-law the following regulations apply:

a. street access to both dwellings (principal and secondary) is limited to one driveway only;
b. the maximum permitted floor area of the temporary secondary dwelling is 59 metres^2 (638 ft.^{2});
c. the maximum height of the structure housing the temporary secondary dwelling is one storey or 4.5 metres, whichever is the lower number;
d. the temporary second dwelling use shall be permitted for a maximum period of three (3) years, the period ending on September 5, 2009.

All other provisions of this by-law shall apply.

RLSW-75 (Lots 10 and 11, Concession XI, Storrington District-Cashman)
Notwithstanding any provisions of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-75) Zone, the following provision shall apply:

- Zone Regulation:
  a. Waterfrontage (Minimum) 64 metres (210 ft.)
  All other provisions of this by-law shall apply.

RLSW-76 (Lot 17, Concession IX, Storrington District- Dubin)
Defeated at OMB

RLSW-77 (Lot 32, Concession VI, Bedford District-Bayside Woods Co-op)
Notwithstanding any provisions of section 10.2 of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-77) Zone, the following uses are permitted:

- Permitted Uses
  a. Thirteen (13) cottages and one (1) travel trailer
  b. Accessory uses comprised of one (1) sleeping cabin and two (2) storage sheds only.

All other provisions of this by-law shall apply.

RLSW-78 (Lot 9, Concession XIII, Bedford District-Purdon/Wilson)
Notwithstanding any provisions of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-78) Zone, the following provision shall apply:

- Zone Regulation:
  a. No development is permitted on the west side of the ‘narrow waterbody’ as defined in the Township of South Frontenac Official Plan.

All other provisions of this by-law shall apply.

RLSW-79 (Part Lot 3, Concession IX, Loughborough District, Bowes)
Notwithstanding the provisions of sections 10.3.1 and 10.3.2 or any other provision of this By-law to the contrary, the following restrictions shall apply in the RLSW-79 zone:

- Lot Coverage for Principal Building (Maximum) 9.5 percent
- Setback from highwater mark or floodline of a waterbody (minimum) 25 metres (82 ft.)
- Gross floor area (Maximum) 232 m^2 (2,500 $ft.^2$)
- No accessory buildings are permitted except those existing on the date of adoption of this by-law (November 20, 2007).

All other provisions of this By-law shall apply.

RLSW-81 (Lot 23, Concession XIV, Loughborough District – Snelgrove)
Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-81) Zone, the following special provision shall apply:

- Water Frontage (Minimum) 213 metres (700 ft.)

All other provisions of this by-law shall apply.

RLSW-82 (Lots 2 & 3, Concession XIII, Bedford District – MacComish; & Lot 35, Concession VIII, Bedford District – Crain; and Concession XI, Bedford District - Edge)
Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-82) Zone, the following special provision shall apply:

- Setback From Highwater Mark or Floodline of a Body of Water (Minimum) 50 metres (164 ft.)

All other provisions of this by-law shall apply.

RLSW-83 (Part Lot 23, Concession III, Storrington District – Ilan)
Notwithstanding the zone regulations in section 10.3.1 and 10.3.2 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-83) Zone, the following provisions shall apply:

- For the Principal Building
  a. Front Yard (Minimum) 40 metres (131 ft.)
  b. Setback from highwater mark or Floodline of a waterbody (Minimum) 40 metres (131 ft.)

- For Accessory Buildings Not Attached to the Principal Building
    a. Setback from highwater mark or floodline of a waterbody — 40 metres (131 ft.)

- The uses permitted in the RLSW-83 zone are subject to a site plan agreement to be entered into between the owner and the municipality and registered on the title of the property specifying location of the building envelope and septic system, placement of access road and implementation of all recommendations of the Environmental Site Evaluation report dated June 11, 2009 from 'Ecological Services'.

All other provisions of this By-law shall apply.

RLSW-84 (Part Lot 23, Concession III, Storrington District – Ilan)
Notwithstanding the zone regulations in section 10.3.1 and 10.3.2 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront Zone (RLSW-84), the following provisions shall apply:

- For the Principal Building
    a. Front Yard (Minimum) — 45 metres (147 ft.)
    Setback from highwater mark or
    b. Floodline of a waterbody (Minimum) — 45 metres (147 ft.)

- For Accessory Buildings Not Attached to the Principal Building
    a. Setback from highwater mark or floodline of a waterbody — 45 metres (147 ft.)

- The uses permitted in the RLSW-84 zone are subject to a site plan agreement to be entered into between the owner and the municipality and registered on the title of the property specifying location of the building envelope and septic system, placement of access road and implementation of all recommendations of the Environmental Site Evaluation report dated June 11, 2009 from 'Ecological Services'.

All other provisions of this By-law shall apply.

RLSW-85 (Part Lot 5, Concession V, Loughborough District – Lacelle)
Notwithstanding section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront Zone (RLSW-85), the following provision shall apply:

- Zone Regulations
    a. Water Frontage (Minimum) — 60 metres (200 ft.)

All other provisions of this By-law shall apply.

RLSW-86 (Part Lots 20 & 21, Concession IX, Storrington District – Moore)
Notwithstanding section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront Zone (RLSW-86), the following provision shall apply:

- Zone Regulations
  b. Water Frontage (Minimum) 79 metres (260 ft.)

All other provisions of this By-law shall apply.

RLSW-87 (Part Lot 5, Concession XIII, Loughborough District – Pedersen/Milk Crate Farms)
Notwithstanding the zone regulations in section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront Zone (RLSW-87), the following provision shall apply:

- Zone Regulations
  a. No portion of any building or structure shall be permitted beyond 35 metres (115 ft.) of the interior side lot line.

- The uses permitted in the RLSW-87 zone are subject to a site plan agreement to be entered into between the owner and the municipality and registered on the title of the property specifying locations of wells and including the implementation of all recommendations of the Ontario Lake Assessments report dated June 2008 and requirements contained in the CRCA's letter dated March 4, 2010.

All other provisions of this By-law shall apply.

RLSW-88 (Part Lot 7, Concession V, Loughborough District – Gordon)
Notwithstanding section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront Zone (RLSW-88), the following provision shall apply:

- Zone Regulations
  a. Water Frontage (Minimum) 61 metres (200 ft.)

All other provisions of this By-law shall apply.

RLSW-89 (Part Lot 35, Concession & VIII, Bedford District – Crain)
Notwithstanding the zone regulations in section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-89), the following provisions shall apply:

- Setback from highwater mark or Floodline of a Waterbody (Minimum) 70 metres (230 ft.)

All other provisions of this By-law shall apply.

RLSW-90 (Part Lot 26, Concession XIV, Loughborough District, Hosler)
Notwithstanding any provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential Waterfront (RLSW-90), the following uses only shall be permitted:

- Permitted Uses
    a. vehicle parking and boat moorage;
    b. accessory storage.

All other provisions of this by-law shall apply.

RLSW-91 (Part Lots 23 & 24, Concession VI & VII, Loughborough District – Gary and Martha Beach)
Notwithstanding the zone regulations in section 10.3.1 and 10.3.2 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-91), the following provisions shall apply:

- For the Principal Building
    a. Front Yard (Minimum) 35 metres (115 ft.)
    Setback from highwater mark or
    b. Floodline of a waterbody (Minimum) 35 metres (115 ft.)

- For Accessory Buildings Not Attached to the Principal Building
    a. Setback from highwater mark
    b. or floodline of a waterbody 35 metres (115 ft.)

The uses permitted in the RLSW-91 zone are subject to a site plan agreement to be entered into between the owners and the municipality and registered on the title of the property, specifying locations of building envelopes and septic systems behind the rise of land that exists near the lake shore, placement of the access road and implementation of all recommendations of the Environmental Report From dated December 2011, from 'Ecological Services'.

All other provisions of this by-law shall apply.

RLSW-92 (Part Lots 23 & 24, Concession VI & VII, Loughborough District – Gary and Martha Beach)
Notwithstanding the zone regulations in section 10.3.1 and 10.3.2 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-92) Zone, the following provisions shall apply:

- For the Principal Building
    a. Front Yard (Minimum) 40 metres (131 ft.)
    Setback from highwater mark or

b. Floodline of a waterbody (Minimum) 40 metres (131 ft.)

- For Accessory Buildings Not Attached to the Principal Building
  a. Setback from highwater mark
  b. or floodline of a waterbody 40 metres (131 ft.)

All other provisions of this By-law shall apply.

RLSW-93 (Part Lots 23 & 24, Concession X, Bedford District – Deneault)
Notwithstanding the zone regulations in section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-93), the following provisions shall apply:

- Waterfrontage (Minimum) 85 metres (279 ft.)

- The uses permitted in the RLSW-93 zone are subject to a site plan agreement to be entered into between the owner(s) and the municipality and registered on the title of the property, specifying the siting of all buildings and septic systems at a location at least 30 metres from the inland wetland, 15 metres from the top-of-bank of the inland wetland and 120 metres from the Provincially Significant Wetland within Wolfe Lake.

All other provisions of this by-law shall apply.

RLSW-94 (Part Lot 8 Concession I, Loughborough District - Harvie)
Notwithstanding the zone regulations in section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront Zone (RLSW-94) the following provisions shall apply:

- Setback of septic system from highwater mark (Minimum) 300 metres (984 ft.),
- Setback of septic system from inland watercourse (Minimum) 30 metres (98.4 ft.),
- Setback for all development from the highwater mark (Minimum) 120 metres (394 ft.).

All other provisions of this by-law shall apply.

RLSW-95 (Part Lot 18, Concession IX, Storrington District – George) OMB approved
Notwithstanding the zone regulations in section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-94), the following provisions shall apply:

- Lot coverage for Principal Building (Maximum) 10 percent
- Front Yard (Minimum) 15 metres (50 ft.)
- Rear Yard (Minimum) 4.6 metres (15 ft.)
- Setback from Highwater Mark (Minimum) 15 metres (50 ft.)

- Except for the one Principal Building no other buildings or structures are permitted.

- For the purposes of this By-law, a walkout basement area is permitted at a maximum area of 340 ft.^{2} and with a ceiling height of 8 feet or more. An additional basement area is permitted at a maximum area of 460 ft.^{2} and with a maximum ceiling height of 6 feet.

All other provisions of this By-law shall apply.

RLSW-96 (Part Lot 23, Concession III, Storrington District – 1324789 Ontario Inc.)
Notwithstanding the zone regulations in section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-96), the following provisions shall apply:

- Front Yard (Minimum) 35 metres (115 ft.)
- Setback from Highwater Mark or
- Floodline of a body of water (Minimum) 35 metres (115 ft.)

- The uses permitted in the RLSW-96 zone are subject to a site plan agreement registered on the title of the property, specifying siting of all buildings and septic systems at a location at least 35 metres from Inverary Lake.

All other provisions of this By-law shall apply.

RLSW-97 (Part Lot 26, Concession X, Storrington District – Thomson)
Notwithstanding the zone regulations in section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-97), the following special provision shall apply:

- Setback From Flood Control Elevation
- of 98.65 GSC (highwater mark of lake) (Minimum) 35 metres (115 ft.)

All other provisions of this By-law shall apply.

RLSW-98 (Part Lot 26, Concession X, Storrington District – Thomson)
Notwithstanding the zone regulations in section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-98), the following special provisions shall apply:

- Rear Yard Setback (Minimum) 5 metres (16 ft.)
- Setback from Flood Control Elevation of 98.65 GSC (highwater mark of lake or inland waterway) (Minimum) 30 metres (98.4 ft.)

All other provisions of this By-law shall apply.

RLSW-99 (Part Lots 20 & 21, Concession V, Storrington District – Applewood)
Notwithstanding the zone regulations in section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-99), the following special provisions shall apply:

- Front Yard Setback (Minimum) 8 metres (26 ft.)
- Setback from wetland boundary (Minimum) 40 metres (131 ft.)

- For the purposes of special zone RLSW-99, the lane (common element) side of the lot is deemed to be the front yard.

- The holding `H` symbol is to be removed by by-law to permit development only when a Plan of Condominium Agreement between the property-owner and the Township has been entered into and registered.

All other provisions of this By-law shall apply.

RLSW-100 (Part Lots 20 & 21, Concession V, Storrington District – Applewood)
Notwithstanding the zone regulations in section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-100), the following special provisions shall apply:

- Lot Frontage on a Private Lane (Minimum) 50 metres (164 ft.)
- Setback from Wetland Boundary (Minimum) 40 metres (131 ft.)
- Setback from Loughborough Lake (Minimum) 30 metres (98.4 ft.)
- The holding `H` symbol is to be removed by by-law to permit development only when a Plan of Condominium Agreement between the property-owner and the Township has been entered into and registered.

All other provisions of this By-law shall apply.

RLSW-101 (Part Lots 20 & 21, Concession V, Storrington District – Applewood)
Notwithstanding the zone regulations in section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-101), the following special provisions shall apply:

- Lot Area (Minimum) 8000 metres^2 ((86,114 ft.^{2})
- Lot Frontage on a Private Lane (Minimum) 50 metres (164 ft.)
- Lot Frontage on Wetland (Minimum) 50 metres (164 ft.)
- Setback from Wetland Boundary (Minimum) 40 metres (131 ft.)
- Front Yard Setback (Minimum) 15 metres (50 ft.)

- For the purposes of special zone RLSW-101, the lane (common element) side of the lot is deemed to be the front yard.

- The holding `H` symbol is to be removed by by-law to permit development only when a Plan of Condominium Agreement between the property-owner and the Township has been entered into and registered.

All other provisions of this By-law shall apply.

RLSW-102 (Part Lot 21, Concession XI, Bedford District - McCulloch)
Notwithstanding the provisions of section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-102), the following provision shall apply:

- Front Yard Setback (Minimum) 40 metres (131 ft.)
- Setback from Highwater Mark or Floodline of a waterbody (Minimum) 40 metres (131 ft.)

All other provisions of this by-law shall apply.

RLSW-103 (Part Lots 23 & 24, Concessions VI & VII, Loughborough District – Magenta Waterfront Development; Johnston Point)
Notwithstanding the provisions of section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-103), the following provisions shall apply:

- Units 1 and 8
    a. Setback from Highwater Mark
    b. or Floodline of a waterbody (Minimum)
        i. Building 40 metres (131 ft.)
        ii. Septic 45 metres (147 ft.)

- On lands zoned RLSW-103 the only permitted uses within 40 metres of the highwater mark of Loughborough Lake shall be a walkway and a dock.
    a. Maximum number of docks that are permitted per unit 1 only
    b. Dock area (Maximum) 20 metres^2 (215 ft.^{2})
    c. Dock length (Maximum) 8 metres (26 ft.)
    d. Walkway width (Maximum) 1.5 metres (5 ft.)

All other provisions of this by-law shall apply.

RLSW-104 (Part Lots 23 & 24, Concessions VI & VII, Loughborough District – Magenta Waterfront Development; Johnston Point)
Notwithstanding the provisions of section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-104), the following provisions shall apply:

- Unit 2

a. Lot Frontage on a Private Lane (Minimum) 50 metres (164 ft.)
Setback from Highwater Mark or Floodline of a waterbody (Minimum)
i. Building 40 metres (131 ft.)
ii. Septic 50 metres (164 ft.)

- On lands zoned RLSW-104 the only permitted uses within 40 metres of the highwater mark of Loughborough Lake shall be a walkway and a dock.
  a. Number of docks permitted per unit 1 only
  b. Dock area (Maximum 20 metres^2 (215 ft.^{2})
  c. Dock length (Maximum) 8 metres (26 ft.)
  d. Walkway width (Maximum) 1.5 metres (5 ft.)

All other provisions of this by-law shall apply.

RLSW-105 (Part Lots 23 & 24, Concessions VI & VII, Loughborough District – Magenta Waterfront Development; Johnston Point)
Notwithstanding the provisions of section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-105), the following provisions shall apply:

- Unit 3
  a. Setback from Highwater Mark or Floodline of a waterbody (Minimum)
  i. Building 50 metres (164 ft.)
  ii. Septic 50 metres (164 ft.)

- On lands zoned RLSW-105 the only permitted uses within 50 metres of the highwater mark of Loughborough Lake shall be a walkway and a dock.
  a. Number of docks permitted per unit 1 only
  b. Dock area (Maximum 15 metres^2 (161 ft.^{2})
  c. Dock length (Maximum) 8 metres (26 ft.)
  d. Walkway width (Maximum) 1.5 metres (5 ft.)

All other provisions of this by-law shall apply.

RLSW-106 (Part Lots 23 & 24, Concessions VI & VII, Loughborough District – Magenta Waterfront Development; Johnston Point)
Notwithstanding the provisions of section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-106), the following provisions shall apply:

- Units 4, 5 and 6
  a. Setback from Highwater Mark or Floodline of a waterbody (Minimum)
  i. Building 50 metres (164 ft.)
  ii. Septic 60 metres (197 ft.)

- On lands zoned RLSW-106 the only permitted uses within 50 metres of the highwater mark of Loughborough Lake shall be a walkway and a dock.
    b. Number of docks permitted per unit 1 only
    c. Dock area (Maximum) 15 metres^2 (161 ft.^{2})
    d. Dock length (Maximum) 8 metres (26 ft.)
    e. Walkway width (Maximum) 1.5 metres (5 ft.)

All other provisions of this by-law shall apply.

RLSW-107 (Part Lots 23 & 24, Concessions VI & VII, Loughborough District – Magenta Waterfront Development; Johnston Point)
Notwithstanding the provisions of section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-107), the following provisions shall apply:

- Unit 9
    a. Setback from Highwater Mark or Floodline of a waterbody (Minimum)
        i. Building 60 metres (197 ft.)
        ii. Septic 60 metres (197 ft.)

- On lands zoned RLSW-107 the only permitted uses within 60 metres of the highwater mark of Loughborough Lake shall be a walkway.
    a. Walkway width (Maximum) 1.5 metres (5 ft.)

All other provisions of this by-law shall apply.

RLSW-108 (Part Lots 23 & 24, Concessions VI & VII, Loughborough District – Magenta Waterfront Development; Johnston Point)
Notwithstanding the provisions of section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-108), the following provisions shall apply:

- Units 10 and 11
    a. Setback from Highwater Mark or Floodline of a waterbody (Minimum)
        i. Building 40 metres (131 ft.)
        ii. Septic 60 metres (197 ft.)

- On lands zoned RLSW-108 the only permitted uses within 40 metres of the highwater mark of Loughborough Lake shall be a walkway and a dock.
    a. Number of docks permitted per unit 1 only
    b. Dock area (Maximum 20 metres^2 (215 ft.^{2})
    c. Dock length (Maximum) 8 metres (26 ft.)
    d. Walkway width (Maximum 1.5 metres (5 ft.)

All other provisions of this by-law shall apply.

RLSW-109 (Part Lots 23 & 24, Concessions VI & VII, Loughborough District – Magenta Waterfront Development; Johnston Point)
Notwithstanding the provisions of section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-109), the following provisions shall apply:

- Unit 14
    a. Setback from Highwater Mark or Floodline of a waterbody (Minimum)
        i. Building 35 metres (115 ft.)
        ii. Septic 35 metres (115 ft.)

- On lands zoned RLSW-109 the only permitted uses within 35 metres of the highwater mark of Loughborough Lake shall be a walkway and a dock.
    a. Maximum number of docks permitted per unit 1 only
    b. Dock area (Maximum) 20 metres^2 (215 ft.^{2})
    c. Dock length (Maximum) 8 metres (26 ft.)
    d. Walkway width (Maximum 1.5 metres (5 ft.)

All other provisions of this by-law shall apply.

RLSW-111 (Part Lot 6, Concession V, Bedford District – James Campbell)
Notwithstanding the zone regulations in section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-111), the following special provisions shall apply:

- Front Yard (Minimum) 45 metres (147 ft.)
- Setback from highwater mark or floodline of a body of water (Minimum) 45 metres (147 ft.)

All other provisions of this By-law shall apply."

RLSW-112 (Part Lot 11, Concession I, Storrington District – Tripp)
Notwithstanding the provisions of section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-112), the following special provision shall apply:

- Lot Area (Minimum) 8,000 metres^2 (2 ac.)

All other provisions of this by-law shall apply.

RLSW-113 (Part Lot 11, Concession I, Storrington District – Tripp)
Notwithstanding the provisions of section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-113), the following provisions shall apply:

- Lot Area (Minimum) 4,000 metres^2 (I ac.)
- Setback from highwater mark or floodline of a body of water
- for any new structure (Minimum) 36 metres (118 ft.)
- Gross floor area for any new principal building (Maximum) 74 metres^2 (800 ft.^{2})
- Footprint for any new principal building (Maximum) 79 metres^2 (850 ft.^{2})
- No living space shall be added below grade

All other provisions of this by-law shall apply.

RLSW-114 (Part Lots 20 & 21, Concession IX, Storrington District: Stricelj OMB)

Notwithstanding the provisions of section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-114), the following provisions shall apply:

- Setback from highwater mark or floodline of a body of water

  for any new structure (Minimum)……..….36 metres (118 ft.)

  For Principal Building (Minimum)……. 8.1 metres (26.6 ft.) as specified on Schedule "J" which forms part of this By-law,

  For Deck (Minimum)…….…. 8.1 metres (26.6 ft.) as specified on Schedule "J" which forms part of this By-law,

All other provisions of this by-law shall apply.

RLSW-115 (Part Lots 23 & 24, Concession III, Storrington District - 1324789 Ontario Inc.

Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-115), the following special provision applies:

i) Setback from Highwater Mark (Minimum) 40 metres (131 ft.)

All other provisions of this By-law shall also apply.

RLSW-116 (Part Lots 28 & 29, Concession IV, Portland District – Kerr)
Notwithstanding the provisions of section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-116), the following provisions shall apply:
- Waterfrontage (Minimum) 150 metres (492 ft.)

All other provisions of this by-law shall apply.

RLSW-117 (Part Lot 19, Concession IV, Bedford District – Brown)
Notwithstanding the provisions of section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-117), the following provisions shall apply:

- Waterfrontage (Minimum) 83 metres (272 ft.)
- Setback from Highwater Mark
  For any Structure (Minimum) 50 metres (164 ft.)
- For Septic System (Minimum) 50 metres (164 ft.)

All other provisions of this by-law shall apply.

RLSW-118 (Part Lot 17, Concession VIII, Storrington District – Ross/Rank)
Notwithstanding the provisions of section 10.2 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-118), the following provisions shall apply:

- A secondary dwelling is permitted within the existing principal building.

All other provisions of this by-law shall apply.

RLSW-119 (Part Lots 24 & 25, Concession XIII, Loughborough District – Hamilton)
Notwithstanding the provisions of section 10.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential-Waterfront (RLSW-119), the following provisions shall apply:

- Setback from Highwater Mark
  For any Structure or Septic System (Minimum) 40 metres (164 ft.)

All other provisions of this by-law shall apply.

SECTION 11 - RLSI - LIMITED SERVICE RESIDENTIAL - ISLAND ZONE

11.1 Within a RLSI - Limited Service Residential - Island Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

11.2 PERMITTED USES

- a seasonal dwelling,
- a dock, subject to approval from the appropriate authority,
- accessory buildings or uses, including one sleeping cabin,
- a home occupation, in accordance with the provisions of Section 5.28 of this By-law.

11.3 ZONE REGULATIONS

11.3.1 For the Principal Building

- Lot Area (Minimum) — 2.0 hectares (4.9 acres)
- Lot Water Frontage (Minimum) — 91 metres (300 ft.)
- Lot Width at Rear Lot Line (Minimum) — 76 metres (250 ft.)
- Front Yard (Minimum) — 30 metres (98.4 ft.)
- Rear Yard (Minimum) — 10 metres (32.8 ft.)
- Interior Side Yard (Minimum) — 3 metres (9.8 ft.)
- Exterior Side Yard (Minimum) — 3 metres (9.8 ft.)
- Gross Floor Area (Minimum) — 59 sq. metres (635.1 sq. ft.)
- Lot Coverage (Maximum) — 5 percent
- Building Height (Maximum) — 11 metres (36.1 ft.)
- Setback from Highwater Mark or Floodline of a Body of Water (Minimum) — 30 metres (98.4 ft.)
- Off-street parking shall be provided in accordance with Section 5.25 of this By-law.
- Where communal docking facilities are proposed, such facilities shall be located a minimum of 60 metres (196.9 ft.) from the nearest residential use, residential land use designation or residential zone.

11.3.2 For Accessory Buildings Not Attached To The Principal Building

- Rear Yard (Minimum) — 3 metres (9.8 ft.)
- Interior Side Yard (Minimum) — 3 metres (9.8 ft.)
- Exterior Side Yard (Minimum) — 3 metres (9.8 ft.)
- Building Height (Maximum) — 6 metres (19.7 ft.)
- Setback from Highwater Mark or Floodline of a Body of Water (Minimum) — 30 metres (98.4 ft.)
- In the case of docks, where a rear yard or interior side yard abuts a body of water, then such rear yard and/or interior sideyard may be reduced to zero metres.

11.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the RLSI - Limited Service Residential - Island Zone.

11.5 SPECIAL RLSI - LIMITED SERVICE RESIDENTIAL - ISLAND ZONES

RLSI-1 (Part Lots 2 and 3, Concession XII, Portland District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential Island (RLSI-1) shall be used only in accordance with the following:

- The total number of lots on lands zoned RLSI-1 shall not exceed one (1).
- On lands zoned RLSI-1, all buildings and structures shall be set back a minimum distance of 45 metres (147.6 ft.) from the shoreline of Fourteen Island Lake.

All other provisions of this by-law shall apply.

RLSI-2 (Part Lots 27, 28, 29, Concession VI, Bedford District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential Island (RLSI-2) shall be used only in accordance with the following:

- A maximum of seven (7) single seasonal dwellings may be permitted.

All other provisions of this by-law shall apply.

RLSI-3 (Lot 9, Concession VI, Loughborough District - McCracken)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential Island (RLSI-3) shall be used only in accordance with the following:

- The minimum setback from the highwater mark of Sydenham Lake shall be 7 metres (23 ft.) for the main dwelling and 5 metres (16.4 ft.) for an open deck structure.
- All existing mature vegetation within 30 metres (98.4 ft.) of the highwater mark should be retained and new plantings be provided to adequately screen the proposed dwelling from adjacent properties and to prevent erosion of the soil mantle into Sydenham Lake.

All other provisions of this by-law shall apply.

RLSI-4 (Lot 15, Concession X, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential Island (RLSI-4) shall be used only in accordance with the following:

- A sleeping cabin may be erected having a minimum setback from the highwater mark of 15.0 metres (49.2 ft.) from the east shore and 22.5 metres (73.8 ft.) from the west shore of Draper Lake.
- The total coverage of all accessory uses shall be 55 sq. metres (592 sq. ft.).

All other provisions of this by-law shall apply.

RLSI-5 (Lots 11 and 12, Concession XI, Storrington District - Fabbio)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential Island (RLSI-5) shall be used only in accordance with the following:

- An existing seasonal residential dwelling having a minimum setback of 10.9 m (36 ft.) from the west shore and 14.0 m (46 ft.) from the east shore of Birch Island.

All other provisions of this by-law shall apply.

RLSI-6 (Part Lot 21, Concession V, Storrington District - Beach)
Notwithstanding the provisions of section 11.3.1 or any other provision of this by-law to the contrary, on the lands zoned Special Limited Service Residential Island (RLSI-6) Zone the following provisions shall apply:

- Zone Regulations
  a. a seasonal dwelling having a maximum footprint area of 71 square metres (768 sq. ft.).
  b. all setbacks shall be as specified in site plan agreement entered into on July 26, 2006.

All other provisions of this by-law shall apply.

SECTION 12 - R - RESIDENTIAL ZONE

12.1 The Residential (R) Zone is intended to be used for multiple lot residential subdivisions only. Within an R - Residential Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

12.2 PERMITTED USES

- a single detached dwelling,
- a public park,
- a dock, subject to approval from the appropriate authority,
- accessory buildings or uses to the above uses,
- a home occupation, in accordance with the provision of Section 5.28 of this By-law.

12.3 ZONE REGULATIONS

12.3.1 For the Principal Building

- Lot Area (Minimum) 8000 sq. metres (86,114.1 sq. ft.)
- Lot Frontage (Minimum) 76 metres (250 ft.)
- Front Yard (Minimum) 20 metres (65.6 ft.)
- Rear Yard (Minimum) 10 metres (32.8 ft.)
- Interior Side Yard (Minimum) 6 metres (19.7 ft.)
- Exterior Side Yard (Minimum) 10 metres (32.8 ft.)
- Gross Floor Area (Minimum) 89 sq. metres (958.0 sq. ft.)
- Lot Coverage (Maximum) 20 percent
- Building Height (Maximum) 11 metres (36.1 ft.)
- Off-street parking shall be provided in accordance with Section 5.30.

12.3.2 For Accessory Buildings Not Attached To The Principal Building

- Rear Yard (Minimum) 3 metres (9.8 ft.)
- Interior Side Yard (Minimum) 3 metres (9.8 ft.)
- Exterior Side Yard (Minimum) 10 metres (32.8 ft.)
- Height (Maximum) 6 metres (19.7 ft.)

12.3.3 Notwithstanding any setback specified in sections 12.3.1 and 12.3.2 above, the minimum required setback from the highwater mark or floodline of a waterbody shall be 30 metres (98.4 ft.).

12.4 GENERAL PROVISIONS

All special provisions of section 5 "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the R - Residential Zone.

12.5 SPECIAL R - RESIDENTIAL ZONES

R-2 (Lots 11/12, Concessions I and II, Storrington District - Loughborough Shores Phase 2)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Residential (R-2) shall be used only in accordance with the following:

- The minimum lot area shall be 18 hectares (44.5 acres).

All other provisions of this by-law shall apply.

R-4 (Lot 11, Concessions I & II, Storrington District - Loughborough Shores Phase 2)
Notwithstanding anything in this by-law to the contrary, the lands zoned Special Residential-4 (R-4) shall be used only in accordance with the following:

- All septic systems located on the lot shall be set back a minimum of 100 metres (328.1 ft.) from the highwater mark of Loughborough Lake.

All other provisions of this by-law shall apply.

R-5 (Lots 9 and 10, Concession VI, Loughborough District - Sydenham Woods)
Notwithstanding any other provision of this by-law to the contrary, on the lands zoned Special Residential (R-5) Zone, the following uses shall be permitted:

- Permitted Uses
    a. a maximum of twelve single detached dwellings;
    b. accessory home occupations;
    c. accessory buildings and structures

All other provisions of this by-law shall apply.

R-6 (Lot 23, Concession VII Storrington District - Deer Creek Subdivision Phase 1)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Residential (R-6) shall be used only in accordance with the following:

- No building or structure including septic systems shall be located within 15 metres (49.2 ft.) of a natural or engineered stormwater drainage course, and no buildings or accessory structures shall be erected within 15 metres (49.2 ft.) of the rear lot line.
- Proof of an adequate supply of potable water shall be supplied to the Township at the time of the sale of lots zoned R-6.

All other provisions of this by-law shall apply.

R-7 (Part Lots 25 to 29, Concession VII, Storrington District - Collins Lake Estates)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Residential (R-7) shall be used only in accordance with the following:

- Permitted Uses
    a. The uses permitted shall include the uses existing as of the date of passage of this by-law.
    b. A golf course and uses accessory to a golf course shall be permitted.
    c. Additional uses in the Residential (R) Zone will be permitted only following the removal of the Holding (H) symbol.

- Zone Requirements
    a. The lands zoned R-7shall be used in accordance with the zone requirements outlined in Section 12.3 to this By-law only following the removal of the Holding (H) symbol.

- Removal of the Holding Symbol
    a. The Holding (H) symbol will be removed from the lands so zoned upon submission and approval of appropriate sewage disposal and water supply servicing system plans. Review and approval of such systems plans shall be undertaken by the Township of South Frontenac, Kingston Frontenac Lennox and Addington Public Health and the Ministry of Environment.

All other provisions of this by-law shall apply.

R-8 (Part Lot 25, Concession III, Storrington District - Belanger)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Residential (R-8) Zone shall be used only in accordance with the following:

- A dwelling unit in an accessory building (in addition to the single detached dwelling existing on the property) shall be permitted.

All other provisions of this by-law shall apply.

R-9 (Lot 23, Concession VII, Storrington District -Deer Creek Subdivision Phase 2)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Residential (R-9) Zone, the following provisions shall apply:

- Lot Area (Minimum) 6,100 sq. metres (1.5 ac.)
- Setback from Highwater Mark of Creek 15 metres (50 ft.)

All other provisions of this by-law shall apply.

R-10 (Part Lot 31, Concession VII, Storrington District – Lyons Landing Phase 2)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Residential (R-10) Zone shall be used only in accordance with the following:

- Zone Provisions
    a. lot frontage (minimum) 55 metres (180.4 ft.)
    b. front yard setback (minimum) 20 metres (65.6 ft.)
    c. rear yard setback (minimum) 10 metres (32.8 ft.)
    d. side yard setback (minimum) 10 metres (32.8 ft.)
- Determination of Lot Frontage
    a. Despite the definition of 'Lot Frontage' in section 3.111, on the lands zoned R-10, 'Lot Frontage' shall mean the distance being measured along a line which is parallel to the front lot line measured at a point equal to the minimum required front yard setback.

All other provisions of this By-law shall apply.

R-11 (Part Lot 33, Concession VI, Bedford District)
Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Residential (R-11) Zone, the following provisions shall apply;

- Lot Area (Minimum) 10,000 m^2 (2.5 ac.)
- Lot Frontage (Minimum) 60 metres (197 ft.)
- Water Frontage (Minimum) 91 metres (300 ft.)
- Gross Floor Area (Minimum) 93 sq. metres (1,000 sq. ft.)
- Lot Coverage (Maximum) 5%
  Interior Side Yard (Minimum) 15 metres (50 ft.)
- Setback from highwater mark
  or floodline of a body of water(Min) 35 metres (115 ft.)
- Accessory sleeping cabin maximum
- permitted size. 37 sq. metres (300 sq. ft.)

All other provisions of this by-law shall apply.

R-12 (Part Lots 33 and 35, Concessions V and VI, Bedford District)
Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Residential (R-12) Zone, the following provisions shall apply;

- Lot Area (Minimum) 1.6 hectares (4 ac.)
- Water Frontage (Minimum) 91 metres (300 ft.)
- Gross Floor Area (Minimum) 93 sq. metres (1,000 sq. ft.)
- Lot Coverage (Maximum) 5%

- Interior Side Yard (Minimum) 15 metres (50 ft.)
- Setback from highwater mark or floodline of a body of water(Min) 40 metres (131 ft.)
- Accessory sleeping cabin maximum permitted size 37 sq. metres (300 sq. ft.)

All other provisions of this by-law shall apply.

R-13 (Part Lot 33, Concession VI, Bedford District)
Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Residential (R-13) Zone, the following provisions shall apply;

- Lot Area (Minimum) 2.2 hectares (5.4 ac.)
- Gross Floor Area (Minimum) 93 sq. metres (1,000 sq. ft.)
- Interior Side Yard (Minimum) 15 metres (50 ft.)
- Setback from highwater mark or floodline of a body of water(Min) 30 metres (98.4 ft.)

All other provisions of this by-law shall apply.

R-14 (Part Lot 33, Concession VI, Bedford District)
Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Residential (R-14) Zone, the following provisions shall apply;

- Water Frontage (Minimum) 91 metres (300 ft.)
- Gross Floor Area (Minimum) 93 sq. metres (1,000 sq. ft.)
- Lot Coverage (Maximum) 5%
- Interior Side Yard (Minimum) 15 metres (50 ft.)
- Setback from highwater mark or floodline of a body of water(Min) 50 metres (164 ft.)
- Accessory sleeping cabin maximum
- permitted size 37 sq. metres (300 sq. ft.)

All other provisions of this by-law shall apply.

R-15 (Part Lots 33 to 35, Concessions V and VI, Bedford District)
Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Residential (R-15) Zone, the following provisions shall apply;

- Lot Area (Minimum) 3.8 hectares (9.4 ac.)
- Gross Floor Area (Minimum) 93 sq. metres (1,000 sq. ft.)
- Interior Side Yard (Minimum) 15 metres (50 ft.)
- Setback from highwater mark or floodline of a body of water(Min) 30 metres (98.4 ft.)

All other provisions of this by-law shall apply.

R-16 (Part Lots 33 to 35, Concessions V and VI, Bedford District)
Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Residential (R-16) Zone, the following provisions shall apply;

• Water Frontage (Minimum)	91 metres (300 ft.)
• Gross Floor Area (Minimum)	93 sq. metres (1,000 sq. ft.)
• Lot Coverage (Maximum)	5%
• Interior Side Yard (Minimum)	15 metres (50 ft.)
• Setback from highwater mark or floodline of a body of water(Min)	30 metres (98.4 ft.)
• Accessory sleeping cabin maximum permitted size	37 sq. metres (300 sq. ft.)

All other provisions of this by-law shall apply.

R-17 (Lot 1, Concession XIII, Portland District, Rafferty)
Notwithstanding any provision of this By-law to the contrary, the lands zoned Special Residential Exception (R-17) shall be used only in accordance with the following:

In addition to the uses permitted in section 12.2 of this By-law the following uses are permitted:

- A secondary temporary dwelling unit.

In addition to the zone regulations section 12.3 of this By-law the following regulations apply:

- street access to both dwellings (principal and secondary) is limited to one driveway only;
- the maximum permitted floor area of the temporary second dwelling is 76.5 metres^2 (823 ft.^{2});
- the maximum height of the garden suite structure is one storey or 4.5 metres, whichever is the lower number;
- the garden suite shall be permitted for a maximum period of ten (10) years from the date of the approval of this Zoning By-law Amendment which is August 3, 2004.

All other provisions of this by-law shall apply.

R-18 (Lot 1, Concession XIII, Portland District, Gilbert)
Notwithstanding section 12.3.1, 12.3.3, or any other provision of this By-law to the contrary, on the lands zoned Special Residential Exception (R-18), the following special provisions shall apply:

- Lot Frontage on Public Road (Minimum) 30 metres (98.4 ft.)

The uses permitted in the R-18 zone shall be subject to a site plan agreement to be entered into between the owner and the municipality and registered on the title of the property, implementing all the recommendations of the environmental report dated August 15, 2009 from Ecological Services and requiring that the building that exists on the property on the date of passing of this by-law be removed.

All other provisions of this By-law shall apply.

R-19(Lot 23, Concession VII, Storrington District, Deer Creek Subdivision Phase 2)
Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Residential Exception (R-19) Zone, the following special provisions shall apply:

- Lot Area (Minimum) 5,350 sq. metres (1.3 ac.)

All other provisions of this By-law shall apply.

R-20(Lot 23, Concession VII, Storrington District, Deer Creek Subdivision Phase 2)
Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Residential Exception (R-20) Zone, the following special provisions shall apply:

- Lot Area (Minimum) 6,100 sq. metres (1.5 ac.)
- Lot Frontage (Minimum) 100 metres (328 ft.)

All other provisions of this By-law shall apply.

R-21(Lot 23, Concession VII, Storrington District, Deer Creek Subdivision Phase 2)
Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Residential Exception (R-21) Zone, the following special provisions shall apply:

i) Lot Area (Minimum) 5,900 sq. metres (1.4 ac.)
ii) Lot Frontage (Minimum) 35 metres (115 ft.)

All other provisions of this By-law shall apply.

R-22(Lot 23, Concession VII, Storrington District, Deer Creek Subdivision Phase 2)
Notwithstanding the permitted uses in section 12.2 or any other provision of this By-law to the contrary, on the lands zoned Special Residential Exception (R-22) Zone, the following provision shall apply:

- No structure or building shall be permitted.

All other provisions of this By-law shall apply.

R-23 (Lot 2, Concession V, Loughborough District, Keller)
Notwithstanding any provision of this By-law to the contrary, on the lands zoned Special Residential Exception (R-23), the following provisions shall apply:

In addition to the uses permitted in section 12.2 of this By-law the following uses are permitted:

- A secondary temporary dwelling unit.

In addition to the zone regulations section 12.3 of this By-law the following regulations apply:

- street access to both dwellings (principal and secondary) is limited to one driveway only;
- the temporary second dwelling shall be permitted for a maximum period of three (3) years from the date of the approval of this Zoning By-law Amendment which is June 15, 2010.

All other provisions of this by-law shall apply.

R-24 (Part Lot 22, Concession II, Storrington District – Sandstone Shores)
Notwithstanding the provisions of section 12.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Residential (R-24), the following provision shall apply.

- For the Principal Building
    a. Rear Yard - the rear yard shall incorporate a “no build” area for the principal building as specified on Schedule “I” to this By-law.

All other provisions of this by-law shall apply.

R-25 (Part Lot 3, Concession IV, Loughborough District – Valleyview Estates)
Notwithstanding the provisions of sections 5.8.2, 12.3, 32.3 or any other provision of this By-law to the contrary, on the lands zoned Special Residential Zone (R-25), the following provisions shall apply.

- Zone Regulations

a. Lot Area (Minimum) 4,000 sq. m (1 ac.)
b. Lot Frontage (Minimum) 25 metres (82 ft.)
c. Front Yard (Minimum) 6 metres (20 ft.)
d. Interior Side Yard (Minimum) 1.5 metres (5 ft.) on one side and 3 metres (10 ft.) on the other

- Rear Yard
    a. no building or structure shall be located within the 30 metre setback from the wetland

All other provisions of this by-law shall apply.

R-26 (Part Lot 3, Concession IV, Loughborough District – Valleyview Estates)
Notwithstanding the provisions of section 12.3 or any other provision of this By-law to the contrary, on the lands zoned Special Residential (R-26) Zone, the following provisions shall apply.

- Zone Regulations
    a. Lot Area (Minimum) 4,000 sq. m (1 ac.)
    b. Lot Frontage (Minimum) 25 metres (82 ft.)
    c. Rear Yard (Minimum) 6 metres (20 ft.) for principal building; 3 metres (9.8 ft.) for accessory buildings
    d. Interior Side Yard (Minimum) 1.5 metres (5 ft.) on one side and 3 metres (10 ft.) on the other

All other provisions of this by-law shall apply.

R-27 (Part Lots 9 and 10, Concession IX, Storrington District – Ouellette Subdivision)
Notwithstanding the provisions of section 12.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Residential Zone (R-27), the following provisions shall apply.

- Zone Regulations
    a. Lot Frontage (Minimum) 50 metres (164 ft.)
    b. Front Yard (Minimum) 12 metres (40 ft.)

All other provisions of this by-law shall apply.

R-27-H (Part Lot 19, Concession II, Storrington District – Ouellette Subdivision)
Notwithstanding the provisions of section 12.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Residential Holding Zone (R-27-h), the following provisions shall apply.

- Zone Regulations
    a. Lot Frontage (Minimum) 50 metres (164 ft.)
    b. Front Yard (Minimum) 12 metres (40 ft.)

- No development is permitted on the lands identified on Schedule '1', which is a circle, 40 metres in diameter, until a Stage 4 archaeological excavation of the site is undertaken in accordance with the Archaeological Assessment Report, dated October 11, 2011, by Abacus Archaeological Services and until a concurrence letter from the Ministry of Tourism, Culture and Sport is issued at which time the Holding ('h') symbol may be removed from the zoning map by amendment to this By-law.

All other provisions of this by-law shall apply.

R-28 (Part Lot 19, Concession II, Storrington District – Willowbrook Estates)
Notwithstanding the provisions of section 12.3 or any other provision of this By-law to the contrary, on the lands zoned Special Residential (R-28), the following special provisions shall apply:

- Lot Area (Minimum) 6,000 metres^2 (1.5 ac.)
- Lot Frontage (Minimum) 52 metres (170 ft.)
- No building or structure shall be located within 5 metres (16.4 ft.) of the 1:100 year flood plain.

All other provisions of this by-law shall apply.

R-29 (Part Lots 14 & 15, Concession VIII, Loughborough District – McFadden Road Subdivision)
Notwithstanding the provisions of section 12.3.3 or any other provision of this By-law to the contrary, on the lands zoned Special Residential (R-29), the following special provision shall apply:

- Setback from the highwater mark or floodline of a waterbody (Minimum) 15 metres (50 ft.)

All other provisions of this by-law shall apply.

SECTION 13 - MHR - MOBILE HOME RESIDENTIAL ZONE

13.1 Within a MHR - Mobile Home Residential Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

13.2 PERMITTED USES

- a detached mobile home,
- an administrative or rental office,
- a recreational centre,
- a general storage compound,
- a public or private park,
- a storage shed or private garage for each mobile home,
- a home occupation in accordance with the provisions of Section 5.28 of this By-law.

13.3 ZONE REGULATIONS

13.3.1 For the Mobile Home Park

- Park Area (Minimum) — 4 hectares (9.9 acres)
- Park Area (Maximum) — 6.5 hectares (16.1 acres)
- Park Frontage (Minimum) — 100 metres (328.1 ft.)
- Park Density (Maximum) — 5 mobile homes per gross hectare
- Off-street parking shall be provided in accordance with Section 5.30.

13.3.2 For The Mobile Home Site

- Mobile Home Site Setback From Mobile Home Park Boundary (Minimum) — 8 metres (26.2 ft.)
- Mobile Home Site Area (Minimum):
    a. with communal water and septic tank facilities — 2,000 sq. metres (21,528.5 sq. ft.)
    b. with well and septic tank facilities — 4,000 sq. metres (43,057.0 sq. ft.)
- Mobile Home Site Width (Minimum) — 15 metres (49.2 ft.)
- Mobile Home Site Coverage (Maximum) — 35 percent
- Mobile Home Setbacks (Minimum):
    a. Front Yard — 7.5 metres (24.6 ft.)
    b. Rear Yard — 9 metres (29.5 ft.)
    c. Interior Side Yard — 3 metres (9.8 ft.)
    d. Exterior Side Yard (Minimum) — 7.5 metres (24.6 ft.)
- Mobile Home Gross Floor Area (Minimum) — 60 sq. metres (645.9 sq. ft.)
- Building Height (Maximum) — 7 metres (23.0 ft.)
- Maximum Number of Mobile Homes On A Mobile Home Site — 1 mobile home
- Off-street parking shall be provided in accordance with Section 5.30.

13.3.3 For Accessory Buildings Not Attached To The Principal Building

- Maximum Area To Be Covered Per Mobile Home site For A Private Garage — 25 sq. metres (269.1 sq. ft.)
- Maximum Area to Be Covered Per Mobile Home Site For All Other Accessory Buildings — 15 sq. metres (161.5 sq. ft.)
- Building Height (Maximum) — 4 metres (13.1 ft.)
- Minimum Setback From Site Boundary Lot Lines — 3 metres (9.8 ft.)

13.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the MHR - Mobile Home Residential Zone.

13.5 SPECIAL MHR - MOBILE HOME RESIDENTIAL ZONES

SECTION 14 - UR1 URBAN RESIDENTIAL - FIRST DENSITY ZONE

14.1 Within a UR1 Urban Residential First Density Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

14.2 PERMITTED USES

- a single detached dwelling,
- existing agricultural uses,
- a public park,
- a dock, subject to approval from the appropriate authority,
- accessory buildings or uses to the above uses,
- a home occupation, according to the provisions of Section 5.28 of this By-law,
- a home industry, according to the provisions of Section 5.29 of this By-law,
- a garden suite according to the provisions of Section 5.33 of this By-law.

14.3 ZONE REGULATIONS

14.3.1 For a Single Detached Dwelling

- Lot Area (Minimum) 8000 sq. metres (86,114.1 sq. ft.)
- Lot Frontage (Minimum) 76 metres (250 ft.)
- Front Yard (Minimum) 7.5 metres (24.6 ft.)
- Rear Yard (Minimum) 7.5 metres (24.6 ft.)
- Interior Side Yard (Minimum) 2.5 metres (8.2 ft.)
- Exterior Side Yard (Minimum) 7.5 metres (24.6 ft.)
- Gross Floor Area (Minimum) 89 sq. metres (958.0 sq. ft.)
- Lot Coverage For Non-Waterfront Lots (Maximum) 30 percent
- Lot Coverage For Waterfront Lots (Maximum) 5 percent
- Building Height (Maximum) 11 metres (36.1 ft.)
- Off-street parking shall be provided in accordance with Section 5.30.

14.3.2 For Accessory Buildings Not Attached To The Principal Building

- Rear Yard (Minimum) 2.5 metres (8.2 ft.)
- Interior Side Yard (Minimum) 2.5 metres (8.2 ft.)
- Exterior Side Yard (Minimum) 7.5 metres (24.6 ft.)
- Building Height (Maximum) 6 metres (19.7 ft.)

14.3.3 For Home Industry Uses

Notwithstanding the provisions of subsection 14.3.2, where an interior side yard and/or rear yard abuts a residential zone, then such interior side yard and/or rear yard shall be a minimum of 15 metres (49.2 ft.). This 15 metre (49.2 ft.) area shall be retained in an open space condition and the open storage of goods or materials shall not be permitted within this 15 metre (49.2 ft.) area.

14.3.4 For Existing Agricultural Uses

The provision of Section 7.3.1 Zone Regulations for Agricultural uses in a Rural zone shall apply to existing Agricultural uses in an UR1 - Urban Residential - First Density Zone.

14.4 SPECIAL UR1- URBAN RESIDENTIAL - FIRST DENSITY ZONES

UR1-1 (Lot 14, Concession 7, Loughborough District - Pedersen)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Urban Residential First Density One (UR1-1) shall be used only in accordance with the following:

- The minimum lot area shall be 3,000 sq. metres (32,292.8 sq. ft.).

All other provisions of this by-law shall apply.

URI-2 (Lots 18 and 19, Concession 2, Storrington District - Moreland)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Urban Residential Two (URI-2) shall be used only in accordance with the following:

- Setbacks
  a. All development, including septic tile beds, shall be set back a minimum of 15 metres (49.2 ft.) from the land zoned “Special Environmental Protection (EP-5) and from any natural or man-made drainage courses on the property.

All other provisions of this by-law shall apply.

UR1-3 (Lot 4, Concession 4, Loughborough District - Radford)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Urban Residential (UR1-3) shall be used only in accordance with the following:

- Permitted Uses
  a. internal division of the existing structure, presently used as a single detached dwelling, shall be permitted in order to create a professional office within a portion of the structure, which shall be in addition to one dwelling unit within the same existing structure;
  b. this exception applies only to the existing structure, and not to any enlargement or replacement of the existing structure.

All other provisions of this by-law shall apply.

UR1-4 [Lot 9, Concession XII, Portland District (Verona) – Harper]
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Urban Residential (UR1-4) Zone shall be used only in accordance with the following:

- Permitted Uses
    a. a home industry for the repair, display and retail sale of utility trailers;
    b. the repair of trailers shall only be undertaken within an enclosed garage building not exceeding 66.14 square metres (712 sq. ft.) in size. Outside display and sale of utility trailers shall be permitted. A low-level (ie., non-pedestal) non-illuminated sign not exceeding 2.97 square metres (32 sq. ft.) advertising the home industry shall be permitted.

All other provisions of this by-law shall apply.

UR1-5 [Lot 9, Concession X, Portland District (Verona) – Campeau]
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Urban Residential (UR1-5) Zone the following provisions shall apply:

- Zone Provisions
    a. lot frontage (Minimum) 20 metres (65.6 ft.)

All other provisions of this by-law shall apply.

UR1-6 [Lot 6, Concession V, Portland District- Harrowsmith Methodist Church]
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Urban Residential (UR1-6) Zone the following provisions shall apply:

- Zone Provisions For Single Detached Dwellings
    a. Lot Area (Minimum) 4,000 square metres (43,563 sq.ft.)
    b. Lot frontage (Minimum) 45.72 metres (150 ft.)

- Special Provision
    a. No building or structure shall be located within 22 metres (70 ft.) of the rear lot line of any abutting property.

All other provisions of this by-law shall apply.

UR1-7 [Lot 8 Concession VIII, Storrington District- Sonneveld]
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Urban Residential (UR1-7) Zone the following provision shall apply:
- Zone Provisions
    a. Lot frontage (Minimum) 26 metres (85 ft.)

All other provisions of this by-law shall apply.

UR1-8 (Part Lot 3, Concession IV, Loughborough District, RKR Landholdings)
Notwithstanding any other provision of this By-law to the contrary, the following shall apply in the UR1-8 zone:

- Lot Area (Minimum) 2,266 sq. metres (0.56 ac.)
- Lot Frontage (Minimum) 44 metres (145 ft.)

All other provisions of this By-law shall apply."

UR1-9 (Part Lot 6, Concession V, Portland District – Everett Kerr)
Notwithstanding the zone regulations in section 14.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Urban Residential-First Density (UR1-9) Zone the following provision shall apply:

- Lot Frontage (Minimum) 9 metres (30 ft.)

All other provisions of this by-law shall apply.

UR1-10 (Part Lot 19, Concession VI, Portland District – Joan Kerr)
Notwithstanding the zone regulations in section 14.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Urban Residential-First Density (UR1-10) Zone the following provision shall apply:

- Lot Frontage (Minimum) 30 metres (98 ft.)

All other provisions of this by-law shall apply.

UR1-11 (Part Lot 7, Concession IX, Storrington District – Freeman)
Notwithstanding the zone regulations in section 14.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Urban Residential-First Density (UR1-11) Zone the following provisions shall apply:

- Setback for Principal Building from any Farm Facility (Minimum) 65 metres (213 ft.)

All other provisions of this by-law shall apply.

UR1-12 (Part Lot 8, Concession IX, Storrington District – Freeman)
Notwithstanding the zone regulations in section 14.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Urban Residential-First Density (UR1-12) Zone the following provisions shall apply:

- Lot Frontage (Minimum) 64 metres (211 ft.)
- Lot Area (Minimum) 0.57 Hectares (1.4 ac.)

All other provisions of this by-law shall apply.

UR1-13 (Part Lot 26, Concession II, Storrington District – Brett Campbell)
Notwithstanding the zone regulations in section 14.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Urban Residential-First Density (UR1-13) Zone the following provisions shall apply:

- Lot Frontage (Minimum) 57 Metres (187 ft.)
- Lot Area (Minimum) 0.6Hectares(1.48 ac.)

All other provisions of this by-law shall apply.

UR1-14 (Part Lot 40, Concession VII, Storrington District – McCallum)
Notwithstanding the zone regulations in section 14.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Urban Residential-First Density (UR1-14) Zone the following provisions apply:

- Lot Frontage (Minimum) 45 metres (150 ft.)
- All development must be set back a minimum of 30 metres (98.4 ft.) behind the rear lot line of any abutting property

All other provisions of this by-law shall apply.

UR1-15 (Part Lot 26, Concession I, Storrington District – Wilson)
Notwithstanding the zone regulations in section 14.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Urban Residential-First Density (UR1-15), the following provision applies:

- Lot Frontage (Minimum) 56 metres (183 ft.)

All other provisions of this by-law shall apply.

UR1-16 (Part Lot 7, Concession 4, Portland District – Larcon Farms)
Notwithstanding the zone regulations in section 14.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Urban Residential-First Density (UR1-16), the following provision applies:

- Lot Frontage (Minimum) 61 metres (200 ft.)

All other provisions of this by-law shall apply.

UR1-17 (Part Lot 19, Concession VI, Portland District – Kerr)
Notwithstanding the zone regulations in section 14.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Urban Residential-First Density (UR1-17), the following provisions apply:

- Waterfrontage (Minimum) 100 metres (328 ft.)
- Road Frontage (Minimum) 35 metres (115 ft.)

All other provisions of this by-law shall apply.

UR1-18 (Part Lot 7, Concession VIII, Storrington District – Howlett)
Notwithstanding the zone regulations in section 14.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Urban Residential-First Density (UR1-18), the following provisions apply:

- Lot Frontage (Minimum) 64 metres (210 ft.)
- No development shall occur behind the rear lot line of any abutting property.

All other provisions of this by-law shall apply.

UR1-19 (Part Lot 4, Concession V, Loughborough District – Morgan)
Notwithstanding the zone regulations in section 14.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Urban Residential-First Density (UR1-19), the following provisions apply:

- Lot Area (Minimum) 4,046 m^2 (1 ac.)
- Lot Frontage (Minimum) 64 metres (210 ft.)
- Setback from Highwater Mark or Floodline Of a Waterbody (Minimum) 30 metres (98.4 ft.)

All other provisions of this by-law shall apply.

SECTION 15 - UR2 - URBAN RESIDENTIAL - SECOND DENSITY ZONE

15.1 Within a UR2 Urban Residential Second Density Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

15.2 PERMITTED USES

- a single detached dwelling,
- a semi-detached dwelling,
- a duplex dwelling,
- a converted dwelling,
- a public park,
- accessory buildings or uses to the above uses,
- a home occupation, according to the provisions of Section 5.28 of this By-law,
- a home industry, according to the provisions of Section 5.29 of this By-law,
- a garden suite according to the provisions of Section 5.33 of this By-law.

15.3 ZONE REGULATIONS

15.3.1 For a Single Detached Dwelling

- Lot Area (Minimum) — 8000 sq. metres (86,114.1 sq. ft.)
- Lot Frontage (Minimum) — 76 metres (250 ft.)
- Front Yard (Minimum) — 7.5 metres (24.6 ft.)
- Rear Yard (Minimum) — 7.5 metres (24.6 ft.)
- Interior Side Yard (Minimum) — 2.5 metres (8.2 ft.)
- Exterior Side Yard (Minimum) — 7.5 metres (24.6 ft.)
- Gross Floor Area (Minimum) — 89 sq. metres (958.0 sq. ft.)
- Lot Coverage (Maximum) — 30 percent
- Building Height (Maximum) — 11 metres (36.1 ft.)
- Off-street parking shall be provided in accordance with Section 5.30.

15.3.2 For a Semi-Detached Dwelling and A Duplex Dwelling

- Lot Area (Minimum) — 8000 sq. metres (86,114.1 sq. ft.)
- Lot Frontage (Minimum) — 76 metres (250 ft.)
- Front Yard (Minimum) — 7.5 metres (24.6 ft.)
- Rear Yard (Minimum) — 7.5 metres (24.6 ft.)
- Interior Side Yard (Minimum) — 2.5 metres (8.2 ft.) on one side and nil on the attached side
- Exterior Side Yard (Minimum) — 7.5 metres (24.6 ft.)
- Gross Floor Area (Minimum) — 178 sq. metres (1,916.0 sq. ft.)
- Lot Coverage (Maximum) — 30 percent
- Building Height (Maximum) — 11 metres (36 ft.)
- Off-street parking shall be provided in accordance with Section 5.30.

15.3.3 For a Converted Dwelling

A converted dwelling shall be permitted on lands zoned UR2 in accordance with the following zone regulations.

- The minimum gross floor area of a one bedroom dwelling unit shall be 42 square metres (452.1 sq. ft.) plus an additional 13 square metres (139.9 sq. ft.) for each additional bedroom.
- The minimum lot area per dwelling unit shall be 1400 square metres (15,070.0 sq. ft.).
- No addition or enlargement shall be made to the external walls or roof of the dwelling.
- No external stairway other than an open fire escape shall be provided.
- Such dwelling shall be certified by the Chief Building Official to be structurally suitable for such conversion.
- The 3 metre (9.8 ft.) strip immediately adjacent to any lot line shall be landscaped.
- Off-street parking shall be provided in accordance with Section 5.30.

15.3.4 For Accessory Buildings Not Attached To The Principal Building

- Rear Yard (Minimum) 2.5 metres (8.2 ft.)
- Interior Side Yard (Minimum) 2.5 metres (8.2 ft.)
- Exterior Side Yard (Minimum) 7.5 metres (24.6 ft.)
- Building Height (Maximum) 6 metres (19.7 ft.)

15.3.5 For Uses Permitted Under Subsection 13.2.8

Notwithstanding the provisions of subsection 13.3, where an interior side yard and/or rear yard abuts a residential zone, then such interior side yard and/or rear yard shall be a minimum of 15 metres (49.2 ft.). This 15 metre (49.2 ft.) area shall be maintained in an open space condition and the open storage of goods or materials shall not be permitted within this 15 metre (49.2 ft.) area.

15.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply , where applicable, to any land, lot, building, structure or use within the UR2 - Urban Residential - Second Density Zone.

15.5 SPECIAL UR2 - URBAN RESIDENTIAL - SECOND DENSITY ZONES

UR2-1 (Part Lot 2, Concession V, Loughborough District – RJM Classic Homes Ltd.)
Notwithstanding any provision of this by-law to the contrary, the following provisions shall apply in the Special Urban Residential (UR2-1) zone:

- Permitted Uses
    a. One dwelling unit in a semi-detached dwelling;
    b. A home occupation;
    c. Accessory uses and buildings to the above.

- Zone Regulations

a. Lot area per dwelling unit (Minimum) 4,000 square metres (1 ac.)
b. Lot frontage (Minimum) 32.6 metres (107 ft.)
c. Interior side yard per lot (Minimum) 2.5 metres (8.2 ft.) on open side and nil on the attached side.

- No building or structure shall be located within 22.8 metres (75 ft.) of the rear lot line of any abutting property.

All other provisions of this by-law shall apply.

SECTION 16 - UMR - URBAN MULTIPLE RESIDENTIAL ZONE

16.1 Within a UMR- Urban Multiple Residential Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

16.2 PERMITTED USES

- a multiple unit dwelling,
- a senior citizen multiple dwelling,
- a converted dwelling,
- a public park,
- accessory buildings or uses to the above uses.

16.3 ZONE REGULATIONS

16.3.1 For the Principal Building

- Lot Area (whichever is greater)
  - a) Minimum — 8000 sq. metres (86,114.1 sq. ft.)
  - b) Minimum Per Dwelling Unit — 2000 sq. metres (21,528 sq. ft.)
- Lot Frontage (Minimum) — 76 metres (250 ft.)
- Front Yard (Minimum) — 10 metres (32.8 ft.)
- Rear Yard (Minimum) — 10 metres (32.8 ft.)
- Interior Side Yard (Minimum):
  - a. to a wall of a building containing windows to habitable rooms — 8 metres (26.2 ft.)
  - b. to a wall of a building containing no windows to habitable rooms — 3 metres (9.8 ft.)
- Exterior Side Yard (Minimum) — 10 metres (32.8 ft.)
- Building Height (Maximum) — 11 metres (36.1 ft.)
- Lot Coverage (Maximum) — 30 percent
- Gross Floor Area Per Dwelling Unit (Minimum) — 42 sq. metres (452.1 sq. ft.)
  - a. plus 13 sq. metres (139.9 sq. ft.) for each additional bedroom above one
- Minimum Number of Dwelling Units in One Principal Building — 3 dwelling units
- Off-street parking shall be provided in accordance with Section 5.30.

16.3.2 For Accessory Buildings Not Attached To The Principal Building

- Rear Yard (Minimum) — 2.5 metres (8.2 ft.)
- Interior Side Yard (Minimum) — 2.5 metres (8.2 ft.)
- Exterior Side Yard (Minimum) — 10 metres (32.8 ft.)
- Building Height (Maximum) — 4.5 metres (14.8 ft.)

16.3.3 For a Converted Dwelling

A converted dwelling shall be permitted on lands zoned UMR in accordance with the following regulations.

- The minimum gross floor area of a one bedroom dwelling unit shall be 42 square metres (452.1 sq. ft.) plus an additional 13 square metres (139.9 sq. ft.) for each additional bedroom.
- The minimum lot area per dwelling unit shall be 2,400 square metres (21,528 sq. ft.).
- No external stairway other than an open fire escape shall be provided.
- Such dwelling shall be certified by the Chief Building Official to be structurally suitable for such conversion.
- The 3 metre (9.8 ft.) strip immediately adjacent to any lot line shall be landscaped.
- Off-street parking shall be provided in accordance with Section 5.30.

16.3.4 For Accessory Buildings Not Attached To The Principal Building

- Rear Yard (Minimum) 2.5 metres (8.2 ft.)
- Interior Side Yard (Minimum) 2.5 metres (8.2 ft.)
- Exterior Side Yard (Minimum) 10 metres (32.8 ft.)

16.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply , where applicable, to any land, lot, building, structure or use within the UMR - Urban Multiple Residential Zone.

16.5 SPECIAL UMR - URBAN MULTIPLE RESIDENTIAL ZONES

UMR-1 (Lot 19, Concession 11, Portland District - R. Ball)

Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Urban Multiple Residential (UMR-1) shall be used only in accordance with the following:

- Zone Provisions
  a. lot area (minimum) 0 m (0 ft.)
  b. front yard (minimum) 0 m (0 ft.)
  c. exterior side yard (minimum) 0 m (0 ft.)
  d. number of parking spaces (minimum) 6

All other provisions of this by-law shall apply.

UMR-2 (Lot 3, Concession IV, Loughborough District - Valleyview Estates)

Notwithstanding the provisions of sections 5.8.2, 16.3.1, 32.3 or any other provision of this by-law to the contrary, on the lands zoned Special Urban Multiple Residential (UMR-2) the following provisions shall apply:

- Zone Provisions

a. Lot Frontage (Minimum) 30 m (98.4 ft.)
b. Interior Side Yard (Minimum)
   - 1.5 metres (5 ft.) on south side

        - 7.2 metres (24 ft.) on north side

c. Building Height (Maximum)
    - One storey - 7 metres (23 ft.)
d. Rear Yard
    - No building or structure shall be located within the 30 metre setback from the wetland.
e. Number of Buildings
    - The permitted uses may be contained in more than one building on the lot.

The uses permitted in the UMR-2 zone are subject to a site plan agreement to be entered into between the owner and the municipality and registered on the title of the property specifying, among other things, locations of all buildings and structures, septic system; stormwater treatment; lighting; garbage areas; landscaped buffers; parking and manoeuvring areas and aisles and entrance locations and design.

All other provisions of this by-law shall apply.

UMR-3 (Part Lot 7, Concession V, Portland District - Canadian Montessori Training)
Notwithstanding the provisions of section 16.2 or any other any provision of this by-law to the contrary, on the lands zoned Special Urban Multiple Residential (UMR-3), the following special provision applies:

- Special Provision
  A dwelling is permitted in a separate single detached building.

The uses permitted in the UMR-3 zone are subject to a site plan agreement to be entered into between the owner and the municipality and registered on the title of the property specifying, among other things, locations of all buildings and structures, septic system; and parking.

All other provisions of this by-law shall apply.

SECTION 17 - RC - RURAL COMMERCIAL ZONE

17.1 Within an RC - Rural Commercial Zone, no person shall use any land, erect, alter, enlarge or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

17.2 PERMITTED USES

- a farm implement dealer, including the sale and service of snowmobiles and lawn and garden equipment,
- an automobile sales agency,
- an agricultural equipment supply and repair outlet,
- a hotel,
- an auction outlet,
- a golf course;
- an eating establishment,
- a butcher shop and retail meat establishment,
- an establishment for the sale, service and storage or repair of small internal combustion engines such as snowmobiles, outboard motors and lawnmowers,
- a fertilizer mixing and sales establishment,
- a feed and seed mill,
- a sawmill or planing mill,
- a retail store,
- a nursery or garden centre,
- a building supply outlet,
- a bulk fuel dealer,
- a kennel,
- a craft shop,
- an abattoir,
- a merchandising service shop,
- one dwelling or dwelling unit as an accessory use for the owner or operator of a principal use, in accordance with the provisions of Section 5.19,
- accessory buildings or uses to the above uses,
- a wayside pit or wayside quarry.

17.3 ZONE REGULATIONS

17.3.1 For The Principal Building

• Lot Area (Minimum)	8000 sq. metres (86,114.1 sq. ft.)
• Lot Frontage (Minimum)	76 metres (250 ft.)
• Front Yard (Minimum)	8 metres (26.2 ft.)
• Rear Yard (Minimum)	8 metres (26.2 ft.)
• Interior Side Yard (Minimum)	3 metres (9.8 ft.)

- Exterior Side Yard (Minimum) 8 metres (26.2 ft.)
- Building Height (Maximum) 11 metres (36.1 ft.)
- Lot Coverage (Maximum) 40 percent
- Off-street parking and off-street loading facilities shall be provided in accordance with Sections 5.30 and 5.31.
- Access to a dwelling unit shall be separate from access to a rural commercial use.

17.3.2 For Accessory Buildings Not Attached To The Principal Building

- Rear Yard (Minimum) 1.5 metres (4.9 ft.)
- Interior Side Yard (Minimum) 1.5 metres (4.9 ft.)
- Exterior Side Yard (Minimum) 8 metres (26.2 ft.)
- Building Height (Maximum) 4.5 metres (14.8 ft.)

17.3.3 For Land Abutting A Residential Zone or Residential Use

Notwithstanding the provisions of subsection 17.3, where an interior side yard and/or a rear yard abuts a residential zone or any existing residential use, then such interior side yard shall be a minimum of 5 metres (16.4 ft.) and such rear yard shall be a minimum of 10 metres (32.8 ft.). The 3 metre (9.8 ft.) strip immediately adjacent to the rear and/or interior side lot lines shall be landscaped.

17.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot, building, structure, or use within the RC- Rural Commercial Zone.

17.5 SPECIAL RC - RURAL COMMERCIAL ZONES

RC-2 (Part Lot 9, Concession VI, Storrington District - Dixon)

Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural Commercial (RC-2) shall be used only in accordance with the following:

- Permitted Uses
  a. uses permitted in Section 17.2 of this by-law;
  b. professional offices.

All other provisions of this by-law shall apply.

RC-3 (Part Lot 25, Concession VII, Storrington District - Collins Lake Estates)

Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural Commercial (RC-3) shall be used only in accordance with the following:

- Permitted Uses
  a. nursery schools, personal service shops, professional offices, grocery stores and retail stores.

All other provisions of this by-law shall apply.

RC-4 (Part Lot 1, Concession IV, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural Commercial (RC-4) shall be used only in accordance with the following:

- Permitted Uses
    a. antique shop;
    b. automobile service station;
    c. building supply outlet;
    d. convenience stores;
    e. craft shops;
    f. farm markets;
    g. funeral parlour;
    h. garden centre;
    i. gasoline retail facility;
    j. home occupation;
    k. motel, motor inn and/or hotel;
    l. offices;
    m. personal service establishment;
    n. plumbing and heating business;
    o. private club;
    p. recreational establishment;
    q. retail store;
    r. restaurant;
    s. service shop;
    t. truck terminals;
    u. veterinary establishment.

All other provisions of this by-law shall apply.

RC-5 (Part Lot 21, Concession 8, Bedford District - Burridge General Store)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural Commercial (RC-5) shall be used only in accordance with the following:

- Setback from Centreline of Township Road
    a. 7.3 metres (24.0 ft.) from centreline of road to porch;
    b. 9.5 metres (31.2 ft.) from centreline of road to principal building.

All other provisions of this by-law shall apply.

RC-6 (Part Lot 18, Concession 9, Bedford District - Fermoy Community Hall)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural Commercial (RC-6) shall be used only in accordance with the following:

- Permitted Uses
    a. commercial woodworking and wood products manufacturing establishment.

All other provisions of this by-law shall apply.

RC-7 (Part Lot 9, Concession XIII, Bedford District - Jones)

Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural Commercial (RC-7) shall be used only in accordance with the following:

- Permitted Uses
    a. shall be restricted to an existing dwelling, bait shop, boat rental uses and a chip truck.

All other provisions of this by-law shall apply.

RC-8 (Lot 9, Concession XIII, Portland District - Rivendell Golf Course)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural Commercial (RC-8) shall be used only in accordance with the following:

- Permitted Uses
    a. a golf course only.

All other provisions of this by-law shall apply.

RC-9 (Lot 18, Concession II, Storrington District - Inverary Golf Course)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural Commercial (RC-9) shall be used only in accordance with the following:

- Permitted Uses
    a. a golf course only.

All other provisions of this by-law shall apply.

RC-10 (Part Lot 1, Concession IV, Loughborough District - Cook)
Notwithstanding the zone regulations of section 17.2 of this By-law to the contrary, on the lands zoned Special Rural Commercial (RC-10) Zone, the following uses only are permitted:

- Permitted Uses
    a. a chiropractic clinic
    b. accessory parking
    c. accessory uses including an accessory dwelling

All other provisions of this by-law shall apply.

RC-11 (Part Lot 5, Concession IV, Loughborough District - Gordon)
Notwithstanding the permitted uses in section 17.2 or any other provision of this By-law to the contrary, on the lands zoned Special Rural Commercial (RC-11), the following uses only are permitted:

- Permitted Uses
    a. a public storage use which means a building or group of buildings for the storage of goods and wares where individual stalls and lockers are rented to different tenants,
    b. a personal service shop,
    c. a professional office,
    d. a business office,
    e. an eating establishment with a maximum seating capacity of 24 patrons,
    f. a butcher shop and retail meat establishment,
    g. a retail store,
    h. a nursery or garden centre,
    i. an automobile gas bar which means premises where gasoline, propane or diesel fuel is kept for sale, with or without lubricants or other items and accessories associated with the operation of automobiles and normally sold at a gasoline pump island, but where no servicing, repair or equipping of motor vehicles is carried out,
    j. a building supply outlet,
    k. a bulk fuel dealer,
    l. a craft shop,
    m. a merchandising service shop,
    n. one dwelling or dwelling unit as an accessory use for the owner or operator of a principal use, in accordance with the provisions of Section 5.19,
    o. accessory buildings or uses to the above uses.

- The uses permitted in the RC-11 zone shall be subject to a site plan agreement to be entered into between the owner and the municipality and registered on the title of the property specifying; among other things; locations of all buildings and structures; well; septic system; stormwater treatment; grading; parking and manoeuvring areas and aisles; and entrance locations and design.

All other provisions of this by-law shall apply.

RC-12 (Part Lot 2, Concession IV, Loughborough District - Silver)
Notwithstanding the zone regulations of section 17.2 of this By-law to the contrary, on the lands zoned Special Rural Commercial (RC-12) Zone, the following uses only are permitted:

- Permitted Uses
    a. a business and/or professional office
    b. accessory uses and buildings to the above uses

All other provisions of this by-law shall apply.

RC-13 (Part Lot 7, Concession VII, Portland District – Asselstine)
Notwithstanding the permitted uses in section 17.2 or any other provision of this of this By-law to the contrary, on the lands zoned Special Rural Commercial (RC-13) Zone, only the following uses are permitted:

- Permitted Uses
    a. a solar panel structure

All other provisions of this by-law shall apply.

RC-14 (Part Lot 1, Concession V, Loughborough District – Alton/Gossage)
Notwithstanding the permitted uses in section 17.2 or any other provision of this of this By-law to the contrary, on the lands zoned Special Rural Commercial (RC-14) Zone, the following uses only are permitted:

- Permitted Uses
    a. a nursery or garden centre
    b. accessory uses

The uses permitted in the RC-14 zone are subject to a site plan agreement to be entered into between the owner and the municipality and registered on the title of the property, specifying locations of all buildings and structures, buffers, fencing plantings and parking and manoeuvring areas and access aisles.

All other provisions of this by-law shall apply.

SECTION 18 - RRC - RECREATIONAL RESORT COMMERCIAL ZONE

18.1 Within a RRC - Recreational Resort Commercial Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

18.2 PERMITTED USES

- a marina, including a boat sales and service establishment and the sale of parts and petroleum products incidental thereto,
- a travel trailer park,
- a tourist establishment use, including hotels, lodges, tourist homes,
- a gift shop,
- an eating establishment,
- a convenience retail store,
- a miniature golf course, driving range or other similar recreational oriented use,
- a public or private park,
- a resort, including a health spa,
- one dwelling or dwelling unit as an accessory use for the owner or operator of the principal uses listed above, in accordance with the provisions of Section 5.19,
- accessory buildings or uses to the above principal uses.

18.3 ZONE REGULATIONS

18.3.1 For All Principal Uses

- Lot Area (Minimum) — 8000 sq. metres (86,114 sq. ft.)
- Lot Frontage (Minimum) — 76 metres (250 ft.)
- Front Yard (Minimum) — 8 metres (26.2 ft.)
- Rear Yard (Minimum) — 8 metres (26.2 ft.)
- Interior Side Yard (Minimum) — 3 metres (9.8 ft.)
- Exterior Side Yard (Minimum) — 8 metres (26.2 ft.)
- Lot Coverage (maximum) — 40 percent
- Building Height (Maximum) — 11 metres (36.1 ft.)
- Off-street parking and off-street loading facilities shall be provided in accordance with Sections 5.30 and 5.31.
- Access to an accessory dwelling unit shall be separate from access to a commercial use.
- All means of ingress and egress shall have a minimum width of 6 metres (19.7 ft.) and in the case of a corner lot, no means of ingress or egress shall be located within 15 metres (49.2 ft.) of the intersection of the street lines, or, where a corner is rounded, the points at which the extended streetlines meet.

18.3.2 For Accessory Buildings Not Attached To The Principal Building

- Rear Yard (Minimum) 1.5 metres (4.9 ft.)
- Interior Side Yard (Minimum) 1.5 metres (4.9 ft.)
- Exterior Side Yard (Minimum) 8 metres (26.2 ft.)
- Building Height (Maximum) 4.5 metres (14.8 ft.)

18.3.3 For Lands Abutting a Residential Zone or Residential Use

Notwithstanding the provisions of subsection 18.3, where a rear yard and/or an interior side yard abuts a residential zone or any existing residential use, then such interior side yard shall be a minimum of 5 metres (16.4 ft.) and such rear yard shall be a minimum of 10 metres (32.8 ft.). The 3 metre (9.8 ft.) strip immediately adjacent to the rear and/or interior side lot lines shall be landscaped.

18.3.4 Water oriented recreational resort commercial uses such as marinas or docks shall be located a minimum of 60 metres (196.9 ft.) from the nearest residential zone or use.

18.3.5 Additional Zone Regulations for A Marina

Notwithstanding the provisions of subsection 18.3, a marina use shall be subject to the following special provisions in addition to all other applicable provisions of this By-law.

- Where a rear yard and interior side yard abuts a navigable body of water, then such rear yard and/or interior side yard may be reduced to zero metres.
- No entrance channel, turning basin, dock or boat mooring area shall be located closer than 60 metres (196.9 ft.) to a residential zone, a residential use or a street line.
- Facilities for the refuelling of marine craft shall be provided at a separate pier or dock area from boat mooring facilities.
- Catwalks shall have a minimum width of .6 metres (1.96 ft.) and boat mooring docks shall have a minimum width of 1.2 metres (3.9 ft.).
- A minimum of one parking space shall be provided for every two boat slips.

18.3.6 Additional Zone Regulations For A Tent and/or Travel Trailer Park

Notwithstanding the provisions of subsection 18.3, a tent and/or travel trailer park use shall be subject to the following special provisions in addition to all other applicable provisions of this By-law.

- Lot Area (Minimum) 4.0 hectares (9.9 acres)
- The minimum distance of buildings or structures or a tent or travel trailer site from any lot line shall be 15 metres (49.2 ft.).
- The minimum distance of buildings or structures or a tent or travel trailer site from the centre of road allowance shall be 25 metres (82.0 ft.).
- Travel Trailer Park Density (Maximum) 50 sites
- Travel Trailer Site Area (Minimum) 100 sq. metres (1,076.4 sq. ft.)
- Travel Trailer Site Frontage (Minimum) 6 metres (19.7 ft.)
- Travel Trailer Park Usable Waterfront (Minimum) 7.5 metres/site (24.6 ft./site)
- Building Height (Maximum) 4.5 metres (14.8 ft.)

- Maximum Number of Travel Trailers on a Travel Trailer Site — 1 travel trailer
- Lot Coverage (Maximum) — 25 percent
- No campsite, building or structure except a marine facility for launching and/or servicing of boats or a water pump house is permitted within 50 metres (164.0 ft.) of the highwater mark of any water body.

18.3.7 Additional Zone Regulations for Hotels, Motels & Rental Cabins

Notwithstanding the provisions of subsection 18.3, motels, hotels and/or rental cabin uses shall be subject to the following special provisions in addition to all other applicable provisions of this By-law.

- Lot Area (Minimum) — 2.0 hectares (4.9 acres)
- Maximum Density — 1 unit/2000 m^2 to a maximum of 50 units
- Rental Cabin Usable Waterfront (Minimum) — 7.5 metres/unit (24.6 ft./unit)
- No campsite, building or structure except a marine facility for launching and/or servicing of boats or a water pump house is permitted within 50 metres (164.0 ft.) of the highwater mark of any water body.

18.4 GENERAL PROVISIONS

18.4.1 All other special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land lot, building, structure or use within the RRC Recreational Resort Commercial Zone.

18.5 SPECIAL RRC - RECREATIONAL RESORT COMMERCIAL ZONES

The expansion of tent and/or travel trailer parks existing at the time of passage of this by-law and described below as Special Recreational Resort Commercial zones shall be subject to the provision of 7.5 metres (24.6 ft.) of usable waterfront for every existing and proposed additional tent and/or travel trailer site.

RRC-1 (Part Lots 9, 10 and 11, Concession X, Storrington District - Loughborough Inn

Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-1), only the following uses are permitted and the following special provision applies:

- Permitted Uses
    a. a tourist establishment consisting of 26 cabins, 2 cottages having 2 units in each;
    b. 1 permanent single detached dwelling;
    c. a hotel/office building containing a maximum of 66 units;
    d. a marina
    e. accessory buildings and structures to the above uses.

- Special Zone Provision
    a. Height of Hotel/Office Building (Maximum) — 16.7 metres (54.8 ft.)

All development is subject to a site plan agreement to be entered into with the municipality under section 41 of the Planning Act specifying the location of all buildings and structures, parking and loading areas, access aisles, septic systems and vegetative buffers and specifying any other conditions required by the Ministry of the Environment or the municipality.

All other provisions of this by-law shall apply.

RRC-2 (Part Lots 20 and 21, Concession V, Storrington District - Dravis)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-2), only the following uses are permitted and the following special provisions apply:

- Permitted Uses
    a. a health spa shall be permitted with uses limited to the following:
        i. a tourist establishment;
        ii. accessory buildings and structures to the above uses, including an accessory dwelling and an accessory dwelling unit.

- Zone Provisions
    a. No building or structure other than a marine facility and except for existing boathouse(s) shall be located within 30 metres (98.4 ft.) of the highwater mark of Loughborough Lake and no private sewage disposal facilities shall be located closer than 30 metres (98.4 ft.) to any shoreline.

All other provisions of this by-law shall apply.

RRC-3 (Part Lot 22, Concession IX, Storrington District - Sterner)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-3), only the following uses are permitted:

- Permitted Uses
    a. a tourist establishment consisting of a travel trailer park with a maximum of 8 trailer sites;
    b. a tourist establishment to be located within the 2 existing dwellings located on the property as of the day of the adoption of this by-law;
    c. accessory buildings and structures to the above uses.

All other provisions of this by-law shall apply.

RRC-4 (Part Lot 15, Concession VIII, Storrington District - Hiawatha's Hideaway)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-4), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of three 2-bedroom cottages and two 3-bedroom cottages;
    b. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 2 existing cabins and docks shall be located within 30 metres (98.4 ft.) of the highwater mark of Dog Lake. Reconstruction of these cabins within the 30 metre setback shall only be permitted provided there is no increase in their footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-5 (Lot 25, Concession V, Bedford District - Robin Hood Cottages)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-5), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 5 tourist cabins;
    b. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 3 tourist cabins shall be located within 30 metres (98.4 ft.) of the highwater mark of Green Bay. Reconstruction of these cabins within the 30 metre setback shall only be permitted provided there is no increase in their footprint, height or gross floor area.

All other provisions of this by-law shall apply.

RRC-6 (Lot 28, Concession X, Storrington District - Elm Lodge)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-6), only the following uses are permitted and the following special provisions apply:

- Permitted Uses
    a. a tourist establishment consisting of seven (7) cabins, 2 cottages with 2 units each and 1 cottage with 4 units;
    b. 1 single detached dwelling;
    c. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for an existing pumphouse and one dock shall be located within 30 metres (98.4 ft.) of the highwater mark of Cranberry Lake.

All other provisions of this by-law shall apply.

RRC-7 (Lot 19, Concession IV, Storrington District–Loughborough Campgrounds)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-7), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of one 4-unit cottage, one single cottage and 14 trailer sites;
    b. one seasonal single detached dwelling/office;
    c. one (1) mobile home;
    d. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 2 existing cottages (1 four-unit, 1 single) and 4 existing trailer sites may be permitted within 30 metres (98.4 ft.) of the highwater mark of Harper Bay. Reconstruction of these cabins or replacement of these trailers within the 30 metre setback shall only be permitted provided there is no increase in their size, footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-8 (Lot 13, Concession VII, Storrington District – Loughborough Lake Holiday Park)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-8), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 91 trailer/camp sites;
    b. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and 12 serviced trailer sites shall be permitted within 30 metres (98.4 ft.) of the highwater mark of Loughborough Lake. Replacement of these trailers within the 30 metre setback shall only be permitted provided there is no increase in their size, footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-9 (Lot 26, Concession X, Storrington District - Hogan's Haven)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-9), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 86 trailer sites, 1 cabin and one cottage/trailer;
    b. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 3 existing docks and 12 trailer sites shall be located within 30 metres (98.4 ft.) of the highwater mark of Dog Lake. Replacement of these trailers within the 30 metre setback shall only be permitted provided there is no increase in their size, footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-10 (Lot 26, Concession XI, Storrington District - Baldwin Camp)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-10), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 6 trailer sites, 1 mobile home and 1 cabin;
    b. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 6 trailer sites, 1 mobile home and 1 cabin shall be located within 30 metres (98.4 ft.) of the highwater mark of Crane's Nest Lake. Reconstruction of the cabin and mobile home or replacement of these trailers within the 30 metre setback shall only be permitted provided there is no increase in their size, footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-11 (Lot 26, Concession XI, Storrington District - Camp Brylene)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-11), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 76 trailer sites and 2 cabins;
    b. a detached store/office;
    c. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 26 trailer sites, 2 existing docks, 2 cabins, gas pump and other marine facilities shall be located within 30 metres (98.4 ft.) of the highwater mark of Dog Lake. Reconstruction of these cabins and replacement of these trailers within the 30 metre setback shall only be permitted provided there is no increase in their size, footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-12 (Lot 30, Concession X, Storrington District – Cranberry Lake Cottages)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-12), only the following use are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 3 tourist cabins;
    b. one permanent dwelling/office.

- Zone Provisions
    a. No building or structure other than a marine facility and except for one existing cabin shall be permitted within 30 metres of the highwater mark of Cranberry Lake. Reconstruction of this cabin shall only be permitted provided there is no increase in its footprint, height or gross floor area and provided it is no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-13 (Lots 31 and 32, Concession X, Storrington District - Knapps)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-13), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 3 cabins and 70 trailer sites;
    b. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 2 existing cabins, 2 pit privies and 31 trailer sites shall be located within 30 metres (98.4 ft.) of the highwater mark of Cranberry Lake. Reconstruction of these cabins and

replacement of these trailers within the 30 metre setback shall only be permitted provided there is no increase in their size, footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-14 (Lot 26, Concession X, Storrington District - Gerald Hogan)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-14), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 11 trailer sites;
    b. one single detached dwelling;
    c. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 11 trailer sites, 1 fish cleaning station and 1 boat launch shall be located within 30 metres (98.4 ft.) of the highwater mark of Dog Lake. Replacement of these trailers within the 30 metre setback shall only be permitted provided there is no increase in their footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-15 (Lots 20 and 21, Concession IX Storrington District - Burnt Hills Lodge)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-15), only the following uses are permitted:

- Permitted Uses
    a. 1 single detached permanent dwelling;
    b. 2 sheds;
    c. 1 cottage;
    d. 9 trailers/park models:
    e. accessory buildings.

All other provisions of this by-law shall apply.

RRC-16 (Lots 21 and 22, Concession 8 and Lot 22, Concession IX, Storrington District - Melody Lodge)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-16), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 5 cabins and 24 permanent trailer sites;
    b. 1 single detached dwelling;
    c. 1 office;
    d. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for a pump station, an existing dock, 1 pit privy, 5 trailer sites, 1 washroom facility and 1 marine accessory building shall be located within 30 metres (98.4 ft.) of the highwater mark of Dog Lake. Replacement of these trailers or buildings within the 30 metre setback shall only be permitted provided there is no increase in their size, footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-17 (Lot 5, Concession VI, Storrington District - Gordon Camp Grounds)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-17), only the following uses are permitted:

- Permitted Uses
    a. a tourist establishment consisting of 1 single detached dwelling, 1 trailer site and 5 cabins;
    b. accessory buildings and structures to the above uses.

All other provisions of this by-law shall apply.

RRC-18 (Lot 15, Concession IX, Storrington District - Freeman Cottages)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-18), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 3 tourist cabins;
    b. two single detached dwellings (one with attached double garage);
    c. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and 3 existing cottages shall be permitted within 30 metres (98.4 ft.) of the highwater mark of Dog Lake. Reconstruction of these cottages within the 30 metre setback shall only be permitted provided there is no increase in their footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-19 (Lots 4 and 5, Concession V, Storrington District - Gordon Campground)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-19), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 2 cabins and 12 trailer sites.

- Zone Provisions

    No buildings or structures other than 2 cabins shall be permitted within 30 m (98.4 m) of the highwater mark of the Rideau Canal. Reconstruction of these cabins within the 30 metre setback shall only be permitted provided there is no increase in their footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-20 (Lot 11, Concession VI, Loughborough District - Glen Lor Lodge)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-20), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of twelve (12) cottages and 29 trailer sites, one single detached dwelling/lodge and one motor home;
    b. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 15 existing trailer sites and 3 existing cabins shall be permitted within 30 metres (98.4 ft.) of the highwater mark of Sydenham Lake. Reconstruction of these cabins and replacement of these trailers within the 30 metre setback shall only be permitted provided there is no increase in their size, footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-21 (Lot 7, Concession XIV, Loughborough District - Snug Harbour)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-21), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 12 rental cottages and a lodge;
    b. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility, gas facility and 5 existing cottages and 2 existing docks shall be permitted within 30 metres (98.4 ft.) of the highwater mark of Desert Lake. Reconstruction of these cottages within the 30 metre setback shall only be permitted provided there is no increase in their footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-22 (Lots 4 and 5, Concession XIII, Loughborough District - Desert Lake Resort)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-22), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment and travel trailer park consisting of 145 serviced tent/trailer sites, one rental cabin, 1 permanent single detached dwelling, one office and convenience store (in same structure), and a separate 10 unit motel (Waterway Place Inn);
    c. one dwelling unit containing 3 rental apartments;
    d. accessory buildings and structures to the above uses.

- Zone Provisions
    a. Acknowledging that the lands zoned RRC-22 are inclusive of 5 parcels, the above named uses shall be permitted within any of the 5 parcels but shall not exceed the total number of permitted uses.
    b. No building or structure other than a marine facility and the existing 25 tent/trailer sites and I rental cabin and one existing dock may be permitted within 30 metres (98.4 ft.) of the highwater mark of Desert Lake. Reconstruction of these cabins and replacement of these trailers within the 30 metre setback shall only be permitted provided there is no increase in their size, footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-23 (Lot 5, Concession XIII, Loughborough District - Lazy Acre Cottages)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-23), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of:
    b. 9 cottages;
    c. one single detached seasonal dwelling with an administration office;
    d. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 4 existing cabins, one boat dock and the existing boathouse/sleeping area may be located within 30 metres (98.4 ft.) of the highwater mark of Desert Lake. Reconstruction of these cabins and boathouse/sleeping area structure within the 30 metre setback shall only be permitted provided there is no increase in their original size, footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-24 (Lot 7, Concession I, Loughborough District - Mundell)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-24), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 4 cabins;
    b. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 4 existing cabins shall be permitted within 30 metres (98.4 ft.) of the highwater mark of Loughborough Lake. Reconstruction of these cabins shall only be permitted provided there is no increase in their original size, footprint, height or gross floor area and provided they are no closer to the highwater mark of the lake.

All other provisions of this by-law shall apply.

RRC-25 (Part Lots 30 and 31, Concessions VIII and IX, Bedford District - Long Bay Camp)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-25), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of:
        i. agricultural uses;
        ii. 25 tourist cabins each having a floor area not exceeding 40.0 m^2
        iii. 50 tourist campsites, each to be occupied by a maximum of one tent or one recreational vehicle, each campsite having an area not less than 230.0 m^2 and a frontage not less than 15.0 m (49.2 ft.) along the park road;
        iv. dining hall and tuck shop;
        v. one accessory dwelling;

vi. other accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility may be located less than 30 metres (98.4 ft.) from the highwater mark of Long Bay or less than 60.0 metres (196.9 ft.) from any other lot line.
    b. Notwithstanding any provision of this by-law to the contrary, no dock, boat launching ramp, or other marine facility shall be located less than 300.0 metres (984.3 ft.) from the northerly limit of the subject property.
    c. Notwithstanding any provisions of this by-law to the contrary, no more than 25 campsites shall be permitted within 400.0 metres (1,312.3 ft.) of the northerly limit of the subject property.

All other provisions of this by-law shall apply.

RRC-26 (Lot 11, Concession VIII, Loughborough District - Thake)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-26), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 3 cabins;
    b. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 3 cabins and their septic systems shall be permitted within 30 metres (98.4 ft.) of the highwater mark of Eel Bay. Reconstruction of these cabins within the 30 metre setback shall only be permitted provided there is no increase in their original footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-27 (Part Lot 24, Concession VI, Bedford District)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-27), only the following uses are permitted and the following special provision shall apply:

- Permitted Uses
    a. workshop/storage building having a maximum floor area of 200 m^2 (2,152.9 $ft.^2$);
    b. open storage of vehicles, boats, trailers, recreational vehicles, wood and equipment accessory to a tourist establishment;
    c. recreational facilities excluding buildings;
    d. accessory buildings and structures to the above uses.
- No well shall be permitted on the land zoned RRC-27.

All other provisions of this by-law shall apply.

RRC-28 (Part Lot 19, Concession IX, Bedford District - Aqua Bats)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-28), only the following uses are permitted:

- Permitted Uses
    a. a tourist establishment consisting of six (6) existing tourist cabins (no extensions or enlargements shall be permitted within 30 metres of the highwater mark) and one additional tourist cabin having a maximum floor area of 75 m^2 (807.3 $ft.^2$) connected to Class 1 (composting toilet) and Class 2 (grey water leaching pit) sewage systems;
    b. a new communal sewage disposal system provided it is located a minimum of 90 m (295.3 ft.) from Wolfe Lake;
    c. accessory buildings and structures to the above uses.

All other provisions of this by-law shall apply.

RRC-29 (Part Lot 26, Concession V, Bedford District - Irwin's Cabins)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-29), only the following uses are permitted:

- Permitted Uses
    a. a tourist establishment consisting of 2 tourist camp sites and 7 tourist cabins and 5 travel trailer sites;
    b. one single detached dwelling;
    c. accessory buildings and structures to the above uses;
    d. all uses are subject to a site plan agreement.

All other provisions of this by-law shall apply.

RRC-30 (Part Lot 26, Concession V, Bedford District - Morter's Lodge and Cabins)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-30), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 4 tourist cabins;
    b. an accessory dwelling unit;
    c. open storage;
    d. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 1 tourist lodge and 4 tourist cabins shall be permitted within 30 metres (98.4 ft.) of the highwater mark of Bob's Lake. Reconstruction of these cabins and this lodge within the 30 metre setback shall only be permitted provided there is no increase

in their original footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-31 (Part Lot 24, Concession V, Bedford District - Whitehouse Campground)
Notwithstanding any other provision of this By-law to the contrary, on lands zoned Special Recreational Resort Commercial (RRC-31), only the following uses are permitted and special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 45 tourist camp sites, one single detached dwelling/office/washroom, and one additional single dwelling;
    b. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 8 tourist camp sites shall be permitted within 30 metres (98.4 ft.) of the highwater mark of Green Bay. Replacement of trailers on these camp sites within the 30 metre setback shall only be permitted provided there is no increase in their original size and footprint and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-32 (Part Lots 13, 14 and 15, Concession VIII, Bedford District - Canoe Lake Campground)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-32), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of sixty seven (67) trailer sites;
    b. three (3) tourist cabins;
    c. one administration building with accessory dwelling unit;
    d. agricultural uses;
    e. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 40 tourist camp sites, 3 tourist cabins and gas pumps shall be permitted within 30 metres (98.4 ft.) of the highwater mark of Canoe Lake. Reconstruction of these cabins or replacement of trailers on these camp sites within the 30 metre setback shall only be permitted provided there is no increase in their size, footprint or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-33 (Part Lot 24, Concession VI, Bedford District - Shillington Camp)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-33), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 4 tourist cabins;
    b. one single detached dwelling;
    c. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 4 tourist cabins shall be permitted within 30 metres (98.4 ft.) of the highwater mark of Green Bay. Reconstruction of these cabins shall only be permitted provided there is no increase in their original footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-34 (Lot 8, Concession XIII, Bedford District - Jones' Cabins)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-34) only the following uses shall be permitted:

- Permitted Uses
    a. a tourist establishment consisting of three (3) cabins;
    b. one single detached dwelling;
    c. an accessory storage shed.

All other provisions of this by-law shall apply.

RRC-35 (Part Lot 21, Concession XI, Bedford District - Brash's Camp)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-35), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 5 tourist cabins;
    b. one single detached dwelling;
    c. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 5 tourist cabins shall be permitted within 30 metres (98.4 ft.) of the highwater mark of Wolfe Lake. Reconstruction of these cabins within the 30 metre setback shall

only be permitted provided there is no increase in their original footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-36 (Part Lot 19, Concession X, Bedford District - Chisamore Cottages)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-36), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 4 tourist cabins;
    b. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 3 tourist cabins and 1 boathouse shall be permitted within 30 metres (98.4 ft.) of the highwater mark of Wolfe Lake. Reconstruction of these cabins within the 30 metre setback shall only be permitted provided there is no increase in their original footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-37 (Part Lot 1, Concession XVI, Bedford District - Skycroft Campground)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-37), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 65 tourist camp sites and 2 tourist cabins;
    b. publishing business;
    c. one administration building with accessory dwelling unit;
    d. accessory buildings and structures to the above uses.

- Access
    a. The RRC-37 zone takes access from a seasonally maintained road. The Township is under no obligation to provide year round road access to this property.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 13 tourist campsites, 2 tourist cabins, a camp administration building/accessory dwelling unit and recreation hall/workshop shall be permitted within 30 metres (98.4 ft.) of the highwater mark of Opinicon Lake. Reconstruction of these cabins and administration building and replacement of these trailers within the 30 metre

setback shall only be permitted provided there is no increase in their original size, footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-38 (Part Lot 21, Concession II, Bedford District - Sunset Country Campground)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-38), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 107 trailer sites and two tourist cabins;
    b. one administration office/convenience store and accessory dwelling unit building;
    c. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure except 2 tourist camp sites and one administration office/convenience store, single detached dwelling unit with two upper level rental units and an accessory dwelling unit building shall be permitted within 30 metres (98.4 ft.) of the highwater mark of Bob's Lake. Reconstruction of any of these structures or replacement of trailers within the 30 metre setback is only permitted provided there is no increase in their original size, footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-39 (Part Lot 32, Concession VII, Bedford District - Bowers Camp)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-39), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 11 tourist cabins;
    b. one single detached dwelling;
    c. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 8 tourist cabins shall be located within 30 metres (98.4 ft.) of the highwater mark of Mud Bay. Reconstruction of these cabins within the 30 metre setback shall only be permitted provided there is no increase in the original footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-40 (Part Lot 25, Concession V, Bedford District - Twin Oaks)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-40), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 17 tourist camp sites and 4 tourist cabins;
    b. one single detached dwelling with administration office;
    c. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 2 tourist cabins, 1 camp site, a pump house and a single detached dwelling with camp administration office shall be located within 30 metres (98.4 ft.) of the highwater mark of Bob's Lake. Reconstruction of these cabins and administration office and replacement of any trailer within the 30 metre setback shall only be permitted provided there is no increase in their original size, footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-41 (Part Lot 25, Concession IV, Bedford District - Pine Shores Marine)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-41), only the following uses are permitted:

- Permitted Uses
    a. a parking and boat launching facility for water access only lots;
    b. a retail store;
    c. service and repair shop;
    d. accessory buildings and structures to the above uses.

All other provisions of this by-law shall apply.

RRC-42 (Part Lot 28, Concession IV, Bedford District – Brown's Lakeview Camp)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-42), only the following uses are permitted:

- Permitted Uses
    a. a tourist establishment consisting of 40 tourist camp sites, 3 tourist cabins and one trailer;
    b. one single detached dwelling with a camp administration office/retail convenience store;
    c. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 2 tourist cabins shall be located within 30 metres (98.4 ft.) of the highwater mark of Crow Lake. Reconstruction of these cabins within the 30 metre setback shall only be

permitted provided there is no increase in their original footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-43 (Part Lot 24, Concession V, Bedford District - Green Bay Heritage Cabins)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-43), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 7 tourist cabins;
    b. one single detached dwelling;
    c. camp office/retail convenience store;
    d. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 7 tourist cabins and a camp office/retail convenience store shall be located within 30 metres (98.4 ft.) of the highwater mark of Green Bay. Reconstruction of these structures within the 30 metre setback shall only be permitted provided there is no increase in their original footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-44 (Part Lot 27, Concession IV, Bedford District - Ayrvale Park)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-44), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 40 tourist camp sites, 1 tourist cabin and 1 tourist office/store/workshop;
    b. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 3 tourist camp sites, 1 tourist cabin and 1 office/store/workshop shall be located within 30 metres (98.4 ft.) of the highwater mark of Crow Lake. Reconstruction of these structures within the 30 metre setback shall only be permitted provided there is no increase in their original footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-45 (Part Lot 12, Concession VII, Bedford District - Neece Cabins)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-45), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 3 tourist cabins;
    b. a seasonal residential dwelling;
    c. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 3 tourist cabins shall be located within 30 metres (98.4 ft.) of the highwater mark of Canoe Lake. Reconstruction of these cabins within the 30 metre setback shall only be permitted provided there is no increase in their original footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-46 (Part Lot 1, Concession IV, Bedford District - Abrams Cabins)
Notwithstanding the provisions of section 14.2, or any other provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-46), only the following uses are permitted:

- Permitted Uses
    a. a tourist establishment consisting of six (6) tourist cabins;
    b. one (1) seasonal residential dwelling;
    c. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 6 tourist cabins shall be located within 30 metres (98.4 ft.) of the highwater mark of Desert Lake. Reconstruction of these cabins within the 30 metre setback shall only be permitted provided there is no increase in their original footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-47 (Part Lot 12, Concession II, Bedford District - Glenford Trailer Park)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-47), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 50 trailer sites;
    b. 1 camp administration trailer;

c. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 10 trailer sites and 1 camp administration trailer shall be located within 30 metres (98.4 ft.) of the highwater mark of White Lake. Replacement of any trailer allowed within the 30 metre setback shall only be permitted provided there is no increase in its original size, footprint, height or gross floor area and provided it is no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-48 (Part Lot 5, Concession XII, Bedford District - Harold Green)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-48), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 50 camp sites and 7 tourist cabins;
    b. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 45 camp sites and 7 tourist cabins shall be located within 30 metres (98.4 ft.) of the highwater mark of Devil Lake. Replacement of any trailer on these campsites or reconstruction of these structures within the 30 metre setback shall only be permitted provided there is no increase in their original size, footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-49 (Part Lot 32, Concession VII, Bedford District - Cedar Haven)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-49), only the following uses are permitted and the following special provisions apply:

- Permitted Uses
    a. a tourist establishment consisting of 8 single storey tourist cabins, 1 one storey two unit cabin, 2 two storey 2 unit cabins and, 1 four unit tourist lodge and 1 single detached dwelling;
    b. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than marine facilities, 8 single storey tourist cabins, 1 one storey two unit cabin, 2 two storey 2 unit cabins and, 1 four unit tourist lodge and 1 fish cleaning hut shall be located within 30 metres (98.4 ft.) of the

highwater mark of Bob's Lake. Reconstruction of these structures within the 30 metre setback shall only be permitted provided there is no increase in their original footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply**.**

RRC-50 (Part Lot 8, Concession IX, Bedford District - Michaels)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-50), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 12 camp sites and 5 tourist cabins;
    b. one mobile home;
    c. one camp administration building and accessory dwelling unit;
    d. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 7 camp sites and 1 tourist cabin shall be located within 30 metres (98.4 ft.) of the highwater mark of Devil Lake. Replacement of any trailer on these camp sites or reconstruction of this cabin within the 30 metre setback shall only be permitted provided there is no increase in their original size, footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-51 (Part Lot 5, Concession XII, Bedford District - Pine Haven)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-51), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 63 camp sites;
    b. 1 camp administration building/accessory dwelling unit;
    c. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 3 camp sites and 1 camp administration building/accessory dwelling unit shall be located within 30 metres (98.4 ft.) of the highwater mark of Devil Lake. Replacement of any trailer on these camp sites or reconstruction of this building/dwelling within the 30 metre setback shall only be permitted provided there is no increase in its original size, footprint, height or gross floor area and provided it is no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-52 (Part Lot 23, Concession III, Bedford District - Agnes Steele's Camp)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-52), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 14 camp sites, a single detached dwelling/camp administration office;
    b. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for 14 camp sites, 1 storage/workshop building, 6 pit privies and a trailer with attached deck and porch shall be located within 30 metres (98.4 ft.) of the highwater mark of Bob's Lake. Replacement of any trailer on these camp sites or reconstruction of these structures within the 30 metre setback shall only be permitted provided there is no increase in its original size, footprint, height or gross floor area and provided is no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-53 (Part Lot 4, Concession XII, Bedford District – Green's Camp)
Notwithstanding the zone regulations in section 18.2 or any other provision of this By-law to the contrary, on the lands zoned Special Rural (RU-46) Zone, only the following uses are permitted:

- Permitted Uses
    a. a tourist establishment consisting only of six (6) trailers,
    b. accessory buildings and structures to the above uses.

- The uses permitted in the RRC-53 zone be subject to a site plan agreement to be entered into between the owner and the municipality and registered on the title of the property specifying locations of all travel trailers; greywater systems; entrance location and design; and access aisles.

All other provisions of this by-law shall apply.

RRC-54 (Lots 1 and 2, Concession XI, Storrington District - Hewlett-Packard Employee Campgrounds)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-54), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a private tourist establishment consisting of 11 cabins;
    b. a day lodge;

c. a single detached dwelling;
d. accessory buildings and structures to the above uses.

- Zone Provisions
  a. No building or structure other than a marine facility, a day lodge, 1 cabin and a recreation hall shall be located within 30 metres (98.4 ft.) of the highwater mark of Elbow Lake. Reconstruction of these structures within the 30 metre setback shall only be permitted provided there is no increase in their original footprint, height or gross floor area and provided they are no closer to the highwater mark.

All other provisions of this by-law shall apply**.**

RRC-55 (Lots 20 and 21, Concession IX, Storrington District - Moore)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-55), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
  a. a tourist establishment consisting of 2 cabins;
  b. accessory buildings and structures to the above uses.

- Regulations
  a. maximum gross floor area for each cottage 37 sq. metres (400 sq. ft.)

All other provisions of this by-law shall apply.

RRC-56 (Lots 1 and 2, Concession XIV, Storrington District - Lake Sun Nudist Camp (Behrmann's))
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-56), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
  a. a tourist establishment consisting of 19 trailer sites, 7 cabins and 1 single detached dwelling;
  b. a recreation hall;
  c. an office;
  d. accessory buildings and structures to the above uses.

- Zone Provisions
  a. No building or structure other than 3 trailer sites and a dock shall be located within 30 metres (98.4 ft.) of the highwater mark of Davis Lake. Replacement of any of these trailers within the 30 metre setback shall only be permitted provided there is no increase in its original size, footprint, height or gross floor area and provided it is no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-57 (Lot 22, Concession XI, Loughborough District - Hidden Valley Park))
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-57), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of 10 trailer sites;
    b. 2 privies;
    c. 1 shower facility;
    d. 1 boathouse and dock;
    e. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a dock and 6 trailer sites shall be permitted within 30 metres (98.4 ft.) of the highwater mark of South Bay (Buck Lake). Lake. Replacement of any of these trailers within the 30 metre setback shall only be permitted provided there is no increase in its original size, footprint, height or gross floor area and provided it is no closer to the highwater mark.

All other provisions of this by-law shall apply.

RRC-58 (Lot 1, Concession XII, Bedford District - Daub)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-58), only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. boat dockage.

- Zone Provisions
    b. lot area for dockage (minimum) 92.9 sq. m (1,000 sq. ft.)
    c. number of boat docks (maximum) 25

All other provisions of this by-law shall apply.

RRC-59 (Part Lots 6 & 7, Concession VIII, Bedford District – Karem)
Notwithstanding the zone regulations in section 18.2 or any other provision of this By-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-59) Zone, the following uses only are permitted:

- a maximum of five (5) recreational tourist structures to a maximum size of 350 square feet each.

All other provisions of this By-law shall apply.

RRC-60 (Part Lot 26, Concession V, Bedford District - Morter's Lodge and Cabins)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-60) Zone, only the following uses are permitted and the following special provisions shall apply:

- Permitted Uses
    a. a tourist establishment consisting of one tourist lodge and five tourist cabins;
    b. an accessory dwelling unit;
    c. open storage;
    d. accessory buildings and structures to the above uses.

- Zone Provisions
    a. No building or structure other than a marine facility and except for four (4) tourist cabins shall be permitted within 30 metres (98.4 ft.) of the highwater mark of Bob's Lake. Reconstruction of any of these cabins within the 30 metre setback shall only be permitted provided there is no increase in its original footprint, height or gross floor area and provided it is no closer to the highwater mark**.**

All other provisions of this by-law shall apply.

RRC-61 (Part Lot 8, Concession XIII, Bedford District – Jones)
Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-61) Zone, the following uses only are permitted:

- Permitted Uses
    a. vehicle parking and boat mooring to access an island property,
    b. an accessory storage shed.

All other provisions of this By-law shall apply.

RRC-62 (Part Lot 20 & 21, Concession IX, Storrington District – Normand)
Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-62) Zone, the following uses only are permitted:

- cottages,
- 1 trailer,
- accessory buildings.

All other provisions of this By-law shall apply.

RRC-63 (Part Lot 1, Concession IV, Bedford District)
Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-63), the following uses are permitted:

- Permitted Uses
    a. a tourist establishment consisting of one(1) tourist cabin
    b. one seasonal dwelling
    c. accessory buildings and structures
- No building or structure other than a marine facility and except for one (1) tourist cabin shall be permitted within 30 metres (98.4 ft.) of the highwater mark of Desert Lake. Reconstruction of any of this cabin within the 30 metre setback shall only be permitted provided there is no increase in its original footprint, height or gross floor area and provided it is no closer to the highwater mark**.**

All other provisions of this by-law shall apply.

RRC-64 (Part Lots 13, 14 &15, Concession VIII, Bedford District)
Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Recreational Resort Commercial (RRC-64), the following uses are permitted:

- Permitted Uses
    a. a tourist establishment consisting of eleven (11) trailer sites
    b. one administration building with accessory dwelling
    c. accessory buildings and structures.

All other provisions of this by-law shall apply.

SECTION 19 - UC - URBAN COMMERCIAL ZONE

19.1 Within UC - Urban Commercial Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

19.2 PERMITTED USES

- a retail store,
- a convenience retail store,
- a service shop including a personal service shop,
- a lawn, garden and farm equipment and supplies sales outlet,
- a laundry and/or dry cleaning shop,
- an eating establishment including a banquet hall,
- a tavern,
- a hotel,
- a bank and/or trust company,
- a business and/or professional office,
- a theatre, cinema or other place of entertainment,
- a commercial recreational establishment such as a bowling or billiard establishment or other similar use,
- a funeral home,
- a medical clinic,
- a post office,
- a bake shop,
- a private or commercial club,
- a restaurant, take-out,
- a gift shop,
- a nursery school,
- a veterinary establishment,
- a public or private parking area, including parking facilities associated with the principal use(s) permitted under this section,
- an automobile service station,
- an automobile sales agency,
- one dwelling unit in the form of an apartment as an accessory use in buildings in which commercial uses are permitted, except automobile service stations or other uses involving the sale of gasoline or other similar petroleum products, in accordance with the provisions of Sections 5.19 and 5.20,
- accessory buildings or uses to the above uses.

19.3 ZONE REGULATIONS

19.3.1 For All Uses Except An Automobile Service Station

- Lot Area (Minimum) 8000 sq. metres (86,114 sq. ft.)
- Lot Frontage (Minimum) 76 metres (250 ft.)
- Front Yard (Minimum) 6 metres (19.7 ft.)
- Rear Yard (Minimum) 6 metres (19.7 ft.)
- Interior Side Yard (Minimum) 3 metres (9.8 ft.)
- Exterior Side Yard (Minimum) 8 metres (26.2 ft.)
- Lot Coverage (Maximum) 40 percent
- Building Height (Maximum) 11 metres (36.1 ft.)
- Off-street parking and off-street loading facilities shall be provided in accordance with Sections 5.30 and 5.31.
- Access to an accessory dwelling unit shall be separate from access to a commercial use.

19.3.2 For An Automobile Service Station

- Lot Frontage (Minimum) 45 metres (147.6 ft.)
- Lot Depth (Minimum) 45 metres (147.6 ft.)
- Front Yard (Minimum) 15 metres (49.2 ft.)
- Rear Yard (Minimum) 7.5 metres (24.6 ft.)
- except where the rear yard abuts a residential zone, the rear yard shall be a minimum of 15 metres (49.2 ft.) of which the 4.5 metres (14.8 ft.) adjacent to the lot line shall be retained in an open space condition.
- Side Yard (Minimum) 7.5 metres (24.6 ft.)
- except where one or both side yards abut a residential zone, the side yard shall be a minimum of 15 metres (49.2 ft.) of which the 4.5 metres (14.8 ft.) adjacent to the lot line shall be retained in an open space condition.
- A sight triangle of 15 metres (49.2 ft.) minimum shall be provided on a corner lot.
- Light stands and signs may be located in any required minimum yard at a minimum distance of 2.5 metres (8.2 ft.) from any street line. Fuel pump islands and fuel pumps may be located in any required minimum yard at a minimum distance of 6 metres (19.7 ft.) from any street line. A sight triangle is not to be construed to be part of the required minimum yard for the purposes of this paragraph.
- The distance between means of access or ramps shall be 12 metres (39.4 ft.) and on a corner lot, no ramp may be located within 15 metres (49.2 ft.) of the intersection of the street lines.
- Each ramp shall have a width of 7.5 metres (24.6 ft.) and the interior angle formed between the lot line and the centre line of the ramp shall be between seventy (70) and ninety (90) degrees.
- No ramp shall be located within 4.5 metres (14.8 ft.) of a side lot line.
- Off-street parking and off-street loading facilities shall be provided in accordance with Sections 5.30 and 5.31.

19.3.3 For Accessory Buildings Not Attached To The Principal Building

- Rear Yard (Minimum) 1.5 metres (4.9 ft.)
- Interior Side Yard (Minimum) 1.5 metres (4.9 ft.)

- Exterior Side Yard (Minimum) 3 metres (9.8 ft.)
- Minimum distance from any other building on the lot shall be 3 metres (9.8 ft.) provided that in no case shall any overhang, eaves or gutter project into this required minimum area which shall be clear of any obstruction from the ground to the sky.

19.3.4 For Lands Abutting A Residential Zone

Notwithstanding the provisions of subsection 19.3.1 of this part, where an interior side yard and/or rear yard abuts a residential zone then such interior side yard shall be a minimum of 5 metres (16.4 ft.) and such rear yard shall be a minimum of 9 metres (29.5 ft.). The 1 metre (3.3 ft.) strip immediately adjacent to the rear and/or interior side lot line shall provide a buffer from surrounding land uses and shall consist of landscaping, fencing, berming or any of a combination of the foregoing.

19.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the UC - Urban Commercial Zone.

19.5 SPECIAL UC - URBAN COMMERCIAL ZONE

UC-1 (Part Lot 6, Concession V, Harrowsmith, Portland District - Rider)

Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Urban Commercial (UC-1) shall be used only in accordance with the following:

- The following uses shall not be permitted:
    a. a laundry and dry cleaning shop;
    b. a restaurant including a banquet hall, tavern or take-out restaurant;
    c. a billiard or bowling establishment;
    d. a place of entertainment other than a cinema or theatre which shall be permitted;
    e. a motor vehicle gasoline bar or motor vehicle dealership.

- On lands zoned UC-1 a “snack bar” shall be permitted as an accessory use to a retail store. For the purposes of this by-law, the following definition shall apply to lands zoned UC-1 and shall not be construed to effect the nature of the uses permitted in any other zone; specifically:

    a. Definition of “Snack Bar”
    “Snack Bar” means a part of a building in which the principal use is a “retail store”, where food is prepared and/or offered for sale to the general public for consumption on the premises as an additional service to customers of the principal retail commercial use.

All other provisions of this by-law shall apply.

UC-2 (Part Lot 7, Concession VIII, Hartington, Portland District - Brawley/Brown)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Urban Commercial (UC-2) shall be used only in accordance with the following:

- The following uses shall be permitted:
    a. a business and/or professional office.

All other provisions of this by-law shall apply.

UC-3 (Part Lot 6, Concession V, Harrowsmith, Portland District - Shoom)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Urban Commercial (UC-3) shall be used only in accordance with the following:

- In addition to the uses permitted in Section 19.2 of this by-law, including an antique shop, a residential dwelling unit may be permitted as an accessory use on lands zoned Special Urban Commercial (UC-3) Zone.

All other provisions of this by-law shall apply.

UC-4 (Part Lots 19 and 20, Registered Plan 24, Inverary, Storrington District - Bilow)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Urban Commercial (UC-4) shall be used only in accordance with the following:

- A maximum of six dwelling units shall be permitted over permitted commercial uses.

All other provisions of this by-law shall apply.

UC-5 (Part Lots 19 and 20, Concession II, Inverary, Storrington District - Barr)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Urban Commercial (UC-5) shall be used only in accordance with the following:

- One or more apartment dwelling units shall be permitted over a permitted commercial use.
- The maximum number of dwelling units will be determined by the site's capability of being serviced with a private sewage disposal system to the satisfaction of Council and the local health unit.

All other provisions of this by-law shall apply.

UC-6 (Part Lot 4, Concession V, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Urban Commercial (UC-6) shall be used only in accordance with the following:

- Commercial uses shall be limited to the ground floor.
- Two dwelling units shall be permitted.

All other provisions of this by-law shall apply.

UC-7 (Part Lot 7, Concession II, Loughborough District - Benedikt)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Urban Commercial (UC-7) shall be used only in accordance with the following:

- No table service nor dining tables shall be provided, either within or outside the building or structure used for the preparation and sale of food from the permitted take-out restaurant.
- Appropriate signage shall be located on-site indicating that the consumption of food shall not take place at any outside table area which is used exclusively for the owner/occupant of the accessory dwelling. Bench-type seating adjacent to the existing retail sore may be permitted.

All other provisions of this by-law shall apply.

UC-8 (Part Lot 2, Concession V, Loughborough District - Silverbrook Estates)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Urban Commercial (UC-8) shall be used only in accordance with the following:

- Permitted Uses
  a. an accessory dwelling unit;
  b. antique store;
  c. business office;
  d. clinic;
  e. craft shop;
  f. professional office;
  g. personal service establishment;
  h. retail store;
  i. pharmacy.

- Zone Provisions
  a. the property will be developed in accordance with an approved site plan to address all servicing, access, parking and buffering criteria.

All other provisions of this by-law shall apply.

UC-9 (Lot 1, Concession VII, Storrington District - Storrington Fire Hall)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Urban Commercial (UC-9) shall be used only in accordance with the following:

- Permitted Uses
    a. a retail store;
    b. a convenience retail store;
    c. a service shop including a personal service shop;
    d. a lawn, garden and farm equipment and supplies sales outlet;
    e. a laundry and/or dry cleaning shop;
    f. an eating establishment;
    g. a bank and/or trust company/financial institution;
    h. a business and/or professional office;
    i. a commercial recreational establishment such as a bowling or billiard establishment or other similar use;
    j. a medical clinic;
    k. a post office;
    l. a bake shop;
    m. a private or commercial club.

- Zone Provisions

a. Lot Frontage (minimum)	27.0 metres (88.5 ft.)
b. Interior Side Yard (minimum)	0.9 metres (3 ft.)

All other provisions of this by-law shall apply.

UC-10 (Lot 19, Concession VI, Loughborough District - Rogers)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Urban Commercial-Holding (UC-10) shall be used only in accordance with the following:

- Permitted Uses
    a. auction centre;
    b. manufacturing;
    c. food processing, bakery and sales outlet;
    d. an accessory dwelling unit;
    e. accessory uses including open storage;
    f. building supply outlet;
    g. construction yard;
    h. custom workshop;
    i. feed supply outlet;
    j. garden centre;
    k. machine and metal working shop;
    l. produce grading station or storage facility;
    m. farm machinery and equipment sales and service outlet;
    n. veterinary establishment;
    o. well drilling establishment;
    p. wood products manufacturing shop;

q. retail sales outlet;
r. food services industry;
s. retail sales;
t. antique shop;
u. public storage;
v. car lot;
w. banquet hall.

- Removal of the Holding Symbol
    a. The Holding (H) symbol may be removed by Council once Council is satisfied that a site plan addressing issues of landscaping, signage, access, parking, fencing, drainage and servicing have been approved by Council.

All other provisions of this by-law shall apply.

UC-11 (5009 Highway 38, Harrowsmith, Portland District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Urban Commercial (UC-11) shall be used only in accordance with the following:

- Permitted Uses
    a. a mix of residential and commercial uses provided the property is served by a private sewage disposal system capable of serving the proposed commercial and residential uses.

All other provisions of this by-law shall apply.

UC-12 (4358 Mill Street, Sydenham, Loughborough District - Coburn)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Urban Commercial (UC-12) Zone the following special provision shall apply:

- Zone Regulations
    - Side Yard (Minimum) 1.4 metres (4.6 ft.)

All other provisions of this by-law shall apply.

UC-14 (Lot 7, Concession VII, Harrowsmith, Portland District-Bowes)
Notwithstanding any provision of this By-law to the contrary, the following uses only are permitted in the Special Urban Commercial (UC-14) Exception Zone:

- a retail store,
- a convenience retail store,
- a service shop including a personal service shop,
- a lawn, garden and farm equipment and supplies sales outlet,
- a bank and/or trust company,
- a business and/or professional office,

- a post office,
- a gift shop,
- a veterinary establishment,
- a public or private parking area, including parking facilities associated with the principal use(s) permitted under this section,
- an automobile service station,
- an automobile sales agency,
- one dwelling unit in the form of an apartment as an accessory use in buildings in which commercial uses are permitted, except automobile service stations or other uses involving the sale of gasoline or other similar petroleum products, in accordance with the provisions of Sections 5.19 and 5.20,
- accessory buildings or uses to the above uses.

All other provisions of this by-law shall apply.

UC-15 (Lot 6, Concession VII, Hartington, Portland District-Asselstine)
Notwithstanding any provision of this By-law to the contrary, the lands zoned Special Urban Commercial (UC-15) Exception Zone shall be used only in accordance with the following:

- The following uses only shall be permitted:
    a. A commercial car wash operation.
    b. A commercial indoor storage warehouse.
    c. Accessory uses.
- The uses permitted in the UC-15 zone shall be subject to a site plan agreement to be entered into between the owner and the municipality and registered on the title of the property, specifying locations of all buildings and structures; well; septic system; entrance; parking and manoeuvring areas; landscaping areas and timing of construction.

All other provisions of this by-law shall apply.

UC-16 (Lot 25, Concession I, Storrington District-Sunbury Autobody)
Notwithstanding any other provision to the contrary, on the lands zoned Special Urban Commercial (UC-16) Zone, the following use is permitted in addition to the list of uses contained in section 19.2:

- an auto body shop

All other provisions of this by-law shall apply.

UC-17 (Part Lot 19, Concession III, Storrington District – North Country Marine)
Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Urban Commercial (UC-17) Zone, the following provision shall apply:

- A site plan agreement is required to be entered into between the owner and the municipality and registered on the title of the property, specifying locations of all buildings and structures; storage areas; buffer areas, wells and septic systems prior to the issuance of any building permit.

All other provisions of this by-law shall apply.

UC-18 (Part Lot 9, Concession XI, Portland District – Yateman/Bowe)
Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Urban Commercial (UC-18) Zone, the following uses only are permitted:

- Permitted Uses
    a. a single detached dwelling,
    b. a home occupation in accordance with the provisions of section 5.28 of this By-law,
    c. a computer repair and sales shop,
    d. accessory uses and buildings to the above uses.

- A site plan agreement is required to be entered into between the owner and the municipality and registered on the title of the property, specifying locations of all buildings and structures, well, septic system, parking and manoeuvring areas and access aisles.

All other provisions of this by-law shall apply.

UC-19 (Part Lot 7, Concession IV, Portland District – Redden/Close)
Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Urban Commercial (UC-19) Zone, the following uses only are permitted:

- Permitted Uses
    a. a greenhouse,
    b. a retail store,
    c. an accessory single detached dwelling,
    d. an accessory business or professional office.
- A site plan agreement is required to be entered into between the owner and the municipality and registered on the title of the property, specifying locations of all buildings and structures, buffer areas, outside storage areas, well, septic system, parking and manoeuvring and loading areas.

All other provisions of this by-law shall apply.

UC-20 (Lot 6, Concession VI, Portland District – Kerr/Dee)
Notwithstanding the uses permitted in section 19.2 or any other provision of this By-law to the contrary, on the lands zoned Special Urban Commercial (UC-20), the following uses only are permitted:

- Permitted Uses
    a. a bake shop;
    b. a meat shop;
    c. retail store;
    d. commercial retail store;
    e. a restaurant, take-out;
    f. a gift shop;
    g. a nursery school;
    h. a medical clinic;
    i. a post office;
    j. a business and/or professional office;
    k. a service shop including a personal service shop;
    l. four accessory dwellings in the form of apartments in a building in which commercial uses are permitted;
    m. accessory uses and buildings to the above uses;
- A site plan agreement is required to be entered into between the owner and the municipality and registered on the title of the property, specifying locations of all buildings and structures, buffer areas, outside storage areas, well, septic system, parking and manoeuvring and loading areas.

All other provisions of this by-law shall apply.

UC-21 (Part Lots 18 & 19, Concession II, Storrington District – Matias)
Superseded by by-law 2014-28

UC-22 (Part Lot 19, Concession II, Storrington District – Barr/Campbell)
Notwithstanding the permitted uses in section 19.2 or any other provision of this By-law to the contrary, on the lands zoned Special Urban Commercial (UC-22) Zone, only the following uses are permitted.

- Permitted Uses
    a. concealed warehousing/mini storage,
    b. concealed equipment storage garage with accessory office and two accessory dwellings in the form of apartments within one building,
    c. a service shop including a personal service shop,
    d. a bank and/or trust company,
    e. a business and/or professional office,
    f. a funeral home,
    g. a medical clinic,
    h. a post office,
    i. a bake shop,
    j. a private or commercial club,
    k. a gift shop,
    l. a nursery school,
    m. a veterinary establishment,
    n. accessory buildings or uses to the above uses.

All other provisions of this by-law shall apply.

UC-23 (Part Lot 20, Concession III, Storrington District – P.M. Snelgrove)
Superseded by By-law 2014-42

UC-24 (Part Lot 6, Concession V, Portland District – 8334692 Canada Inc.)
Notwithstanding the permitted uses in section 19.2, or any other provision of this By-law to the contrary, on the lands zoned Special Urban Commercial (UC-24) Zone, only the following uses are permitted.

- Permitted Uses
  a. a business and/or professional office,
  b. a medical clinic,
  c. a nursery school,
  d. a veterinary establishment,
  e. one dwelling unit in the form of an apartment as an accessory use in buildings in which the commercial use is permitted,
  f. an accessory home occupation,
  g. accessory uses to the above uses.

- The uses permitted in the UC-24 zone shall be subject to a site plan agreement entered into between the owner and the municipality and registered on the title of the property, specifying the general location of all buildings and structures; parking and manoeuvring areas; access aisles and landscaped buffers.

All other provisions of this by-law shall apply.

UC-26 (Part Lot 6, Concession V, Portland District – Saputo)
Notwithstanding the provisions of section 19.2 or any other provision of this By-law to the contrary, on the lands zoned Urban Commercial (UC-26), only the following uses shall be permitted:

- a retail store,
- a convenience retail store,
- a service shop including a personal service shop,
- a lawn, garden and farm equipment and supplies sales outlet,
- a laundry and/or dry cleaning shop,
- a bank and/or trust company,
- a business and/or professional office,
- a commercial recreational establishment such as a bowling or billiard establishment or other similar use,
- a funeral home,
- a medical clinic,
- a post office,
- a bake shop,
- a private or commercial club,
- a restaurant, take-out,
- a gift shop,

- a nursery school,
- a veterinary establishment,
- a public or private parking area, including parking facilities associated with the principal use(s) permitted under this section,
- an automobile sales agency,
- one dwelling unit in the form of an apartment as an accessory use in buildings in which commercial uses are permitted, except automobile service stations or other uses involving the sale of gasoline or other similar petroleum products, in accordance with the provisions of Sections 5.19 and 5.20,
- accessory buildings or uses to the above uses.

- Also, prior to any development of the land, a site plan agreement shall be entered into between the owner and the municipality and registered on the title of the property, specifying locations of all buildings and structures; entrancements or improvements to the public road as per any required traffic study; and buffering/landscaping measures.

All other provisions of this by-law shall apply.

UC-25 (Part Lot 19, Concession II, Storrington District – 1059823 Ontario Ltd. Matias)
Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Urban Commercial (UC-25), the following special provision applies and the following uses are permitted in addition to the uses permitted in section 19.2:

- a contractor's yard (with concealed storage),
- a market garden,
- a nursery or garden centre,
- a public self-storage use (mini-storage),
- accessory uses and buildings to the above uses.

- Setback from the 1:100 year flood plain (Minimum) 6 metres (19 ft.)

All other provisions of this By-law shall apply.

SECTION 20 - RI - RURAL INDUSTRIAL ZONE

20.1 Within an RI - Rural Industrial Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

20.2 PERMITTED USES

- any manufacturing, processing, or warehousing undertaking including storage warehousing, a canning factory and cheese factory,
- any cartage, express or truck terminal,
- any workshop for the repair, processing, or treatment of small goods and wares, and any other service industries,
- any yard for the open or concealed storage of goods or materials,
- any business or professional office accessory to a permitted industrial use, including a union hall,
- an agricultural equipment supply and repair outlet,
- an automobile body shop,
- a contractor's yard,
- a welding shop,
- a bulk storage yard,
- a motor vehicle repair garage,
- a lumber mill, sawmill and a planing mill,
- a seed and feed mill,
- a merchandising service shop,
- a machine shop,
- an assembly operation,
- a retail and/or wholesale building supply outlet,
- a factory outlet,
- an accessory dwelling or dwelling unit for a caretaker or security guard, in accordance with the provisions of Section 5.19,
- a research facility,
- accessory buildings or uses to the above uses including a bank, a cafeteria and a retail outlet for the purpose of selling goods manufactured, stored and/or assembled on the premises, provided such outlet is part of the principal building, and occupies not more than five (5) percent of the gross floor area of the principal building,
- a wayside pit or wayside quarry.

20.3 ZONE REGULATIONS

20.3.1 For All Principal Buildings or Uses

- Lot Area (Minimum) — 8000 sq. metres (2 ac.)
- Lot Frontage (Minimum) — 76 metres (250 ft.)
- Front Yard (Minimum) — 8 metres (26.2 ft.)

- Rear Yard (Minimum) 8 metres (26.2 ft.)
- Interior Side Yard (Minimum) 3 metres (9.8 ft.)
- Exterior Side Yard (Minimum) 8 metres (26.2 ft.)
- Lot Coverage (Maximum) 40 percent
- Building Height (Maximum) 15 metres (49.2 ft.)
- Off-street parking shall be provided in accordance with Section 5.30.
- Off-street loading facilities shall be provided in accordance with Section 5.31.
- A sight triangle of 15 metres (49.2 ft.) minimum shall be provided on a corner lot.
- Open Storage uses shall be set back in accordance with the minimum yard provisions set out in this subsection and where accessory to a principal Rural Industrial use, no open storage use shall be permitted in any front or exterior side yard.

20.3.2 For Lands Abutting A Residential Zone or A Residential Use

Notwithstanding the provisions of subsection 19.3, where an interior side yard and/or rear yard abuts a residential zone or residential use then such interior side yard and/or rear yard shall be a minimum of 22 metres (72.2 ft.). This 22 metre (72.2 ft.) area shall be maintained in an open space condition and no open storage of goods or material shall be permitted within this 22 metre (72.2 ft.) area.

20.3.3 For Lands Abutting A Public Road Allowance or Private Lane or Opposite a Residential Zone

Where any lot line in a RI - Rural Industrial Zone abuts a public road allowance or private lane or where the lot on the opposite side of a street or a public road allowance or private lane is in a residential zone, a buffer planting strip adjoining such abutting lot line shall be provided on the RI Zone lot.

- Contents
  The buffer/planting strip shall consist of an earth berm and/or a continuous unpierced hedgerow of tree, evergreens or shrubs, not less than 2.0 metres (6.6 ft.) high and 3 metres (9.8 ft.) wide immediately adjoining the lot line or portion thereof along which such planting strip is required. The earth berm shall not be greater than a 3:1 slope.

- Maintenance
  A buffer/planting strip shall be planted, nurtured and maintained by the owner or owners of the lot on which the strip is located.

- Landscaped Open Space
  A buffer/planting strip referred to in this subsection may form a part of any landscaped open space required by this By-law.

- Interruption for Driveways or Pedestrian Walks
  In all cases where ingress and egress driveways or walks extend through a buffer/planting strip or it shall be permissible to interrupt the strip within 3.0 metres (9.8 ft.) of the edge of such driveway or within 1.5 metres (4.9 ft.) of the edge of such walk.

20.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the RI - Rural Industrial Zone.

20.5 SPECIAL RI RURAL INDUSTRIAL ZONES

RI-1 (Part Lot 7, Concession 2, Portland District - Smith)

Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural Industrial (RI-1) Zone shall be used only in accordance with the following:

- Storage of materials within an enclosed building shall be a permitted use.
- Uses accessory to the concealed storage use shall be permitted within the same building.

All other provisions of this by-law shall apply.

RI-2 (Lot 17, Concession 11, Storrington District - Yeatman)

Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural Industrial (RI-2) Zone shall be used only in accordance with the following:

- Where a Rural Industrial (RI-2) Zone abuts a Residential, Agricultural or Rural Zone or where the lot on the opposite side of a street, a public road allowance or a private lane is in a Residential, Agricultural or Rural Zone, screening adjoining such abutting lot line shall be provided on the Special Rural Industrial (RI-2) Zone lot.
- Where screening is required on a lot, such lot shall be used for no other purpose than that which existed at the date of passing of this by-law, unless and until the required screening is in place.
- The screening shall consist of a continuous un-pierced metal clad fence, not less than 2.5 metres (8.2 ft.) high immediately adjoining the lot line or portion thereof along which such screening is required.
- Interruption for Driveways or Pedestrian Walks
  In all cases where ingress and egress driveways or walks extend through screening, it shall be permissible to interrupt the screening within 3.0 metres (9.8 ft.) of the edge of such driveway or within 1.5 metres (4.9 ft.) of the edge of such walk.

All other provisions of this by-law shall apply.

RI-3 (Part Lot 21, Concession XII, Bedford District - Wallond)

Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural Industrial (RI-3) Zone shall be used only in accordance with the following:

- Permitted Uses
  a. an accessory dwelling or dwelling unit;

b. a craft shop;
c. a garden centre;
d. a marina;
e. an office;
f. a milk receiving or transfer station;
g. a warehouse;
h. a veterinary establishment;
i. a retail store;
j. a custom workshop
k. a bakery;
l. an equipment rental establishment;
m. a bait shop;
n. an electrician's or plumber's shop;
o. a welding shop;
p. a well drilling establishment;
q. a manufacturing or fabrication shop;
r. a green house;
s. a vehicle sales and service establishment;
t. a service outlet;
u. an auto body shop;
v. a building supply outlet.

All other provisions of this by-law shall apply.

RI-4 (Part Lot 3, Concession III, Bedford District - Wood)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Rural Industrial (RI-4) Zone shall be used only in accordance with the following:

- Permitted Uses
    a. a sawmill;
    b. drying kilns;
    c. wood craft production.

All other provisions of this by-law shall apply.

RI-5 (Part Lot 7, Concession II, Bedford District - Glen McNichols)
Notwithstanding the setback provisions of section 20.3 of this By-law to the contrary, on the lands zoned Special Rural Industrial (RI-5) Zone the following regulations shall apply:

- One accessory building may be permitted to within 2.5 metres (8.2 ft.) of the interior side lot line.

All other provisions of this by-law shall apply.

RI-6 (Part Lot 27, Concession X, Storrington District - Hogan)
Notwithstanding the uses permitted in section 20.2 or any other section of this By-law to the contrary, on the lands zoned Special Rural Industrial (RI-6) Zone, the following uses only shall be permitted:

- Permitted Uses
    a. bus storage, maintenance and repair;
    b. accessory uses.

All other provisions of this by-law shall apply.

RI-7 (Part Lot 17, Concession VI, Loughborough District - Terry)
Notwithstanding the uses permitted in section 20.2 of this By-law to the contrary, on the lands zoned Special Rural Industrial (RI-7) Zone, the following uses only shall be permitted:

- Permitted Uses
    a. a contractor's yard.

All other provisions of this by-law shall apply.

RI-8 (Part Lot 17, Concession VIII, Loughborough District - Lynch)
Deleted

RI-9 (Part Lot 15, Concession VI, Storrington District – Serre/Williams)
Notwithstanding the permitted uses in section 20.2 or any other provision of this By-law to the contrary, on the lands zoned Special Rural Industrial (RI-9) Zone, only the following uses are permitted:

- Permitted Uses
    a. a research facility and accessory assembly operation,
    b. a single detached dwelling,
    c. a home occupation,
    d. accessory uses to the above principal uses.
- Zone Regulations
    a. Gross Floor Area (Maximum) 232 sq. metres (2,500 sq. ft.)

All other provisions of this By-law shall apply.

RI-10 (Part Lot 5, Concession III, Loughborough District – P. Snider)
Notwithstanding the uses permitted in section 20.2 and 20.4 or any other provision of this By-law to the contrary, on the lands zoned Special Rural Industrial (RI-10), the following uses only are permitted and special provisions apply:

- Permitted Uses
    a. a bulk storage yard
    b. equipment storage and repair including welding
    c. accessory uses to the above

  Special Provision

  The minimum 22 metre setback buffer between development and any abutting residential use shall not be required on the east side of the subject lot.
- The holding “h” symbol included in the R-10-h zone on Schedule “B” shall be removed to allow development only when a site plan agreement is entered into between the Owner and the Municipality and is registered on the title of the property, specifying locations of all buildings and structures, entrance design, well and septic system locations, manoeuvring areas and access aisles and buffering/landscaping measures.

All other provisions of this by-law shall apply.

SECTION 21 - UI - URBAN INDUSTRIAL ZONE

21.1 Within a UI - Urban Industrial Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

21.2 PERMITTED USES

- any manufacturing, processing, or warehousing undertaking including storage warehousing,
- any workshop for the repair, processing, or treatment of small goods and wares, and any other service industries,
- any yard for the open or concealed storage of goods or materials,
- a motor vehicle repair garage not including an automobile body shop,
- a research facility,
- a merchandising service shop,
- any business or professional offices accessory to a permitted industrial use,
- an accessory dwelling unit for a caretaker or security guard, in accordance with the provisions of Section 5.19,
- accessory buildings or uses to the above uses including a retail outlet for the purpose of selling goods manufactured, stored and/or assembled on the premises, provided such outlet is part of the principal building, and occupies not more than five (5) percent of the gross floor area of the principal building.

21.3 ZONE REGULATIONS

21.3.1 For All Principal Buildings or Uses

- Lot Area (Minimum) 8000 sq. metres (86,114 sq. ft.)
- Lot Frontage (Minimum) 76 metres (250 ft.)
- Front Yard (Minimum) 8 metres (26.2 ft.)
- Rear Yard (Minimum) 8 metres (26.2 ft.)
- Interior Side Yard (Minimum) 3 metres (9.8 ft.)
- Exterior Side Yard (Minimum) 8 metres (26.2 ft.)
- Lot Coverage (Maximum) 40 percent
- Building Height (Maximum) 11 metres (36 ft.)
- Off-street parking shall be provided in accordance with Section 5.30.
- Off-street loading facilities shall be provided in accordance with Section 5.31.
- A sight triangle of 15 metres (49.2 ft.) minimum shall be provided on a corner lot.

21.3.2 For Accessory Buildings Not Attached To The Principal Building

- Rear Yard (Minimum) 1.5 metres (4.9 ft.)
- Interior Side Yard (Minimum) 1.5 metres (4.9 ft.)
- Exterior Side Yard (Minimum) 8 metres (26.2 ft.)
- Building Height (Maximum) 4.5 metres (14.8 ft.)

21.3.3 For Lands Abutting A Residential Zone or Residential Use

Notwithstanding the provisions of subsection 20.3, where an interior side yard and/or rear yard abuts a residential zone then such interior side yard and/or rear yard shall be a minimum of 22 metres (72.2 ft.). This 22 metre (72.2 ft.) area shall be maintained in an open space condition and the open storage of goods or materials shall not be permitted within this 22 metre (72.2 ft.) area.

21.3.4 For Lands Abutting a Public Road Allowance or Private Lane or Opposite a Residential Zone

Where any lot line in an UI Zone abuts a public road allowance or a private lane or where the lot on the opposite side of a street or a public road allowance or private lane is in a residential zone, a buffer planting strip adjoining such abutting lot line shall be provided on the UI Zone lot.

- Contents
  The buffer/planting strip shall consist of an earth berm and/or a continuous unpierced hedgerow of tree, evergreens or shrubs, not less than 2.0 metres (6.6 ft.) high and 3 metres (9.8 ft.) wide immediately adjoining the lot line or portion thereof along which such planting strip is required. The earth berm shall not be greater than a 3:1 slope.

- Maintenance
  A buffer/planting strip shall be planted, nurtured and maintained by the owner or owners of the lot on which the strip is located.

- Landscaped Open Space
  A buffer/planting strip referred to in this subsection may form a part of any landscaped open space required by this By-law.

- Interruption for Driveways or Pedestrian Walks
  In all cases where ingress and egress driveways or walks extend through a buffer/planting strip or it shall be permissible to interrupt the strip within 3 metres (9.8 ft.) of the edge of such driveway or within 1.5 metres (4.9 ft.) of the edge of such walk.

21.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the UI Urban Industrial Zone.

21.5 SPECIAL UI - URBAN INDUSTRIAL ZONES

UI-1 (Part Lot 13, Concession V, Loughborough District)

Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Urban Industrial (UI-1) Zone shall be used only in accordance with the following:

- Permitted Uses
  a. manufacturing;

b. food processing, bakery and sales outlet;
c. an accessory dwelling unit;
d. accessory uses including open storage;
e. building supply outlet;
f. construction yard;
g. custom workshop;
h. feed supply outlet;
i. garden centre;
j. machine and metal working shop;
k. produce grading station or storage facility;
l. farm machinery and equipment sales and service outlet;
m. veterinary establishment;
n. well drilling establishment;
o. wood products manufacturing shop;
p. retail sales outlet;
q. food services industry.

All other provisions of this by-law shall apply.

UI-2 (Part Lot 19, Concession II, Inverary, Storrington District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Urban Industrial (UI-2) shall be used only in accordance with the following:

- Permitted Uses
    a. In addition to the uses permitted in Section 21.2, a single detached dwelling shall also be permitted.

All other provisions of this by-law shall apply.

UI-3 (Part Lot 4, Concession IV, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Urban Industrial (UI-3) Zone, the following provisions shall apply:

- Zone Regulations
    a. the regulations of sections 21.3.1 and 21.3.2 shall not apply to any public use, building or structure.

All other provisions of this by-law shall apply.

UI-4 (Part Lot 7, Concession III, Loughborough District – Roy)
Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Urban Industrial (UI-4) Zone, the following uses only are permitted:

- Permitted Uses
    a. a single detached dwelling,

b. a home occupation, in accordance with the provisions of section 5.28 of this By-law,
c. an upholstery shop,
d. accessory uses and buildings to the above uses
e. The uses permitted in the UI-4 zone be subject to a site plan agreement to be entered into between the owner and the municipality specifying locations of all buildings and structures; buffer areas, wells; septic systems, parking and loading areas and access aisles.

All other provisions of this by-law shall apply.

UI-5 (Part Lots 18 & 19, Concession II, Storrington District – Matias)
Superseded by by-law 2014-28.

UI-6 (Part Lot 11, Concession IX, Storrington District – Roney)
Notwithstanding any other provision of this By-law to the contrary, on the lands zoned Special Urban Industrial (UI-6) Zone, only the following regulations apply and only the following uses are permitted:

- Permitted Uses
  a. indoor storage.

- Zone regulations
  a. Lot Area (Minimum) — 0.55 hectares (1.37 ac.)
  b. Gross Floor Area (Maximum) — 93 sq. metres (1000 sq. ft.)

All other provisions of this by-law shall apply.

UI-7 (Part Lot 7, Concession IV, Portland District – Dirkson)
Notwithstanding sections 21.2 and 21.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Urban Industrial (UI-7), only the following uses are permitted and regulations apply:

- Permitted Uses
  a. a manufacturing or processing use provided that any such use shall be limited to a Class I Industrial Facility. For purposes of this zone a Class I Industrial Facility shall mean a place of business for a small scale, self-contained plant or building which produces/stores a product which is contained in a package and does not produce offensive, fugitive emissions. Operations shall be restricted to daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage of products produced at the facility;
  b. any warehousing undertaking including storage warehousing;
  c. any workshop for the repair, processing or treatment of small goods and wares, and any other service industry;

d. a motor vehicle repair garage, provided that such use shall not include auto body repair;
e. a research facility;
f. a merchandising service shop;
g. any business or professional office accessory to a permitted industrial use;
h. an accessory dwelling unit for a caretaker or security guard, in accordance with the provisions of section 5.19;
i. accessory buildings or uses to the above uses including a retail outlet for the purpose of selling goods manufactures, stored and/or assembled on the premises, provided such outlet is part of the principal building, and occupies not more than five (5) percent of the gross floor area of the principal building.

- Zone Regulations
  a. Building Height (Maximum) 11metres (36 ft.)

- The uses permitted in the UI-7 zone shall be subject to a site plan agreement registered on the title of the property specifying all of the requirements of the UI zone for mitigative buffers and planting strips in addition to siting of all buildings and septic systems, entrance design, parking, access and fire routes, grading and stormwater management.

All other provisions of this By-law shall apply.

SECTION 22 - PA - PIT 'A' ZONE

22.1 Within an PA - Pit 'A' Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

22.2 PERMITTED USES

- a pit which produces less than 20,000 tonnes per year (19,685 tons per year),
- open space, conservation and agricultural uses,
- the processing of mineral aggregates, including aggregate crushing, screening and washing,
- asphalt plants, ready-mix concrete plants and aggregate transfer stations,
- a single detached dwelling accessory to an agricultural use,
- accessory buildings or uses to the above uses,
- a wayside pit or wayside quarry.

22.3 ZONE REGULATIONS

22.3.1 For Excavation Area and Storage Uses

• Setback from rear and interior side lot lines (Minimum)	15 metres (49.2 ft.)
• Setback from front and exterior side lot lines (Minimum)	30 metres (98.4 ft.)
• Setback from residential, commercial, community facility zone or use (Minimum)	30 metres (98.4 ft.)
• Setback from any road right-of-way (Minimum)	30 metres (98.4 ft.)
• Setback from natural water course	30 metres (98.4 ft.)

22.3.2 For Open and Enclosed Pit Processing Operations

• Setback from rear and interior side lot lines (Minimum)	15 metres (49.2 ft.)
• Setback from front and exterior side lot lines (Minimum)	30 metres (98.4 ft.)
• Setback from residential, commercial, community facility zone or use (Minimum)	90 metres (295.3 ft.)
• Setback from any road right-of-way (Minimum)	30 metres (98.4 ft.)

22.3.3 For Accessory Buildings to Pit Operations

All yards (Minimum)	30 metres (98.4 ft.)
• Setback from residential, commercial, community facility zone or use (Minimum)	90 metres (295.3 ft.)
• Setback from any road right-of-way (Minimum)	30 metres (98.4 ft.)

22.3.4 For Conservation, Forestry and Agricultural Uses

The zone regulations contained in Section 7.3.1 of this By-law shall apply.

22.3.5 For Open Space Uses

The zone regulations contained in Section 30.3 of this By-law shall apply.

22.3.6 Landscaping

A strip of land not less than 15 metres (49.2 ft.) in width shall be reserved for landscaping purposes between any PA zone and any adjacent commercial, community facility or industrial zone or use and along any adjacent streetline or lot line. Where an A zone abuts a Residential Zone, or a roadway is the only separation between two such areas, then no aggregate extraction use shall be made of any kind within 30 metres (98.4 ft.) of the abutting lot line and no parking use shall be made of any land within 7.5 metres (24.6 ft.) of the abutting lot line. The intervening land shall be kept in an open space condition with grass, trees and shrubs and retained as part of the normal operation of the extraction activity.

22.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply where applicable to any land, lot, building, structure, or use within the PA - Pit “A” Zone.

22.5 SPECIAL PIT “A” ZONES

SECTION 23 - PB – PIT 'B' ZONE

23.1 Within a PB – Pit 'B' Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

23.2 PERMITTED USES

- a pit which produces greater than 20,000 tonnes per year (19,685 tons per year),
- open space, conservation, forestry and agricultural uses,
- the processing of mineral aggregates, including aggregate crushing, screening and washing,
- asphalt plants, ready-mix concrete plants and aggregate transfer stations,
- a single detached dwelling accessory to an agricultural use,
- accessory buildings or uses to the above uses,
- a wayside pit or wayside quarry.

23.3 ZONE REGULATIONS

23.3.1 For Excavation Area and Storage Uses

• Setback from rear and interior side lot lines (Minimum)	15 metres (49.2 ft.)
• Setback from front and exterior side lot lines (Minimum)	30 metres (98.4 ft.)
• Setback from residential, commercial, community facility zone or use (Minimum)	30 metres (98.4 ft.)
• Setback from any road right-of-way (Minimum)	30 metres (98.4 ft.)
• Setback from natural water course	30 metres (98.4 ft.)

23.3.2 For Open and Enclosed Pit Processing Operations

• Setback from rear and interior side lot lines (Minimum	15 metres (49.2 ft.)
• Setback from front and exterior side lot lines (Minimum)	30 metres (98.4 ft.)
• Setback from residential, commercial, community facility	90 metres (295.3 ft.)
• zone or use (Minimum)	
• Setback from any road right-of-way (Minimum)	30 metres (98.4 ft.)

23.3.3 For Accessory Buildings to Pit Operations

All yards (Minimum)	30 metres (98.4 ft.)
• Setback from residential, commercial, community facility	
• zone or use (Minimum)	90 metres (295.3 ft.)
• Setback from any road right-of-way (Minimum)	30 metres (98.4 ft.)

23.3.4 For Conservation, Forestry and Agricultural Uses

The zone regulations contained in Section 7.3.1 of this By-law shall apply.

23.3.5 For Open Space Uses

The zone regulations contained in Section 30.3 of this By-law shall apply.

23.3.6 Landscaping

A strip of land not less than 15 metres (49.2 ft.) in width shall be reserved for landscaping purposes between any PB zone and any adjacent commercial, community facility or industrial zone or use and along any adjacent streetline or lot line. Where an PB zone abuts a Residential Zone, or a roadway is the only separation between two such areas, then no aggregate extraction use shall be made of any kind within 30 metres (98.4 ft.) of the abutting lot line and no parking use shall be made of any land within 7.5 metres (24.6 ft.) of the abutting lot line. The intervening land shall be kept in an open space condition with grass, trees and shrubs and retained as part of the normal operation of the extraction activity.

23.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply where applicable to any land, lot, building, structure, or use within the PB - Pit “B” Zone.

23.5 SPECIAL PIT “B” ZONES

SECTION 24 - QA - QUARRY 'A' ZONE

24.1 Within an QA - Quarry 'A' Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

24.2 PERMITTED USES

- a quarry, including drilling and blasting, which produces less than 20,000 tonnes per year (19,685 tons per year),
- open space, conservation, forestry and agricultural uses,
- the processing of mineral aggregates, including aggregate crushing, screening and washing,
- asphalt plants, ready-mix concrete plants and aggregate transfer stations,
- a single detached dwelling accessory to an agricultural use,
- accessory buildings or uses to the above uses,
- a wayside pit or wayside quarry.

24.3 ZONE REGULATIONS

24.3.1 For Excavation Area and Storage Uses

• Setback from rear and interior side lot lines (Minimum)	15 metres (49.2 ft.)
• Setback from front and exterior side lot lines (Minimum)	30 metres (98.4 ft.)
• Setback from residential, commercial, community facility	
• zone or use (Minimum)	30 metres (98.4 ft.)
• Setback from any road right-of-way (Minimum)	30 metres (98.4 ft.)
• Setback from natural water course	30 metres (98.4 ft.)

24.3.2 For Open and Enclosed Quarry Processing Operations

• Setback from rear and interior side lot lines (Minimum)	15 metres (49.2 ft.)
• Setback from front and exterior side lot lines (Minimum)	30 metres (98.4 ft.)
• Setback from residential, commercial, community facility	90 metres (295.3 ft.)
• zone or use (Minimum)	
• Setback from any road right-of-way (Minimum)	30 metres (98.4 ft.)

24.3.3 For Accessory Buildings to Quarry Operations

All yards (Minimum)	30 metres (98.4 ft.)
• Setback from residential, commercial, community facility zone or use (Minimum)	90 metres (295.3 ft.)
• Setback from any road right-of-way (Minimum)	30 metres (98.4 ft.)

24.3.4 For Conservation, Forestry and Agricultural Uses

The zone regulations contained in Section 7.3.1 of this By-law shall apply.

24.3.5 For Open Space Uses

The zone regulations contained in Section 30.3 of this By-law shall apply.

24.3.6 Landscaping

A strip of land not less than 15 metres (49.2 ft.) in width shall be reserved for landscaping purposes between any QA zone and any adjacent commercial, community facility or industrial zone or use and along any adjacent streetline or lot line. Where an QA zone abuts a Residential Zone, or a roadway is the only separation between two such areas, then no aggregate extraction use shall be made of any kind within 30 metres (98.4 ft.) of the abutting lot line and no parking use shall be made of any land within 7.5 metres (24.6 ft.) of the abutting lot line. The intervening land shall be kept in an open space condition with grass, trees and shrubs and retained as part of the normal operation of the extraction activity.

24.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply where applicable to any land, lot, building, structure, or use within the QA - Quarry “A” Zone.

24.5 SPECIAL QUARRY ‘A’ ZONES

QA-1 (Part Lots 38 and 39, Concession VII Storrington District - McGarvey Bros.)

Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Quarry (QA-1) shall be used only in accordance with the following:

- The use of the land shall also include a pit.

All other provisions of this by-law shall apply.

QA-2 (Part Lots 39 & 40, Concession VII, Storrington District – McCallum)

Notwithstanding the permitted uses in section 24.2 of this By-law or any other provision of this By-law to the contrary, on the lands zoned Special Quarry “A” (QA-2) Zone, the following provisions shall apply:

- Permitted Uses Only
    a. a quarry which produces less than 20,000 tonnes (1,968.5 tons) per year
    b. open space, conservation, forestry and agricultural uses,
    c. a single detached dwelling accessory to an agricultural use,
    d. accessory buildings to the above uses.

- Prohibited Uses
    a. drilling and blasting,
    b. processing of mineral aggregates, including crushing, screening and washing,
    c. asphalt plants, ready mix concrete plants and aggregate transfer stations.

All other provisions of this By-law shall apply.

QA-3 (Part Lot 17, Concession VI, Portland District - Jackson)
Notwithstanding any provisions of section 24.2 and 24.3 or any other provision of this By-law to the contrary, on the lands zoned Special Quarry (QA-3), only the following uses are permitted and the following special provision applies:

- Permitted Uses
    a. a quarry which produces less than 20,000 tonnes per year (19,685 tons per year),
    b. opens space, conservation, forestry and agricultural uses,
    c. an accessory single detached dwelling,
    d. accessory buildings to the above uses.

- Special Provision
    a. Adjacent residential land uses may be permitted as close as 150 metres to the licensed quarry area.

All other provisions of this by-law shall apply.

SECTION 25 - QB - QUARRY 'B' ZONE

25.1 Within a QB - Quarry 'B' Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

25.2 PERMITTED USES

- a quarry, including drilling and blasting, which produces greater than 20,000 tonnes per year (19,685 tons per year),
- open space, conservation, forestry and agricultural uses,
- the processing of mineral aggregates, including aggregate crushing, screening and washing,
- asphalt plants, ready-mix concrete plants and aggregate transfer stations,
- a single detached dwelling accessory to an agricultural use,
- accessory buildings or uses to the above uses,
- a wayside pit or wayside quarry.

25.3 ZONE REGULATIONS

25.3.1 For Excavation Area and Storage Uses

• Setback from rear and interior side lot lines (Minimum)	15 metres (49.2 ft.)
• Setback from front and exterior side lot lines (Minimum)	30 metres (98.4 ft.)
• Setback from residential, commercial, community facility zone or use (Minimum)	30 metres (98.4 ft.)
• Setback from any road right-of-way (Minimum)	30 metres (98.4 ft.)
• Setback from natural water course	30 metres (98.4 ft.)

25.3.2 For Open and Enclosed Quarry Processing Operations

• Setback from rear and interior side lot lines (Minimum)	15 metres (49.2 ft.)
• Setback from front and exterior side lot lines (Minimum)	30 metres (98.4 ft.)
• Setback from residential, commercial, community facility	90 metres (295.3 ft.)
• zone or use (Minimum)	
• Setback from any road right-of-way (Minimum)	30 metres (98.4 ft.)

25.3.3 For Accessory Buildings to Quarry Operations

• All yards (Minimum)	30 metres (98.4 ft.)
• Setback from residential,commercial, community facility zone or use (Minimum)	90 metres (295.3 ft.)
• Setback from any road right-of-way (Minimum)	30 metres (98.4 ft.)

25.3.4 For Conservation, Forestry and Agricultural Uses

The zone regulations contained in Section 7.3.1 of this By-law shall apply.

25.3.5 For Open Space Uses

The zone regulations contained in Section 30.3 of this By-law shall apply.

25.3.6 Landscaping

A strip of land not less than 15 metres (49.2 ft.) in width shall be reserved for landscaping purposes between any QB zone and any adjacent commercial, community facility or industrial zone or use and along any adjacent streetline or lot line. Where an QB zone abuts a Residential Zone, or a roadway is the only separation between two such areas, then no aggregate extraction use shall be made of any kind within 30 metres (98.4 ft.) of the abutting lot line and no parking use shall be made of any land within 7.5 metres (24.6 ft.) of the abutting lot line. The intervening land shall be kept in an open space condition with grass, trees and shrubs and retained as part of the normal operation of the extraction activity.

25.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply where applicable to any land, lot, building, structure, or use within the QB - Quarry “B” Zone.

25.5 SPECIAL QUARRY “B” ZONES

QB-1 (Part Lots 1 and 2, Concession VIII, Storrington District - Garrett)

Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Quarry (QB-1) shall be used only in accordance with the following:

- The use of the land shall be limited to a quarry to extract and stockpile aggregate material.
- Aggregate crushing shall be permitted on a limited basis utilizing portable crushing equipment only during the winter months (November 21 to March 21).
- All crushing will be completed on consecutive days and will not exceed a total of 21 days.
- The minimum setback from a natural watercourse for excavation areas and stockpiling purposes shall be 10 metres (32.8 ft.).

All other provisions of this by-law shall apply.

QB-2 (Part Lot 5, Concession VIII, Storrington District - Corporation of the Township of South Frontenac)

Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Quarry (QB-2) shall be used only in accordance with the following:

- The use of the land shall also include a pit.

All other provisions of this by-law shall apply.

QB-3 (Part Lots 10, 11 and 12, Concession VI, Storrington District - Sloan)

Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Quarry (QB-3) shall be used only in accordance with the following:

- The use of the land shall also include a pit.

All other provisions of this by-law shall apply.

SECTION 26 - M - MINING ZONE

26.1 Within an M-Mining Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

26.2 PERMITTED USES

- a mine that is approved and operated in accordance with the Mining Act.

26.3 ZONE REGULATIONS

The zone regulations for a mine will be determined through a site specific zoning by-law amendment process and will address, among other things, setbacks from water, access, buffering, conservation of natural environment and setbacks from neighbouring land uses.

26.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply where applicable to any land, lot, building, structure, or use within the M - Mining Zone.

26.5 SPECIAL M - MINING ZONES

SECTION 27 - WD - WASTE DISPOSAL ZONE

27.1 Within a WD - Waste Disposal Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure of any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

27.2 PERMITTED USES

- a sanitary landfill site,
- a sewage treatment plant,
- a sewage lagoon,
- a waste transfer station,
- a waste processing facility including the recycling and reprocessing of waste materials into new products,
- agricultural, open space, conservation and forestry uses, excluding dwellings,
- accessory buildings or uses to the above uses.

27.3 ZONE REGULATIONS

27.3.1 For Agricultural, Conservation and Forestry Uses

The zone regulations of Section 7.3.1 of this By-law shall apply.

27.3.2 For Open Space Uses

The zone regulations of Section 30.3 of this By-law shall apply.

27.3.3 For All Other Waste Disposal Uses

- No person, including the Township of South Frontenac, shall establish, alter, enlarge or extend a sanitary landfill site, a sewage treatment plant, a sewage lagoon, a transfer station, or a waste processing facility unless a Provincial Certificate of Approval has been issued by the Ministry of the Environment.
- All waste disposal sites shall be established and operated in accordance with the requirements of the Environmental Protection Act and the Environmental Assessment Act.
- A strip of land not less than 15 metres (49.2 ft.) in width shall be reserved for landscaping purposes between any sanitary landfill site, sewage treatment plant, sewage lagoon, transfer station or waste processing facility and any adjacent commercial, community facility or industrial zone or use and along any adjacent street line or adjoining lot line. Where such uses abut a residential zone or an existing residential use or a roadway is the only separation between two such areas, then no waste disposal use shall be made of any kind within 30 metres (98.4 ft.) of the abutting lot line. The land reserved for landscaping purposes shall be kept in an open space condition with grass, trees, and shrubs and maintained as part of the normal operation of the waste disposal activity.

27.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the WD Waste Disposal Zone.

27.5 SPECIAL WD - WASTE DISPOSAL ZONES

WD-1 (Part Lots 18 and 19, Concession XI, Storrington District - Boulton)

Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Waste Disposal (WD-1), the following use only shall be permitted:

- a domestic sewage waste stabilization treatment pond, which shall be constructed and operated in accordance with a Certificate of Approval issued by the Ontario Ministry of Environment.

All other provisions of this by-law shall apply.

WD-2 (Part Lot 14, Concession I, Portland District)

Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Waste Disposal (WD-2) shall be used only in accordance with the following:

- a closed sanitary landfill facility shall be the only permitted use of lands zoned WD-2.

All other provisions of this by-law shall apply.

WD-3 (Part Lot 7, Concession III, Loughborough District)

Notwithstanding the provisions of section 27.2 or 27.3.3 or any other provision of this by-law to the contrary, on the lands zoned Special Waste Disposal (WD-2) the following provisions shall apply:

- Permitted Uses; In the WD-3 zone only the following uses shall be permitted:
    a. a waste transfer station
    b. accessory uses and buildings to the above
    c. public works storage

- a closed sanitary landfill facility shall be the only permitted use of lands zoned WD-2.

- Zone Regulations
    a. In the WD-3 zone a strip of land not less than 13 metres (43 ft.) wide shall be reserved for landscaping purposes between the transfer station building and the street.

All other provisions of this by-law shall apply.

SECTION 28 - SI - SALVAGE INDUSTRIAL ZONE

28.1 Within a SI - Salvage Industrial Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure of any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

28.2 PERMITTED USES

- salvage yard.
- agriculture,
- conservation,
- forestry,
- an accessory dwelling unit,
- accessory uses including open storage,

28.3 ZONE REGULATIONS

• Lot Area (Minimum)	2 ha (4.9 acres)
• Lot Frontage (Minimum)	60 metres (196.9 ft.)
• Yard Requirements (Minimum)	
a. All Yards	15 metres (49.2 ft.)
b. Abutting any Residential Zone or Separated From a Residential Zone by Only a Street	20 metres (65.6 ft.)

28.3.1 For a Salvage Yard

- No land shall be used for the storage or mechanized processing of goods, wares, merchandise, articles or things within 300 metres (984.3 ft.) of any residential or commercial zone or use, nor closer than 100 metres (328.1 ft.) to a lot line or a street line. Without limiting the generality of this subsection, mechanized processing includes the use of machinery or equipment to crush, compact, separate, refine, incinerate or similarly treat goods, wares, merchandise, articles or things.

- A strip of land not less than 15 metres (49.2 ft.) in width shall be reserved for landscaping purposes between any salvage yard site and any adjacent community facility, commercial or industrial zone or use, and along any adjacent street line or adjoining lot line. Where a salvage yard site abuts a residential zone or use or a roadway is the only separation between two such areas, then no salvage yard use of any kind shall be made within 30 metres (98.4 ft.) of the adjacent lot line. The land reserved for landscaping purposes shall be kept in an open space condition with grass, trees and shrubs and maintained as part of the normal operation of the salvage yard activity.

- The salvage yard site shall be sufficiently screened by a fence, a berm or a combination of the two so that waste materials being stored or processed on the site are not visible from adjacent roads. The screening shall extend a minimum of 3 metres (9.84 ft.) above grade or to a height equal to that of the goods, wares, merchandise,

articles or things being stored or processed within the salvage yard site, whichever is the greater. All fences shall be constructed of an opaque material and shall be painted or otherwise preserved and kept painted from time to time, so as to maintain the fences in good condition.

- An accessory weighing scale and recording office shall be permitted no closer than 30 metres (98.4 ft.) to a street line.

- A salvage yard site shall not be located on land covered by water or subject to flooding and shall be so located that no direct drainage leads to a watercourse.

- No open burning shall be permitted.

- No storage of tires shall be permitted.

- Prior to the storage or processing of any goods, wares, merchandise, articles or things all fluids shall be drained and disposed of in a manner approved by the Ministry of the Environment if they are not stored for the purposes of resale.

28.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the SI Salvage Industrial Zone.

28.5 SPECIAL SI - SALVAGE INDUSTRIAL ZONES

SECTION 29 - CF - COMMUNITY FACILITY ZONE

29.1 Within a CF - Community Facility Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

29.2 PERMITTED USES

- any undertaking established or maintained by a governmental board, authority, agency or commission,
- a church or other place of worship, with accessory uses including a cemetery and a dwelling unit,
- a cemetery,
- any undertaking of a utility company, such as a natural gas company or telephone company,
- an arena,
- a school,
- a commercial or private club,
- a public or private hospital,
- a community centre,
- a nursing home,
- a nursery school,
- a library,
- a group home, in accordance with the provisions of Section 5.32 of this By-law,
- a public park,
- any other institutional or community facility use,
- accessory buildings or uses to the above uses.

29.3 ZONE REGULATIONS

29.3.1 For All Principal Buildings

- Lot Area (Minimum) 8000 sq. metres (86,114 sq. ft.)
- Lot Frontage (Minimum) 76 metres (250 ft.)
- Front Yard (Minimum) 10 metres (32.8 ft.)
- Rear Yard (Minimum) 10 metres (32.8 ft.)
- Interior Side Yard (Minimum) 7.5 metres (24.6 ft.)
- Exterior Side Yard (Minimum) 10 metres (32.8 ft.)
- Lot Coverage (Maximum) 40 percent
- Building Height (Maximum) 15 metres (49.2 ft.)
- Off-street parking shall be provided in accordance with Section 5.30.

29.3.2 For Accessory Buildings Not Attached To The Principal Building

- Rear Yard (Minimum) 1.5 metres (4.9 ft.)
- Interior Side Yard (Minimum) 1.5 metres (4.9 ft.)

- Exterior Side Yard (Minimum) 10 metres (32.8 ft.)
- Building Height (Maximum) 4.5 metres (14.8 ft.)

29.3.3 For Lands Abutting A Residential Zone or Residential Use

Notwithstanding the provisions of subsection 29.3.1, where a rear yard and/or interior side yard abuts a residential zone or existing residential use then such interior side yard shall be a minimum of 10 metres (32.8 ft.) and such rear yard shall be a minimum of 15 metres (49.2 ft.). The 1 metre (3.3 ft.) strip immediately adjacent to the rear yard and/or interior side yard shall be landscaped.

29.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the CF Community Facility Zone.

29.5 SPECIAL CF COMMUNITY FACILITY ZONES

CF-1 (Lot 6, Concession VII, Storrington District - St. John's Anglican Church)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Community Facility (CF-1) shall be used only in accordance with the following:

- There shall be no off-street parking.
- The minimum lot area shall be 678 sq. metres (7,298.17 sq. ft.).
- The minimum lot frontage shall be 11.67 metres (38.3 ft.).
- The minimum rear yard shall be 2.4 metres (7.9 ft.).
- The minimum exterior side yard shall be 3.9 metres (12.8 ft.).

All other provisions of this by-law shall apply.

CF-2 (Part Lots 20 and 21, Concession VII, Loughborough District – Greek Orthodox Metropolis)
Notwithstanding any provision of this by-law to the contrary, on the lands zoned Special Community Facility (CF-2), the following provisions shall apply:

- Permitted Uses
    a. a summer camp
    b. religious facilities
    c. dormitory uses
    d. associated cooking and eating facilities
    e. associated play areas
    f. accessory uses to the above

- Special Provision
  A site development plan shall be prepared and submitted to the satisfaction of the Township of South Frontenac and a maintenance agreement be entered into, to ensure

future maintenance of the access right-of-way to the property, prior to the Holding ('h') symbol being removed from the zoning map by amendment to this By-law.

CF-3 (Part Lot 9, Concessions VII and VIII, Bedford District – Upitis)
Notwithstanding the permitted uses of section 29.2 or any other provision of this By-law to the contrary, on the lands zoned Special Community Facility (CF-3) Zone, the following uses only are permitted:

- a community centre for adult educational workshops in the arts and the environment consisting of:
    a. three studio buildings
    b. four cabins
    c. four storage sheds
    d. a lodge building
    e. accessory uses to the above

All other provisions of this by-law shall apply.

CF-4 (Part Lot 7, Concession III, Loughborough District – Township - Initiated)
Notwithstanding the permitted uses of section 29.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Community Facility (CF-4) Zone, the following setback applies:

- Interior Side Yard (Minimum) 3 metres (10 ft.)

All other provisions of this by-law shall apply.

CF-5 (Lot 4, Concession IV, Loughborough District – County Ambulance Base
Notwithstanding the zone regulations in section 29.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Community Facility (CF-5) the following provisions shall apply:

- Lot Frontage (Minimum) 60.5 metres (200 ft.)
- Lot Area Minimum) 4,047 sq. metres (1 ac.)

All other provisions of this by-law shall apply.

CF-6 (Lot 19 Concession VI, Portland District – Kerr
Notwithstanding the zone regulations in section 29.3.1 or any other provision of this By-law to the contrary, on the lands zoned Special Community Facility (CF-5) the following provisions shall apply:

- Lot Area (Minimum) 857 metres^2 (0.2 ac.)
- Lot Area Minimum) 37 metres (121 ft.)

All other provisions of this by-law shall apply.

SECTION 30 - OS OPEN SPACE - PUBLIC ZONE

30.1 Within an OS - Open Space - Public Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

30.2 PERMITTED USES

- public open space and conservation uses, reforestation and other activities connected with the conservation of soil and wildlife,
- agricultural uses but not intensive agricultural uses,
- a fairground,
- a woodlot,
- a public park, conservation area, playground, playing field, recreational trail, swimming pool, wading pool, beach, picnic area, bandstand, skating rink, tennis court, bowling green, marine facility, campgrounds, interpretive centre, flood control structure, parking area or other similar outdoor recreational uses, both passive and active, all owned and/or operated by a public authority,
- an accessory dwelling or dwelling unit for a caretaker or security guard, in accordance with the provisions of Section 5.19 of this By-law,
- accessory buildings or uses to the above uses, including an accessory commercial building or use to serve an open space use.

30.3 ZONE REGULATIONS

- The minimum distance of buildings or structure from any lot line shall be 10 metres (32.8 ft.).
- The minimum distance of buildings or structures from the centre line of any road shall be 30 metres (98.4 ft.).
- Building Height (Maximum) 6 metres (19.7 ft.)
- Lot coverage (Maximum) 10 percent

30.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the OS Open Space Public Zone.

30.5 SPECIAL OS OPEN SPACE PUBLIC ZONES

OS-1 (Part Lots 3, 4, 5, 6, Concession 5, and Lots 7, 8, 9, 10, 11, Concession VI, Loughborough District)

Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Open Space (OS-1) shall be used only in accordance with the following:

- The lands shall only be used for public recreational uses. For the purpose of this by-law, public recreational uses shall be limited to walking, hiking, biking, horseback riding, skiing and snowmobile riding. No buildings or structures, except underground utility and servicing facilities, shall be permitted on lands zoned Special Open Space. The terms and conditions for the use of the lands for recreational purposes shall be governed by an easement agreement between the landowner and the Cataraqui Region Conservation Authority. Specifically, the area zoned OS-1 includes those lands described as follows:
    a. Parts 2, 5, 7, 8, 9, 12, 13, Plan 13R-14606
    b. Parts 3, 6, 9, 15, 18, 21, 24, 25, 26, 27, 29, 31, Plan 13R-14563
    c. Parts 8, 15, 16, 17, 18, 20, 23, 25, 26, Plan 13R-14885
    d. Parts 2, 5, 8, 11, 14, 17, 20, 23, 26, Plan 13R-14881
- No building or structures except existing underground septic systems shall be located within 3.048 metres (10 feet) of any lands zoned Special Open Space (OS-1).

All other provisions of this by-law shall apply.

OS-2 (Part Lot 6, Concession VII, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Open Space (OS-2) shall be used only in accordance with the following:

- Permitted Uses
    a. skiing;
    b. an accessory dwelling unit.

All other provisions of this by-law shall apply.

SECTION 31 - OSP - OPEN SPACE - PRIVATE ZONE

31.1 Within an OSP - Open Space - Private Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section

31.2 PERMITTED USES

- private open space and conservation uses, reforestation and other activities connected with the conservation of soil and wildlife.

31.3 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the OSP Open Space Private Zone.

31.4 SPECIAL OSP OPEN SPACE PRIVATE ZONES

OSP-1 (Part Lot 22, Concession V, Bedford District)

Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Open Space Private (OSP-1) shall be used only in accordance with the following:

- Permitted Uses
    a. a marine facility;
    b. parking lot.

- No parking lot shall be located within 15.0 metres (49.2 ft.) of the highwater mark of any waterbody.

All other provisions of this by-law shall apply.

OSP-2 (Part Lot 11, Concession XIV, Bedford District)

Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Open Space Private (OSP-2) shall be used only in accordance with the following:

- Uses, the following shall NOT be permitted:
    a. recreation on beaches;
    b. buildings or structures;
    c. marine facility such as docks, boathouses or boat ramps;
    d. sewage disposal facility;
    e. structures which would alter the shoreline.

All other provisions of this by-law shall apply.

OSP-3 (Part Lots 9 and 10, Concession XIV, Bedford District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Open Space Private (OSP-3) shall be used only in accordance with the following:

- Permitted Uses
    a. No buildings or structures shall be permitted;
    b. A natural bird sanctuary shall be the only use permitted.

All other provisions of this by-law shall apply.

OSP-4 (Part Lots 26 and 27, Concession V, Bedford District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Open Space Private (OSP-4) shall be used only in accordance with the following:

- Permitted Uses
    a. Forestry uses and walking trails shall be the only permitted uses.
    b. No buildings or structures shall be permitted.

All other provisions of this by-law shall apply.

OSP-5 (Part Lots 11 and 12, Concessions I and II, Storrington District - Loughborough Shores Phase 2)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Open Space Private (OSP-5) shall be used only in accordance with the following:

- Permitted Uses
    a. The lands shall be used only for uses existing on the day of adoption of this by-law.

- Zone Provisions
    a. No further severance or development of the lands zoned Special Open Space Private (OSP-5) is permitted unless a source of potable water is identified to the satisfaction of the municipality.

All other provisions of this by-law shall apply.

OSP-6 (Part Lot 1, Concession XIII, Bedford District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Open Space Private (OSP-6) shall be used only in accordance with the following:

- Permitted Uses
    a. Only boat launching and docking facilities approved by the Ministry of Natural Resources shall be permitted.
    b. No other uses shall be permitted.

- Zone Provisions

a. Lot Area (Minimum) 0.2 ha (2,000 m^2) (0.49 acres) (21,528.5 $ft.^2$)
b. Lot Frontage (Minimum) 30 metres (98.4 ft.)

All other provisions of this by-law shall apply.

OSP-7 (Part Lot 6, Concession VI, Loughborough District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Open Space Private (OSP-7) shall be used only in accordance with the following:

- Permitted Uses
    a. Permitted uses shall be limited to facilities for stormwater detention.

All other provisions of this by-law shall apply.

OSP-8 (Lot 23, Concession VII, Storrington District - Curragh)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Open Space Private (OSP-8) shall be used only in accordance with the following:

- Permitted uses shall be limited to facilities for stormwater detention.

All other provisions of this by-law shall apply.

OSP-9 (Part Lots 21 and 22, Concession X, Bedford District - Camp Iawah)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Open Space Private (OSP-9) shall be used only in accordance with the following:

- Permitted uses shall be limited to a church camp as it existed on the day of passing of this zoning by-law, including all campsites, buildings and structures. Any future expansion of the camp shall require an amendment to the zoning by-law.

All other provisions of this by-law shall apply.

OSP-10 (Part Lots 20 and 21, Concession V, Storrington District - Applewood)
Notwithstanding the provisions of section 31.2 or any provision of this by-law to the contrary, on the lands zoned Special Open Space Private (OSP-10) the following uses are permitted:

- A marine facility.
- An accessory structure limited to a gazebo with storage.

All other provisions of this by-law shall apply.

OSP-11 (Part Lots 23 and 24, Concessions VI & VII, Loughborough District – Johnston Point)
Notwithstanding the provisions of section 31.2 or any provision of this by-law to the contrary, on the lands zoned Special Open Space Private (OSP-11) the following provisions shall apply:

- Permitted Uses
    a. Docks
    b. A walkway

- Zone Regulations

a. Number of docks permitted on mainland portion of the property (Maximum)	1
b. Number of docks permitted on the island portion of the property (Maximum)	1
c. Mainland Dock area (Maximum)	30 metres^2
d. Mainland Dock perimeter (Maximum)	80 metres
e. Island Dock area (Maximum)	60 metres^2
f. Island Dock perimeter Maximum)	45 metres
g. Walkway width (Maximum)	1.5 metres
h. Walkway setback from wetland boundary (Minimum)	3 metres

- For the purposes of this section, “perimeter” shall mean all surfaces that abut water.

All other provisions of this by-law shall apply.

OSP-12 (Part Lots 23 and 24, Concessions VI & VII, Loughborough District – Johnston Point)
Notwithstanding the provisions of section 31.2 or any provision of this by-law to the contrary, on the lands zoned Special Open Space Private (OSP-12) the following provisions shall apply:

- Permitted Uses
    a. A dock
    b. A walkway

- Zone Regulations

a. Number of docks permitted (Maximum)	1
b. Dock area (Maximum)	15 metres^2
c. Dock length (Maximum)	8 metres
d. Walkway width (Maximum)1.5 metres	

All other provisions of this by-law shall apply.

SECTION 32 - EP - ENVIRONMENTAL PROTECTION ZONE

32.1 Within an EP - Environmental Protection Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section. Only lands which have been identified as provincially significant wetlands or where an engineered floodline has been established have been zoned Environmental Protection. All other lands which should be protected for their environmental value shall be developed in accordance with Section 5.37 of this by-law.

32.2 PERMITTED USES

b. existing agricultural uses,
c. a conservation use excluding any buildings,
d. a use that was in existence on or before the date of passage of the Official Plan,
e. a building or structure required by a public authority for flood or erosion control or for conservation or wildlife management purposes,
f. accessory uses to the above uses, excluding any buildings,
g. docks, subject to approval of the appropriate authority.

32.3 ZONE REGULATIONS

h. All applications for development adjacent to EP lands shall be dealt with on a site-by-site basis, at the time of application.
i. Additional zone regulations shall be established by Council at the time of application in consultation with the Conservation Authority, the Ministry of Natural Resources and/or the Canadian Parks Service.
j. The minimum separation distance between uses and EP lands shall be 30 metres (98.4 ft.).
k. The appropriate setbacks from the high water mark of any lake, river, creek, stream or wetland shall be established by Council at the time of application, in consultation with the Conservation Authority, the Ministry of Natural Resources, and/or the Canadian Parks Service.

32.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the EP - Environmental Protection Zone.

32.5 SPECIAL EP - ENVIRONMENTAL PROTECTION ZONES

EP-1 (Part Lots 1, 2 and 3, Concession XIII, Portland District - Meredith)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Environmental Protection (EP-1) shall be used only in accordance with the following:

- A building permit may be issued for an accessory building to a principal use providing that no building or structure is located below the contour elevation 139.29 metres G.S.C. (457.0 ft.).

All other provisions of this by-law shall apply.

EP-2 (Part Lots 17 and 18, Concession VII, Storrington District - Collins Lake Estates)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Environmental Protection (EP-2) shall be used only in accordance with the following:

- Boundary of Zone
    a. The boundary of the EP-2 zone shall be defined to encompass all lands situated within 30 metres (98.4 ft.) of the highwater mark of Collins Lake and all lands situated within 15 metres (49.2 ft.) of the highwater mark of the nameless stream traversing Part of Lots 27 and 28, Concession 7 in the District of Storrington.

- Permitted Uses
    a. The uses permitted within the EP-2 zone shall be limited to those uses existing as of the date of passage of this by-law, and walkways, boardwalks, a dock, a water intake pumping station for use in conjunction with a mechanical irrigation system, and conservation uses excluding buildings.

- Zone Requirements
    a. On lands zoned EP-2, no building, structure or private sanitary sewage disposal system, other than a dock, a walkway, a boardwalk and/or a water intake pumping station, shall be located within 30 metres (98.4 ft.) of the highwater mark of Collins Lake.
    b. On lands zoned EP-2, no building, structure or private sanitary sewage disposal system, other than a walkway and/or a boardwalk, shall be located within 15 metres (49.2 ft.) of the highwater mark of the nameless stream that traverses Part of Lots 27 and 28, Concession 7 in the District of Storrington.
    c. The maximum width of the site of a water intake pumping station, meaning the average horizontal distance between the two longest and opposite sides of the site, shall be 10 metres (32.8 ft.).

All other provisions of this by-law shall apply.

EP-3 (Part Lot 17, Concession VII, Storrington District - Collins Lake Estate Subdivision)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Environmental Protection (EP-3) shall be used only in accordance with the following:

- Boundary of Zone
    The boundary of the EP-3 zone shall be defined to encompass all lands situated within 30 metres (98.4 ft.) of the highwater mark of Collins Lake.

- Permitted Uses
    a. The uses permitted within the EP-3 zone shall be limited to those uses existing as of the date of passage of this by-law, and walkways, boardwalks and conservation uses excluding buildings.

- Zone Requirements

  On lands zoned EP-3, no building, structure or private sanitary sewage disposal system, other than a walkway and/or a boardwalk shall be located within 30 metres (98.4 ft.) of the highwater mark of Collins Lake.

All other provisions of this by-law shall apply.

EP-4 (Lot 21, Concession II, Storrington District - Matias Subdivision)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Environmental Protection (EP-4) shall be used only in accordance with the following:

- Permitted Uses
  a. facilities for stormwater detention;
  b. docks approved by the Ministry of Natural Resources.

- All other development including buildings, structures and septic systems, save and except for mantles or portions of mantles, shall not be permitted.

All other provisions of this by-law shall apply.

EP-5 (Part Lots 18 and 19, Concession II, Storrington District - Moreland)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Environmental Protection (EP-5) shall be used only in accordance with the following:

- Permitted Uses
  a. existing agricultural uses;
  b. existing residential uses;
  c. existing non-residential uses;
  d. conservation uses excluding buildings;
  e. forestry uses excluding buildings.

All other provisions of this by-law shall apply.

EP-6 (Lot 7, Concession XI, Portland District)
Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Environmental Protection (EP-6) shall be used only in accordance with the following:

- Permitted Uses
  a. in addition to the uses permitted in the Environmental Protection Zone, the existing dwelling shall be a permitted use;
  b. the existing dwelling shall take access from Silver Rock Lane.

All other provisions of this by-law shall apply.

SCHEDULES ‘A’ TO ‘J’

TO BY-LAW NO. 2003-75

COMPREHENSIVE ZONING BY-LAW

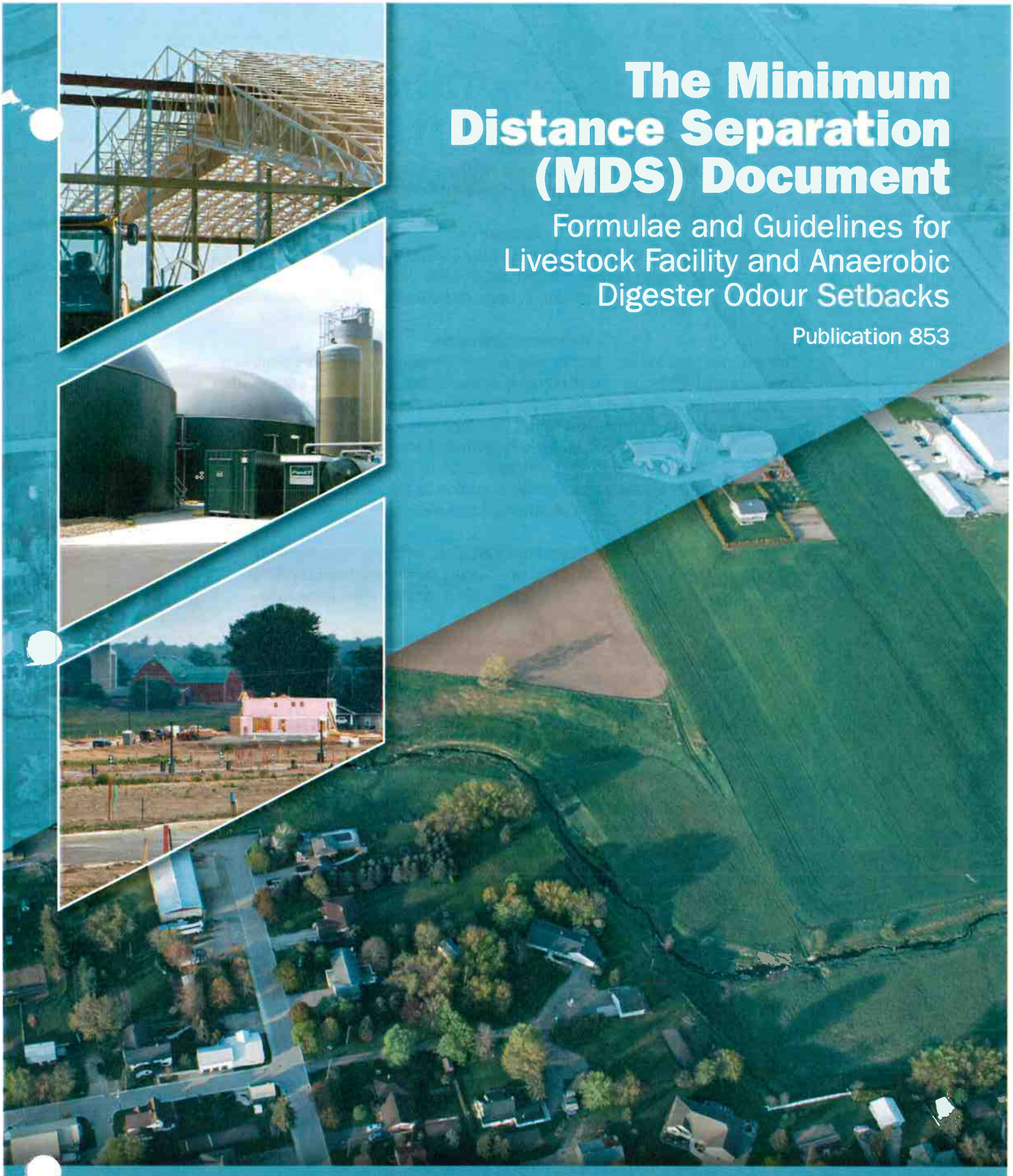
OF THE

TOWNSHIP
OF
SOUTH FRONTENAC

(Districts of Bedford, Portland, Loughborough and Storrington)

APPENDIX 1

MINIMUM DISTANCE SEPARATION FORMULAE (MDS I and MDS II)



The Minimum Distance Separation (MDS) Document

Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks

Publication 853

Ministry of Agriculture, Food and Rural Affairs

Ontario

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Disclaimer
This publication is for informational purposes only. It is intended to serve as a guide to the Provincial Policy Statement, 2014, and not as expert advice.

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1. OVERVIEW

The Minimum Distance Separation (MDS) Document represents the *Minimum Distance Separation Formulae* as defined in the Provincial Policy Statement, 2014 (PPS). It replaces all earlier versions of the MDS Formulae and Implementation Guidelines. The MDS Document is a land use planning tool developed by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA). The intent of this document is to prevent land use conflicts and minimize nuisance complaints from odour.

The MDS Document is designed to be read in conjunction with the *Planning Act, 1990*, the *Building Code Act, 1992*, the *Nutrient Management Act, 2002*, the policies of the PPS and other applicable laws and provincial plans. In addition, it is intended for individuals who have a basic understanding of *livestock* agriculture or a related discipline. It is not the purpose of this document to provide a basic education in *livestock* agriculture, or to provide the technical expertise for undertaking all the analyses required to satisfy all of the policies contained in the PPS. This MDS Document is aimed for use primarily by municipalities, planning boards and other similar planning authorities; as well as farmers, landowners, developers, land use planners, agrologists, nutrient management consultants, commissions, farm organizations, non-governmental organizations and the general public to ensure consistency with PPS policies related to the MDS Formulae. The intended audience of this MDS Document includes individuals involved in:

- the planning, design, layout, construction and operation of *livestock facilities* and *anaerobic digesters*;
- the development and review of land use planning documents;
- the review and approval of development applications, including but not limited to official plan amendments, zoning by-law amendments, consents to sever, minor variances, development permits and site plan agreements; and,
- matters before provincial boards and tribunals such as the Ontario Municipal Board and the Normal Farm Practices Protection Board.

The MDS Document provides technical guidance for implementing both the MDS Formulae and Implementation Guidelines as required in the PPS and other applicable provincial plans. This document is intended to support and clarify, but not add to or detract from the policies of the PPS or other applicable provincial plans.

In accordance with the PPS, new land uses in *prime agricultural areas* and on *rural lands* shall comply with the *Minimum Distance Separation Formulae*. Consequently, both the formulae and Implementation Guidelines contained in this MDS Document shall be referenced in municipal official plans, and detailed provisions included in municipal comprehensive zoning by-laws such that, as a minimum, MDS setbacks are required in all designations and zones where *livestock facilities* and *anaerobic digesters* are permitted.

Sections 1, 2, 6, 7 and 8 of this document are provided for information and background purposes. They are intended to provide broader context for the MDS Formulae and Implementation Guidelines, and to assist users with implementation, as well as provide information on related land use topics. Sections 1, 2, 6, 7 and 8 are not intended to be incorporated into municipal land use planning documents.

However, the remainder of this MDS Document (Sections 3, 4 and 5) comprise the *Minimum Distance Separation Formulae* as referenced in the PPS and provincial plans, and as such shall form the basis for MDS provisions that are incorporated into local land use planning documents. There are multiple approaches to incorporating this MDS Document into local land use planning documents that may achieve consistency with the PPS and provincial plans. More information on these approaches is found in Section 8. Regardless of the approach selected, it is recommended that a municipality seek its own legal advice regarding amending its planning documents to accommodate MDS provisions.

2. INTRODUCTION AND BACKGROUND

2.1 Preface

Livestock agriculture in Ontario is an important economic driver that contributes many jobs and billions of dollars each year to the provincial economy. But agriculture continues to evolve and change. Farms are increasing in size and complexity, and fewer people living in *rural areas* are farmers. Permitting development which is incompatible with *livestock facilities* and *anaerobic digesters* can have a detrimental impact on the ability of surrounding agricultural operations to expand. New development in the *rural area* introduces potential new sources for nuisance complaints regarding odour from *livestock facilities* and *anaerobic digesters*. Increasingly, farm operators are finding it difficult to expand or establish new *livestock* operations, especially in parts of the province where historically there has been more fragmentation of the agricultural land base through *lot* creation. *Livestock* operations generally prefer to locate on suitable agricultural land and away from potential land use conflicts with surrounding land uses. In recognition of the need to protect agricultural land for *agricultural uses*, the province has a long history of land use policies protecting agricultural land and farm operations.

2.2 History of MDS

Provincial direction for separation siting of Ontario *livestock facilities* originated in 1970, with the introduction of the publication entitled, A *Suggested Code of Practice*. Ontario was experiencing what at the time seemed like a proliferation of new, large *livestock facilities*. 'Large' at that time was 600 feeder hogs, 60 dairy cows or 15,000 chicken broilers. Today, large *livestock facilities* are commonly triple the size of those of the past, accommodating 2,000 feeder hogs, 250 dairy cows, or 50,000 chicken broilers at one time. To address nuisance effects associated with odour, A *Suggested Code of Practice* recommended fixed setbacks between *livestock facilities* and surrounding *dwellings*, residential zones, *lot* lines and roads. A *Suggested Code of Practice* rationalized that the effect of objectionable odours in a neighbourhood could be reduced if these uses were located as far as practically possible from surrounding *dwellings*. A *Suggested Code of Practice* also encouraged farmers to apply for a Certificate of Approval from the government, which outlined the minimum amount of land required, based on the number of animal units on the farm, to avoid the risk to groundwater pollution by nitrogen compounds. This matching of land base to animal units was the first rudimentary reference to a nutrient management plan, which a generation later helped form the basis for the *Nutrient Management Act, 2002*. Revisions were made in a subsequent edition of A *Suggested Code of Practice* in 1973. While it contained a framework for the establishment and expansion of *livestock* enterprises, it provided little protection from encroachment by other land uses.

In 1976, the *Agricultural Code of Practice* was published which incorporated a number of changes and provided a two-way approach to separating *livestock facilities* from non-compatible uses and vice-versa. It introduced the concept of a sliding scale for separation distances, since fixed distances were too restrictive, or too lenient, depending on the size and type of farm. As part of the *Agricultural Code of Practice*, the Minimum Distance Separation I (MDS I) formula was established to determine setbacks between proposed new *development* and existing *livestock facilities*. The Minimum Distance Separation II (MDS II) formula was established under the *Agricultural Code of Practice* to determine setbacks between proposed new, enlarged or renovated *livestock facilities* and other existing or approved development.

Both the MDS I and MDS II Formulae were updated slightly in 1995 in two publications entitled, *Minimum Distance Separation I (MDS I)* and *Minimum Distance Separation II (MDS II)*, but the basic principles of the formulae from the *Agricultural Code of Practice* remained the same.

In 2006, both MDS I and MDS II formulae and guidelines were combined into one document, known as OMAFRA Publication 707, *Minimum Distance Separation (MDS) Formulae: Implementation Guidelines*. Both formulae were revised to use *Nutrient Units*, as defined in the *Nutrient Management Act, 2002*, for quantifying the size of the operation, rather than the former Animal Units and Livestock Units used in earlier versions of

the formulae. During the 2006 update, the methodology for calculating MDS I setbacks was also revised, so that calculated MDS I setback distances were more aligned with those generated by the MDS II formula for *first* and *altered livestock facilities*.

This MDS Document replaces all earlier versions of the MDS Formulae and Implementation Guidelines. Future reviews of this publication will be undertaken by OMAFRA in concert with other provincial regulatory, land use policy or plan reviews (e.g., PPS review), or earlier if OMAFRA deems necessary. The goal is to ensure the MDS Document reflects current land use planning practices and technological innovation within the *livestock* industry, and continues to meet the needs of agriculture and rural communities.

2.3 Policy Basis and Legislative Authority

The PPS is issued under the *Planning Act, 1990*, and provides policy direction on land use planning matters of provincial interest. Policy 2.3.1 of the statement reads:

> "*Prime agricultural areas* shall be protected for long-term use for agriculture.
>
> *Prime agricultural areas* are areas where *prime agricultural lands* predominate. *Specialty crop areas* shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2 and 3 lands, and any associated Class 4 through 7 lands within the *prime agricultural area*, in this order of priority."

The PPS sets out policies for *prime agricultural areas* which are intended to protect these areas for long-term use for agriculture. The PPS also supports a diversified rural economy, and promotes protection of agricultural and other resource-related uses on *rural lands*. MDS applies in *rural areas* for both *rural lands* and *prime agricultural areas*, as directed in PPS policies 1.1.5.9 and 2.3.3.3.

> "New land uses, including the creation of *lots*, and new or expanding *livestock facilities* shall comply with the *minimum distance separation formulae*."

PPS policy 1.1.3.8 (d) states that a planning authority may only identify a *settlement area* or allow the expansion of a *settlement area* boundary where it has been demonstrated that:

> "The new or expanding *settlement area* is in compliance with the *Minimum Distance Separation Formulae*."

Likewise, PPS policy 2.3.6.1 (b) states that planning authorities may only permit limited non-residential uses in *prime agricultural areas* provided that, among other things:

> "2. The proposed use complies with the *Minimum Distance Separation Formulae*."

The *Planning Act, 1990*, requires that decisions on land use planning matters shall be consistent with the PPS. This MDS Document represents the *Minimum Distance Separation Formulae* as defined in the PPS. Land use planning matters required to be consistent with the PPS include municipal official plans and zoning by-laws. Official plans and zoning by-laws must be updated to comply with the MDS requirements.

Updating zoning by-laws to require compliance with MDS is also important in relation to the issuance of building permits under the *Building Code Act, 1992*, for the construction of buildings, including new buildings, additions, alterations or change of use, etc. A chief building official must issue a building permit unless there is a contravention of the *Building Code Act, 1992*, building code or 'applicable law'. Municipal zoning by-laws are included in the list of 'applicable law' set out in the building code regulation (O. Reg. 322/12). When MDS provisions are incorporated in a municipal zoning by-law, they become one of the requirements that a chief building official must consider when determining whether to issue a building permit.

While MDS setbacks are an important and effective tool for dealing with nuisance issues related to odour, they will not eliminate all potential odour complaints, nor will they address other nuisance issues such as noise, dust, light, smoke, vibration or flies as listed under the *Farming and Food Production Protection Act, 1998*. The proper application of MDS may incidentally reduce potential conflicts associated with these nuisances. This document is only intended to deal with odour generated from *livestock facilities* and *anaerobic digesters*, and is not intended to address nuisance issues related to odour from the land application of manure or digestate. In addition to applying the appropriate MDS setbacks, municipalities are encouraged to develop provisions in their official plans and zoning by-laws to address PPS policies 2.3.6.2 and 1.1.3.8 (e) and provide for mitigation of impacts from new or expanding *settlement areas* and *non-agricultural uses* on surrounding agricultural operations.

The separation distances calculated by the MDS Formulae will vary according to a number of variables including type of *livestock*, number of *Nutrient Units*, the degree of expansion proposed, type of manure system and the form of development present or proposed. History shows that, where there has been sufficient separation distance between differing rural uses, there have been few odour complaints.

2.4 Effective Date

This MDS Document applies to all *Planning Act, 1990*, applications submitted on or after March 1, 2017. References in the PPS to *Minimum Distance Separation Formulae* should be taken as reference to this MDS Document for all *Planning Act, 1990*, applications submitted on or after March 1, 2017. For building permit applications, the effective provision in the zoning by-law applies. Municipalities should update their planning documents to reflect this updated MDS Document.

2.5 How to Use this MDS Document

This MDS Document is more than a set of individual Implementation Guidelines. The document is intended to be read in its entirety and all the relevant Implementation Guidelines are to be applied to each situation as if they are specifically cross-referenced with each other. While specific Implementation Guidelines sometimes refer to other Implementation Guidelines for ease of use, these cross-references do not take away from the need to read this MDS Document as a whole.

This MDS Document uses the same approach for defined terms and meanings as is used in the PPS. Except for references to legislation and other document titles which are italicized, italicized terms in this MDS Document are defined in Section 3 — Definitions. For non-italicized terms, the normal meaning of the word applies. Terms may be italicized only in specific provisions; for these terms, the defined meaning applies where they are italicized and the normal meaning applies where they are not italicized. Defined terms in Section 3 are intended to capture both singular and plural forms of these terms in this MDS Document. References within this document to 'municipalities' should be taken to include planning boards or other approval authorities, where appropriate. In order to correctly apply MDS setbacks, municipalities should keep their official plans and zoning by-laws up-to-date with this MDS Document.

This MDS Document represents the provincial standard with respect to the calculation of MDS setbacks. The only circumstances where municipalities may alter the application of MDS is where options are explicitly stated in specific Implementation Guidelines. In order to exercise these options, the relevant municipal planning documents (e.g., official plan or zoning by-law) must provide clear direction outlining the preferred local approach. In the absence of explicit policies in the appropriate municipal planning documents addressing these specific options, the default approaches identified in this MDS Document apply. The default approaches are outlined in Section 8 of this MDS Document. The following are specific Implementation Guidelines where MDS options are available to municipalities:

- Implementation Guideline #7 — MDS I setbacks for building permits on existing *lots*
- Implementation Guideline #9 — MDS I setbacks and *lot* creation for a *residence surplus to a farming operation*
- Implementation Guideline #35 — MDS I setbacks for *agriculture-related uses* and *on-farm diversified uses*
- Implementation Guideline #35 — MDS II setbacks for *agriculture-related uses* and *on-farm diversified uses*
- Implementation Guideline #38 — MDS II setbacks for cemeteries

These five options, found in four separate Implementation Guidelines, combined with the potential reduction of MDS setbacks for limited site-specific circumstances in accordance with Implementation Guideline #43, are the only areas where municipalities may exercise flexibility with respect to MDS implementation approaches.

Municipal setbacks for *livestock facilities* and *anaerobic digesters* (i.e., MDS II) shall not exceed those calculated by the MDS II formula, in accordance with provincial standards. For instance, municipal planning documents that require fixed setbacks for *livestock facilities* or *anaerobic digesters* which are greater than those established by this MDS Document may be viewed as inconsistent with PPS policy 2.3.3.2, which states:

> "In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards."

Municipalities who may be considering MDS setbacks for *development* (i.e., MDS I) which exceed those established by this MDS Document shall ensure they are consistent with PPS policy 4.9, which states:

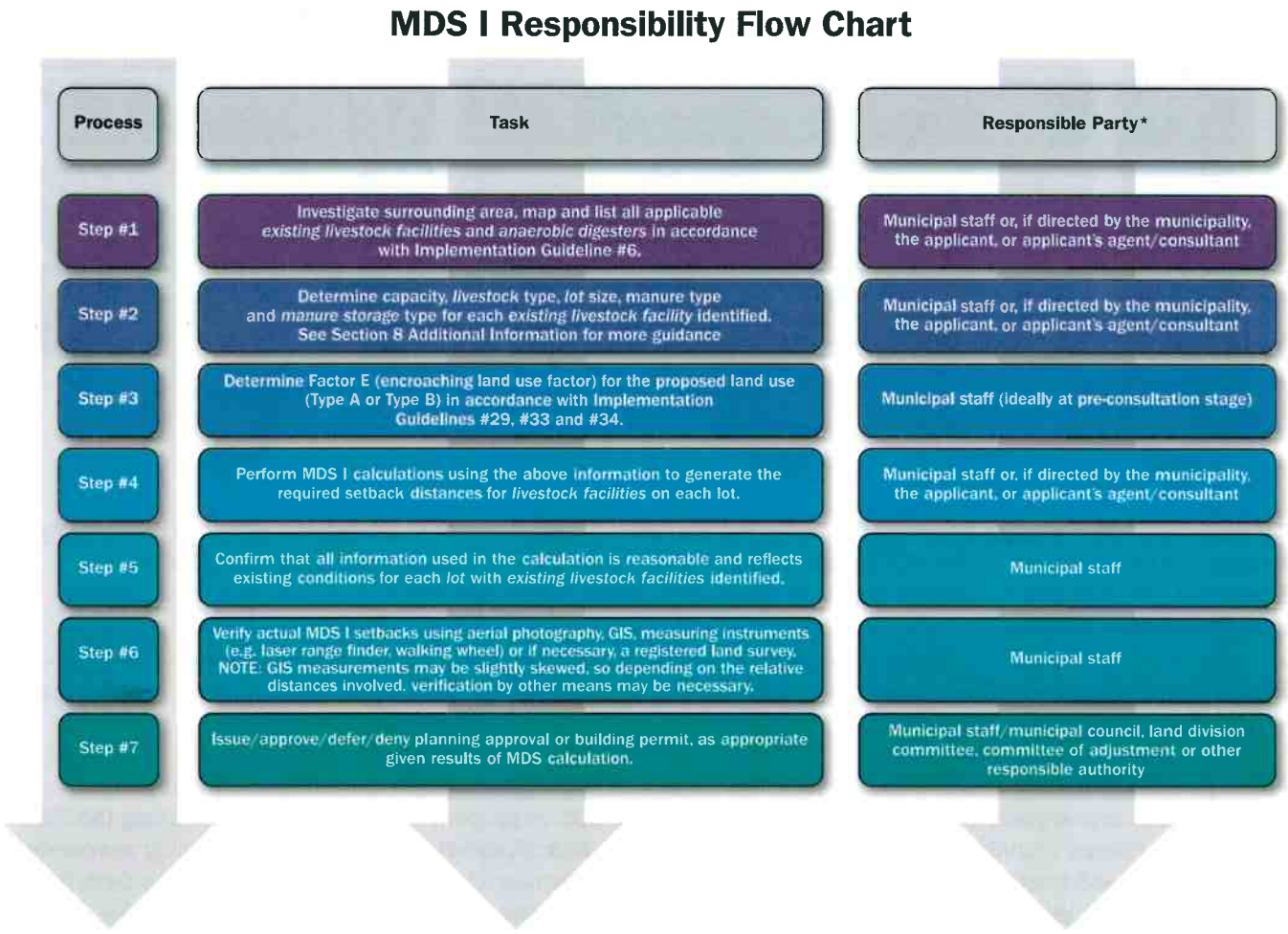
> "The policies of this Provincial Policy Statement represent minimum standards. This Provincial Policy Statement does not prevent planning authorities and decision-makers from going beyond the minimum standards established in specific policies, unless doing so would conflict with any policy of this Provincial Policy Statement."

Municipalities shall adopt MDS setback policies and provisions in their official plans and zoning by-laws respectively, so that the MDS setbacks are met through the appropriate implementation of this MDS Document.

2.6 Roles and Responsibilities for Implementing MDS

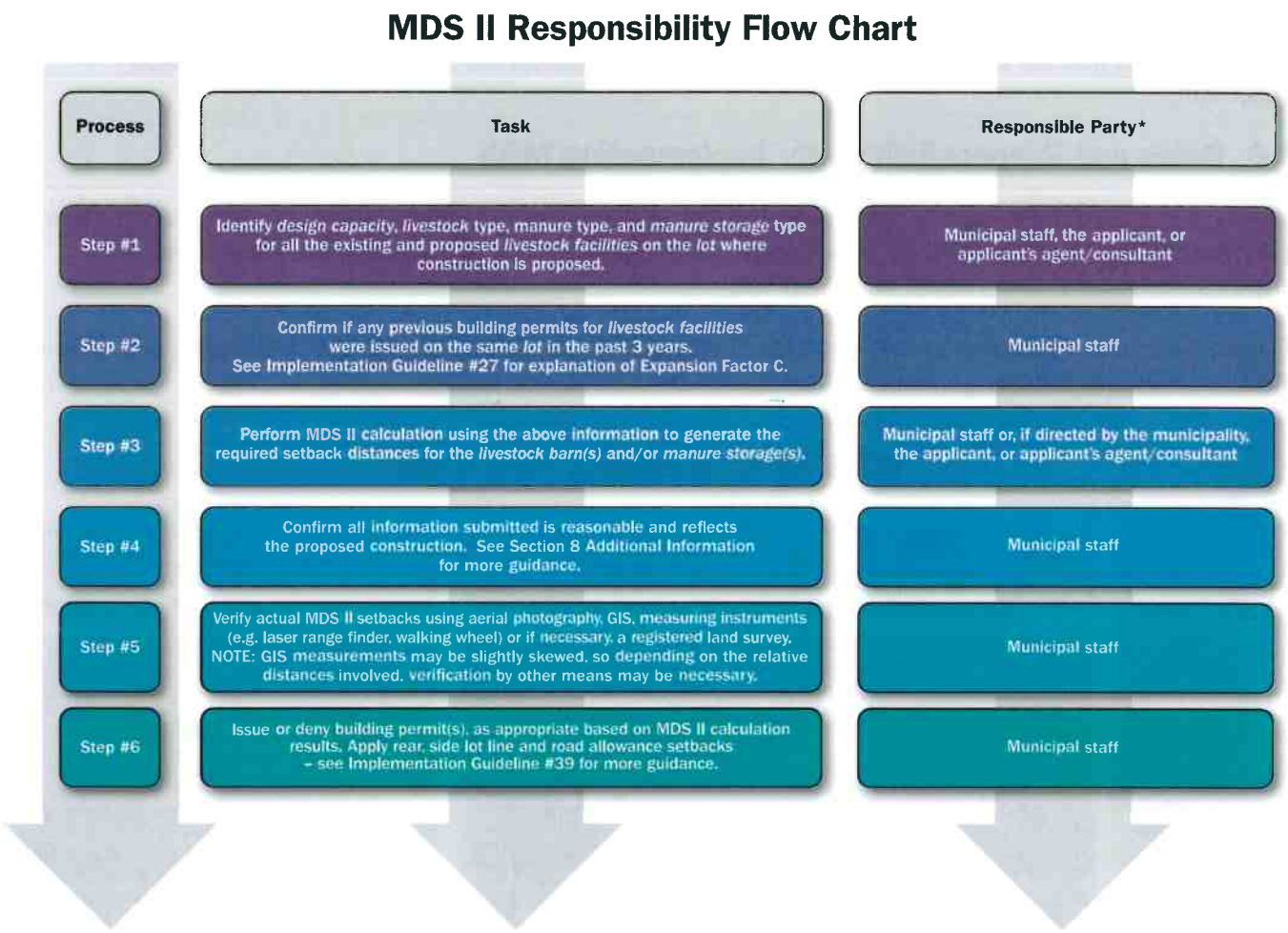
Municipalities are responsible for implementing MDS. While there are multiple tasks associated with ensuring the correct MDS setbacks are met, depending on the structure of the municipality, the person who is responsible for carrying-out those tasks may vary.

Figures 1 and 2 are designed to help understand who is responsible for each task in determining and applying MDS I or MDS II setbacks.



*The municipality, or other planning authority, is ultimately responsible for making every effort to reasonably ensure the factors used in the MDS I calculation are correct. OMAFRA Rural Planners are available to provide technical guidance interpreting Implementation Guidelines to all parties throughout the process.

Figure 1. MDS I responsibility flow chart.



*The municipality, or other approval authority, is ultimately responsible for making every effort to reasonably ensure the factors used in the MDS II calculation are correct. OMAFRA Environmental Specialists and Engineers are available to provide technical guidance interpreting Implementation Guidelines to all parties throughout the process.

Figure 2. MDS II responsibility flow chart.

Although OMAFRA staff is available to assist municipalities with specific technical MDS questions, it is ultimately the municipality who is responsible for ensuring MDS is properly calculated and for making the final decision on related planning or building permit applications. Municipalities may assume the liability associated with making these decisions. Therefore, it is recommended that municipalities make every effort to determine if the information used to carry-out an MDS calculation is reasonably accurate and reflects the existing conditions or proposed construction.

As a best practice, municipal staffs are strongly encouraged to specify when a building permit is for a *livestock facility* or *anaerobic digester*. The permit can include details regarding the type and number of *livestock* to be housed in the facility to be constructed or altered. This approach is more effective than issuing a permit for a generic agricultural building, which may or may not include the housing of *livestock*, and it could assist with the evaluation of potential building changes in the future.

2.7 Other Required Setbacks

There may be instances where additional setbacks for *livestock facilities* and *anaerobic digesters* are required under other legislation. For example, setbacks may be required for *anaerobic digesters* by O. Reg. 267/03 under the *Nutrient Management Act, 2002*. In instances where other setbacks are required by law, the greater setback would normally apply, except where the relevant statute or regulation provides otherwise.

2.8 The MDS Software

To assist in the calculation of MDS setbacks, OMAFRA has developed a new software program — Ontario Agricultural Planning Tools Suite ("AgriSuite") for use with this MDS Document.

As of March 1, 2017, the 2006 MDS software (Version 1.0.2), or earlier versions, distributed by OMAFRA are no longer considered the current version for purposes of calculating MDS setbacks. Instead, a new version is available through OMAFRA's website (ontario.ca/omafra) and can be used as a web application or downloaded and installed. Any subsequent software updates will automatically be available when the user has online connectivity. It is the sole responsibility of the person using this MDS Document and the AgriSuite software to verify the accuracy and correctness of the data and information used. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information, mistakes in calculation, errors arising out of modification of the software or errors arising out of incorrect inputting of data. Verify all data and calculations before acting on them.

2.9 Additional Information

When a neighbour is bothered by what they perceive as abnormal odours, noise, dust, light, vibration, smoke or flies, they should first try resolving the matter by speaking with the farmer believed to be creating the nuisance. If further mediation is still necessary, neighbours or farmers can contact OMAFRA's Agricultural Information Contact Centre at 1-877-424-1300 or by email at ag.info.omafra@ontario.ca. The Contact Centre will arrange for the appropriate OMAFRA staff person to contact the parties and facilitate a conflict resolution process. For those issues that cannot be resolved through mediation, the Normal Farm Practices Protection Board, established under the *Farming and Food Production Protection Act, 1998*, provides a forum for complaint resolution.

3. DEFINITIONS

Except for references to legislation and other document titles which are traditionally in italics, italicized terms in this MDS Document are defined below. For other terms, the normal meaning of the word applies. Terms may be italicized only in specific Implementation Guidelines; for these terms, the defined meaning applies where they are italicized and the normal meaning applies where they are not italicized. The following defined terms are intended to capture both singular and plural forms of these terms throughout this MDS Document.

Agricultural uses: The growing of crops, including nursery, biomass and horticultural crops; raising of *livestock*; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; associated on-farm buildings and structures, including but not limited to *livestock facilities*, *manure storages*, value-retaining facilities and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

Agri-tourism uses: Those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.

Agriculture-related uses: Those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations and provide direct products and/or services to farm operations as a primary activity.

Altered livestock facility: Any building activity occurring on, or in, an *existing livestock facility* that requires a building permit issued under the *Building Code Act, 1992*, and results in a change in *design capacity*. This also includes the alteration of earthen *manure storages*.

Anaerobic digester: A permanent structure designed for the decomposition of organic matter by bacteria in an oxygen-limiting environment. For the purposes of this MDS Document, *anaerobic digesters* include, but are not limited to, associated components, which may produce nuisance odours such as: digestion vessels, storages for *anaerobic digestion materials*, storages for *anaerobic digestion output (digestate)*, loading and unloading areas, gas flares and solid/liquid material separators. *Anaerobic digesters* also include the *anaerobic digester* vessels and components that do not currently operate, but have operated in the past and continue to be structurally sound and reasonably capable of operating.

Anaerobic digestion materials: Solid or liquid organic input materials that are intended for treatment in an *anaerobic digester*, whether the materials are generated at the agricultural operation or received at the agricultural operation from an outside source.

Anaerobic digestion output (digestate): Any solid or liquid materials that result from the treatment of *anaerobic digestion materials* in an *anaerobic digester*.

Design capacity: The maximum number of *livestock* that can be reasonably housed in ALL of the *livestock barns* on a *lot*, and/or the maximum volume of manure that can reasonably be stored in ALL of the *manure storages* on a *lot*. For *livestock barns*, this is measured in number of *livestock*, area of *livestock* housing or *Nutrient Units*. For *manure storages*, this is measured in volume or *Nutrient Units*. For the purposes of this MDS Document, this term does not apply to *anaerobic digesters*.

Development: The creation of a new *lot*, or a change in land use to permit a *non-agricultural use* or *residential use* which required or requires approval under the *Planning Act, 1990*. However, this does not include the construction of a *dwelling* accessory to an *agricultural use*.

Dwelling: Any permanent building that is used, or intended to be used, continuously or seasonally, as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

Existing livestock facility: A *livestock facility*, or a portion of a *livestock facility*, which has already been constructed, or for which a building permit has been issued under the *Building Code Act, 1992*.

First livestock facility: Any building activity to construct a new *livestock facility* on a *lot* that requires a building permit issued under the *Building Code Act, 1992*, where there is currently no *existing livestock facility* on that *lot*. This also includes the construction of earthen *manure storages*.

Infrastructure: Physical structures (facilities and corridors) that form the foundation for development. *Infrastructure* includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, and oil and gas pipelines and associated facilities.

Livestock: Includes beef cattle, birds, dairy cattle, deer and elk, fur-bearing animals, game animals, goats, horses, poultry, ratites, sheep, swine and other animals as identified in Table 1.

Livestock barns: One or more permanent buildings located on a *lot* which are intended for housing *livestock*, and are structurally sound and reasonably capable of housing *livestock*.

Livestock facilities: All *livestock barns* and *manure storages* on a *lot*, as well as all *unoccupied livestock barns* and *unused manure storages* on a *lot*.

Livestock occupied portion: Areas of a *livestock barn* where *livestock* spend the majority of their time, allowing substantial amounts of manure to accumulate. This DOES NOT include areas such as: alleys, equipment storages, feed bins, feed storage/preparation areas, field shade shelters, assembly areas, loading chutes, machinery sheds, milking centres, milking parlour holding areas, offices, pastures, riding arenas, silos, tack rooms, utility rooms and washrooms.

Lot: A parcel or tract of land, within a registered plan of subdivision or described in a deed or other legal document, that is capable of being legally conveyed.

Manure storage: A permanent storage which is structurally sound and reasonably capable of storing manure and which typically contains liquid manure (<18% dry matter) or solid manure (≥18% dry matter), and may exist in a variety of:

- locations (under, within, nearby, or remote from barn);
- materials (concrete, earthen, steel, wood);
- coverings (open top, roof, tarp, or other materials);
- configurations (rectangle, circular); and,
- elevations (above, below or partially above-grade).

Minimum Distance Separation Formulae: Formulae and guidelines developed by the province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

Non-agricultural uses: Buildings designed or intended for a purpose other than an *agricultural use*; as well as land, vacant or otherwise not yet fully developed, which is zoned or designated such that the principal or long-term use is not intended to be an *agricultural use*, including, but not limited to: commercial, future urban development, industrial, institutional, *open space uses*, *recreational uses*, *settlement area*, urban reserve, etc. However, this does not include *agriculture-related uses*, *on-farm diversified uses* and *residential uses*.

Normal farm practices: A practice, as defined in the *Farming and Food Production Protection Act, 1998*, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. *Normal farm practices* shall be consistent with the *Nutrient Management Act, 2002*, and regulations made under that Act.

Nutrient Unit: The amount of nutrients that give a fertilizer replacement value of the lower of 43 kg of nitrogen or 55 kg of phosphate as nutrient (as defined in O. Reg. 267/03 made under the *Nutrient Management Act, 2002*).

On-farm diversified uses: Uses that are secondary to the principal agricultural use of the property and are limited in area. *On-farm diversified uses* include, but are not limited to: home occupations, home industries, *agri-tourism uses* and uses that produce value-added agricultural products.

Open space uses: Environmental areas and parks that have limited public visitation and usually do not require buildings or alter the natural topography, such as conservation areas and parks typically without buildings and infrastructure.

Prime agricultural area: Areas where *prime agricultural lands* predominate. This includes areas of *prime agricultural lands* and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. *Prime agricultural areas* may be identified by the Ontario Ministry of Agriculture, Food and Rural Affairs using guidelines developed by the Province as amended from time to time. A *prime agricultural area* may also be identified through an alternative agricultural land evaluation system approved by the Province.

Prime agricultural land: *Specialty crop areas* and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection.

Recreational uses: Uses that generate frequent or regular public visitation and usually require buildings or infrastructure, such as campgrounds, golf courses, sports fields and trailer parks.

Residence surplus to a farming operation: An existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

Residential uses: Land, vacant or otherwise not yet fully developed, for which the zoning or designation permits *dwellings* for human habitation as the principal use, including, but not limited to: estate residential, low-density residential, rural residential, etc. However, this does not include *dwellings* accessory to an *agricultural use*.

Rural areas: A system of lands within municipalities that may include rural *settlement areas*, *rural lands*, *prime agricultural areas*, natural heritage features and areas, and resource areas.

Rural lands: Lands which are located outside *settlement areas* and which are outside *prime agricultural areas*.

Settlement areas: Urban areas and rural *settlement areas* within municipalities (such as cities, towns, villages and hamlets) that are:

a) built-up areas where development is concentrated and which have a mix of land uses; and
b) lands which have been designated in an official plan for development over the long-term planning horizon.

Specialty crop area: Areas designated using guidelines developed by the Province, as amended from time to time. In these areas, specialty crops are predominantly grown such as tender fruits (i.e., peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops and crops from agriculturally-developed organic soil, usually resulting from:

a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;
b) farmers skilled in the production of specialty crops; and
c) a long-term investment of capital in areas such as crops, drainage, *infrastructure* and related facilities and services to produce, store or process specialty crops.

Unoccupied livestock barn: A *livestock barn* that does not currently house any *livestock*, but that housed *livestock* in the past and continues to be structurally sound and reasonably capable of housing *livestock*.

Unused manure storage: A *manure storage* that does not currently store any manure, but that stored manure in the past and continues to be structurally sound and reasonably capable of storing manure.

4. IMPLEMENTATION GUIDELINES

The following outlines the specific Implementation Guidelines which shall be executed during the application of the *Minimum Distance Separation (MDS) Formulae* to calculate setbacks.

<table>
<tr><th>MDS I</th><th>MDS II</th></tr>
<tr><td colspan="2">#1. Referencing MDS in Municipal Planning Documents</td></tr>
<tr><td colspan="2">In accordance with the Provincial Policy Statement, 2014, this MDS Document shall apply in prime agricultural areas and on rural lands. Consequently, the appropriate parts of this MDS Document shall be referenced in municipal official plans, and detailed provisions included in municipal comprehensive zoning by-laws such that, at the very least, MDS setbacks are required in all designations and zones where livestock facilities and anaerobic digesters are permitted.

Sections 1, 2, 6, 7 and 8 of this document are primarily provided for information purposes, and are not required for inclusion in municipal planning documents; however, Sections 3, 4 and 5 comprise the Minimum Distance Separation Formulae as referenced in the PPS, and as such shall form the basis for MDS provisions enshrined in local land use planning documents. To exercise the various options available to municipalities under Implementation Guidelines #7, #9, #35 and #38, appropriate references must be included in the appropriate implementing land use planning document (official plan and/or comprehensive zoning by-law depending on the trigger for MDS); otherwise, the default approaches outlined in Implementation Guidelines #7, #9, #35 and #38 shall apply as written in this MDS Document.</td></tr>
<tr><td colspan="2">#2. For What, and When, is an MDS Setback Required?</td></tr>
<tr><td>The MDS I setback distances shall be met prior to the approval of: proposed lot creation in accordance with Implementation Guidelines #8 and #9; rezonings or re-designations in accordance with Implementation Guideline #10; building permits on a lot which exists prior to March 1, 2017 in accordance with Implementation Guideline #7; and as directed by municipalities for local approvals for agriculture-related uses or on-farm diversified uses in accordance with Implementation Guideline #35.

The information used to carry out an MDS I calculation must reflect the circumstances at the time that the municipality deems the planning or building permit application to be complete.</td><td>The MDS II setback distances shall be met prior to the approval of the building permit application for a first or altered livestock facility occupying an area greater than 10 m^2 or any anaerobic digester.

The information used to carry out an MDS II calculation must reflect the circumstances at the time that the municipality deems the building permit application to be complete.</td></tr>
</table>

MDS I	MDS II
#3. For What, and When, is an MDS Setback NOT Required?	
Certain proposed uses are not reasonably expected to be impacted by *existing livestock facilities* or *anaerobic digesters* and as a result, do NOT require an MDS I setback. Such uses may include, but are not limited to: · extraction of minerals, petroleum resources and mineral aggregate resources; · *infrastructure;* and · landfills. However, if one of the uses exempted from MDS I by this Implementation Guideline is later proposed to be rehabilitated or redeveloped to a use that is not an *agricultural use*, then MDS I setbacks shall be met prior to the approval of any required planning or building permit application. In addition, MDS I setbacks are NOT required from: · *livestock barns* occupying an area less than 10 m^2; · certain *unoccupied livestock barns* in accordance with Implementation Guideline #20; · certain *unused manure storages* in accordance with Implementation Guideline #21; · apiaries; · aquaculture facilities; · deadstock handling facilities; · fairground buildings; · feed storages; · field shade shelters; · greenhouses; · kennels; · machinery sheds; · meat plants (including abattoirs and slaughterhouses); · mushroom facilities; · pastures; · poultry hatcheries; · stockyards; · temporary field nutrient storage sites (as defined under the *Nutrient Management Act, 2002*); · veterinary clinics with housing for *livestock;* and · zoos.	Certain things that may or may not be associated with agriculture do NOT require MDS II setbacks. Such things may include, but are not limited to: · apiaries; · aquaculture facilities; · deadstock handling facilities; · fairground buildings; · feed storages; · field shade shelters; · greenhouses; · kennels; · machinery sheds; · meat plants (including abattoirs and slaughterhouses); · mushroom facilities; · pastures; · poultry hatcheries; · stockyards; · temporary field nutrient storage sites (as defined under the *Nutrient Management Act, 2002*); · veterinary clinics with housing for *livestock;* and · zoos. In addition, MDS II setbacks are NOT required from: · extraction of minerals, petroleum resources and mineral aggregate resources; · *infrastructure;* and · landfills.

MDS I	MDS II
#4. MDS Setbacks for Manure Transfer Facilities	
Some *livestock facilities* and *anaerobic digesters* require transfer facilities that store manure for less than 14 days before transfer to a longer-term permanent storage, or transfer to field spreading areas, or transfer off the farm. Transfer facilities include, but are not limited to: areas for settling sand out of liquid manure, small sumps for collection or mixing of liquid manure from several areas of a *livestock barn*, or outside concrete pads where solid manure is temporarily stored awaiting pickup by a custom manure broker. Manure transfer facilities are not considered permanent *manure storages* and instead will receive the same MDS setbacks as the *livestock barn*. In other words, the MDS setback for a transfer facility is the same as Building Base Distance 'F', and shall not generate its own separate Storage Base Distance 'S'.	
#5. MDS Setbacks for Earthen *Manure Storages*	
MDS setbacks are applied to *first* or *altered livestock facilities* (MDS II) and, reciprocally, from *existing livestock facilities* (MDS I), which in both cases includes earthen *manure storages*, despite these storages not being considered 'buildings' and, consequently, not requiring building permits at the time of construction. Simply because earthen *manure storages* do not require building permits does not exclude them from MDS setbacks, as these *livestock facilities* are permanent *manure storages* with defined boundaries and represent an odour source with the highest odour potential according to Table 5.	
#6. Required Investigation Distances for MDS	
A separate MDS I setback shall be required to be measured from all *existing livestock facilities* and *anaerobic digesters* on *lots* in the surrounding area that are reasonably expected by an approval authority to be impacted by the proposed application. As part of municipal consideration of planning or building permit applications, all *existing livestock facilities* or *anaerobic digesters* within a 750 m distance of a proposed Type A land use and within a 1,500 m distance of a proposed Type B land use shall be investigated and MDS I setback calculations undertaken where warranted. In circumstances where large *livestock facilities* (e.g., >1,200 *Nutrient Units*) exist beyond the 750 m or 1,500 m study area, MDS I setbacks from these facilities should also be calculated.	When investigating the surrounding area for applications to permit a *first* or *altered livestock facility* or *anaerobic digester*, MDS II setbacks shall be required to be measured from all existing and approved sensitive receptors reasonably expected by an approval authority to be impacted by the proposed *first* or *altered livestock facility* or *anaerobic digester*, including all existing and approved *development* and all *dwellings* on *lots* in the surrounding area.

MDS I	MDS II
#7. MDS I Setbacks for Building Permits on Existing *Lots*	
MDS I setbacks are not required for *dwelling* additions and renovations proposed on existing *lots*, even where an addition results in the existing *dwelling* being closer to a surrounding *livestock facility* or *anaerobic digester*. However, MDS I setbacks are required for all other building permit applications for *dwellings* on *lots* that existed prior to March 1, 2017, unless otherwise specified in a municipality's zoning by-law or where otherwise not required by this MDS Document. For *lots* created after March 1, 2017, MDS I setbacks shall be required for building permit applications for *dwellings* unless otherwise not required by this MDS Document. Where a setback is required, MDS I measurements shall be taken as the shortest distance between the proposed building to be constructed and either the *manure storages*, or *anaerobic digesters*, or the *livestock occupied portions* of the *livestock barns*. While municipalities have the option to exempt buildings proposed through building permit applications on *lots* which exist prior to March 1, 2017, they are strongly discouraged from exempting these applications. If local exemptions are supported for building permits on existing *lots*, a municipality shall adopt provisions in their comprehensive zoning by-law which clearly state the details for such exemptions. Examples of such provisions may include, but are not limited to, those which only require an MDS I setback for building permit applications: • on existing *lots* that are in a particular land use zone or designation (e.g., rural residential, estate residential); • on existing *lots* that are above or below a certain size threshold (e.g., 4 ha);	Not applicable

MDS I	MDS II
• on existing *lots* which are vacant (e.g., no existing *dwellings* or other buildings); • on existing *lots*, but where the MDS I setback cannot be met, then through a planning application, allow a *dwelling* provided that it be located as far as possible from the *existing livestock facility* from which the setback cannot be met; • on *lots* which exist prior to a specific date (e.g., March 1, 2017 or the date of adoption of comprehensive zoning by-law); or, • for certain types of buildings (e.g., *dwellings*).	
#8. MDS I Setbacks for *Lot* Creation	
Where *lot* creation is proposed, including new *lots* for *agricultural uses*, an MDS I setback is required for both the severed and retained *lot*. However, an MDS I setback is not required: • for a severed or retained *lot* for an *agricultural use* when that *lot* already has an existing *dwelling* on it; • for purposes such as easements, corrections of deeds, quit claims and minor boundary adjustments which do not result in the creation of a new *lot;* • for a severed or retained *lot* for *infrastructure* in accordance with Implementation Guideline #3; • for a severed or retained *lot* for an existing *non-agricultural use;* • for a severed or retained *lot* for *agriculture-related uses*, except where required by a municipality in accordance with Implementation Guideline #35; or • where noted in Implementation Guideline #9. NOTE: The *lot* creation policies contained in the PPS, provincial plans and other local *lot* creation policies continue to apply despite any exemptions from MDS I setbacks.	Not applicable

MDS I	MDS II
#9. MDS I Setbacks and *Lot* Creation for a *Residence Surplus to a Farming Operation*	
For a proposed severance of a *residence surplus to a farming operation*: 1. Where the existing *dwelling* to be severed and the nearby *livestock facility* or *anaerobic digester* are located on separate *lots* prior to the consent, an MDS I setback is not required for the consent application (or associated rezoning) unless otherwise required by a municipal official plan policy. This is because a potential odour conflict may already exist between those surrounding *livestock facilities* or *anaerobic digesters* and the existing *dwelling*. 2. An MDS I setback is always required for a proposed *lot* with an existing *dwelling* when prior to the consent, that *dwelling* is located on the same *lot* as an *existing livestock facility* or *anaerobic digester* and after the consent, the *dwelling* would be on a *lot* separate from that same *existing livestock facility* or *anaerobic digester*. This is because such a proposal could create a potential odour conflict as the *dwelling* and the *livestock facility* or *anaerobic digester* will be on separate conveyable *lots* if the severance is approved. This is the case regardless of how a municipality chooses to treat *existing livestock facility* on *lots* separate from the *dwelling* prior to the consent. 3. Where a new *lot* is proposed with an existing *dwelling* AND an *existing livestock facility* or *anaerobic digester* on it, an MDS I setback is not required for that *livestock facility* or *anaerobic digester* in accordance with Implementation Guideline #14. Refer to Figure 3 in Section 7 of this MDS Document for a drawing illustrating these three scenarios. NOTE: For severances of a *residence surplus to a farming operation*, an MDS I setback shall only be required for the newly created surplus *dwelling lot* and shall not be required for the remnant farm parcel nor for any associated rezonings of the severed or retained parcels.	Not applicable

MDS I	MDS II
#10. MDS I Setbacks for Zoning By-Law Amendments and Official Plan Amendments	
An MDS I setback is required for all proposed amendments to rezone or redesignate land to permit *development* in *prime agricultural areas* and *rural lands* presently zoned or designated for *agricultural use*. This shall include amendments to allow site-specific exceptions which add *non-agricultural uses* or *residential uses* to the list of *agricultural uses* already permitted on a *lot*, but shall exclude applications to rezone a *lot* for a *residence surplus to a farming operation* (e.g., to a rural residential zone) in accordance with Implementation Guideline #9 above. Amendments to rezone or redesignate land already zoned or designated for a *non-agricultural use*, shall only need to meet the MDS I setbacks if the amendment(s) will permit a more sensitive land use than existed before. In other words, if the proposal is to change an existing Type A land use (e.g., industrial use outside of a *settlement area*) to a Type B land use (e.g., commercial) in accordance with Implementation Guidelines #33 and #34, then an MDS I setback shall be required.	Not applicable
#11. MDS Setbacks for Reconstruction	
Where a municipality explicitly requires MDS I setbacks for building permit applications on *lots* which exist prior to March 1, 2017, in accordance with Implementation Guideline #7, an MDS I setback is NOT required for building reconstruction provided ALL of the following conditions are met: • the building which existed before the application was habitable; • the proposed building is for the same or less sensitive land use type (i.e., Type A or Type B in accordance with Implementation Guidelines #33 and #34) than the former building; and	MDS II setbacks are NOT required for *livestock facility* reconstruction provided the resulting *livestock facility* is built no closer to the surrounding existing or approved *development* or *dwelling* than the *livestock facility* which existed before the building permit application. However, MDS II setbacks shall be required if the proposed reconstruction includes an *anaerobic digester* or a *livestock facility* that meets at least ONE of the following conditions: • will house a different *livestock* type(s) which is more odorous than existed before reconstruction (resulting in a greater value for Factor A); or

MDS I	MDS II
• the proposed building is built no closer to the surrounding *livestock facilities* or *anaerobic digesters* than the former building.	• will house a greater number or area of *livestock* or store a greater volume of imported manure than existed before reconstruction (resulting in a greater value for Factor B); or • will change from a solid to a liquid manure system (resulting in a greater value for Factor D); or • will have a new *manure storage* with an increased relative odour potential (based on Table 5) than existed before reconstruction (e.g., going from a 'Very Low' to a 'Low' odour potential).
#12. Existing Uses that Do Not Conform to MDS	
An MDS I setback is required for proposed *development* or *dwellings*, even though there may be existing or approved *development* or dwellings nearby that do not conform to MDS I requirements. However, a reduced MDS I setback may be permitted provided there are four, or more, *non-agricultural uses*, *residential uses* and/or *dwellings* closer to the subject *livestock facility* than the proposed *development* or *dwellings* and those four or more *non-agricultural uses*, *residential uses* and/or *dwellings* are: • located within the intervening area (120° field of view shown in Figure 4 in Section 7 of this MDS Document) between the closest part of the proposed *development* or *dwelling* and the nearest *livestock facility* or *anaerobic digester*; • located on separate *lots*; and • of the same or greater sensitivity (i.e., Type A or Type B in accordance with Implementation Guidelines #33 and #34) as the proposed *development* or *dwelling*.	Even though there may be a portion of the existing *livestock facility* or existing *anaerobic digester* that does not conform to the MDS II setbacks, building permit applications for any *altered livestock facility* or *anaerobic digester* are still required to meet the MDS II setbacks.

MDS I	MDS II
If ALL of the above conditions are met, the MDS I setback for the proposed *development* or *dwelling* may be reduced such that it is located no closer to the *livestock facility* or *anaerobic digester* than the furthest of the four *non-agricultural uses*, *residential uses* and/or *dwellings* as shown in Figure 4.	
#13. Non-Application of MDS to Accessory Structures	
When an MDS I setback is required by a municipality for building permit applications on a *lot* which existed prior to March 1, 2017, in accordance with Implementation Guideline #7, an MDS I setback shall NOT be required for proposed structures accessory to a *dwelling*, including, but not limited to: decks, garages, gazebos, greenhouses, outbuildings, patios, picnic areas and sheds.	MDS II setbacks shall NOT be required from existing structures accessory to a *dwelling*, including, but not limited to: decks, garages, gazebos, greenhouses, outbuildings, patios, picnic areas and sheds.
#14. Uses Located on the Same *Lot*	
An MDS I setback is NOT required to be met for proposed *development*, *dwelling*, *agriculture-related use*, or *on-farm diversified use* from an *existing livestock facility* or *anaerobic digester* located on the same *lot* as the proposal.	MDS II setbacks are NOT required to be met for the *first* or *altered livestock facility* or *anaerobic digester* to any existing or approved *development*, *dwelling*, *agriculture-related use*, or *on-farm diversified use* located on the same *lot*.
#15. Same Ownership	
An MDS I setback is required for proposed *development* or *dwellings* even if the *lot* on which they are proposed is held by the same owner as the *existing livestock facility* or *anaerobic digester* nearby. This recognizes that a *lot* may be sold to a new owner, possibly resulting in a potential future land use conflict.	MDS II setbacks are required for a proposed *first* or *altered livestock facility* or *anaerobic digester* even if the *lot* on which they are proposed is held by the same owner as the existing or approved *development* or *dwellings* nearby. This recognizes that a *lot* may be sold to a new owner, possibly resulting in a potential future land use conflict.

MDS I	MDS II
#16. Obtaining Required Information to Calculate MDS Setbacks	
The preferred method for obtaining information (e.g., *livestock* and manure type as well as *design capacity*) to be used in MDS I calculations for a complete planning application is visiting the site and getting information directly from the farm operator(s) or owner(s) of the property where the *livestock facilities* or *anaerobic digesters* are located. If cooperation is not forthcoming, or there is concern about the accuracy of the information available, it may be helpful to obtain independent information by consulting other sources, including, but not limited to: • aerial photography; • best professional judgement about the past/most recent use of building(s); • current farm owner or operator (if different than the original information source); • existing municipal building permits on record; • Municipal Property Assessment Corporation (MPAC) records; • neighbouring landowners; • qualified consultant(s) knowledgeable about *livestock facilities;* or • OMAFRA staff. NOTE: Even though information may be provided by the applicant or their agent, ultimately, it is the responsibility of the municipality to determine if information used for an MDS I calculation is reasonably accurate and reflects existing conditions.	The only method for obtaining information (e.g., *livestock* and manure type as well as *design capacity*) to be used in MDS II calculations for the *first* or *altered livestock facility* is from the owner(s) or their agent with the application for the proposed construction. In some circumstances where information is missing, or there is a concern about the accuracy of the information available, it may be helpful to obtain independent information by carrying out a site visit or consulting other sources, including, but not limited to: • aerial photography; • best professional judgement about the past/most recent use of building(s); • current farm operator (if different than the owner/agent); • existing municipal building permits on record; • Municipal Property Assessment Corporation (MPAC) records; • neighbouring landowners; • qualified consultant(s) knowledgeable about *livestock facilities;* or • OMAFRA staff. NOTE: Even though information may be provided by the applicant or their agent, ultimately, it is the responsibility of the municipality to determine if information used for an MDS II calculation is reasonably accurate and reflects the proposed construction.

MDS I	MDS II
#17. Fewest Number of *Nutrient Units* Used when Calculating MDS	
The fewest number of *Nutrient Unit*s used in calculating MDS I setbacks is 5 *Nutrient Unit*s, even if the actual *design capacity* is fewer than 5 *Nutrient Unit*s. Accordingly, the MDS software will automatically round-up to the minimum of 5 *Nutrient Unit*s.	MDS II setbacks are required for all *first* or *altered livestock facilities*; however, the fewest number of *Nutrient Unit*s used in calculating MDS II setbacks is 5 *Nutrient Unit*s, even if the actual *design capacity* is fewer than 5 *Nutrient Unit*s. Accordingly, the MDS software will automatically round-up to the minimum of 5 *Nutrient Unit*s.
#18. MDS II for Building Permit Applications to Renovate Existing *Livestock Facilities*	
Not applicable	An MDS II setback is required prior to the approval of a building permit application to renovate *existing livestock facilities* that would result in an *altered livestock facility*. This is true even if the renovation results in the same *design capacity*, or a lower *design capacity* than what existed before. For example, an *existing livestock facility* to be renovated is more than 3 years old and has a *design capacity* of 150 *Nutrient Unit*s for swine feeders on a liquid manure system with an outside, uncovered, straight-walled liquid *manure storage* (M1 storage in Table 5). After the proposed renovation, the *altered livestock facility* will instead have a *design capacity* of 50 *Nutrient Unit*s for chicken broilers on a solid manure system with an outside, uncovered, solid *manure storage* (V3 storage in Table 6). NOTE: This would result in fewer *Nutrient Unit*s than before the renovation. · Factor A = 0.7 for chicken broilers (just for those *livestock* being added) · Factor B = 260 for 50 *Nutrient Unit*s · Factor C = 0.5 for a -66.7% increase (or 66.7% decrease), but Factor C always equals 0.5 for any decrease in *Nutrient Unit*s · Factor D = 0.7 for solid manure (just for those *livestock* being added)

MDS I	MDS II
Not applicable	• Building Base Distance ('F') = 0.7 x 260 x 0.5 x 0.7 = 63.7 m • Storage Base Distance ('S') = 63.7 m (for a V3 storage) Likewise, an MDS II setback is also required prior to the approval of a building permit application to renovate existing *anaerobic digesters* in accordance with Implementation Guideline #22.
#19. Cumulative *Design Capacity* of *Livestock Facilities* on a *Lot*	
MDS calculations shall be based on the combined *design capacity* for all *livestock barns* on a *lot*, even if they are *unoccupied livestock barns* or separated by a substantial distance on the *lot*. Where there are no *livestock barns* on a *lot*, MDS calculations shall be based on the combined *design capacity* for all *manure storages* on a *lot*, even if they are *unused manure storages* or separated by a substantial distance on the *lot*.	
#20. MDS Setbacks for *Unoccupied Livestock Barns*	
Design capacity for an MDS I calculation shall include all *unoccupied livestock barns* on a *lot* in accordance with this Implementation Guideline. First and foremost, the number of *livestock* or the area of *livestock* housing of *unoccupied livestock barns* should be based on information supplied by the farm operator(s) and/or owner(s). Only after concerted, documented effort has been made to obtain information from the farm operator(s) and/or owner(s), but obtaining information was not possible, then the following default Factors apply for *unoccupied livestock barns*: • Factor A = 1.0 • Factor B is based on 1 *Nutrient Unit*/ 20 m^2 of area of *livestock* housing (NOTE: Assume the barn is only one-story high if using aerial photography.) • Factor D = 0.7	*Design capacity* for an MDS II calculation shall include all *unoccupied livestock barns* on a *lot*. However, buildings deemed by a municipal building official, with input from a professional engineer or a consultant knowledgeable about *livestock facilities* where appropriate, as no longer being structurally sound, or reasonably capable of housing *livestock* shall not be included in an MDS II calculation.

MDS I	MDS II
However, an MDS I setback is not required when: • the building has been deemed by a municipal building official, with input from a professional engineer or a consultant knowledgeable about *livestock facilities* where appropriate, as no longer being structurally sound or reasonably capable of housing *livestock*; or • the portion of the *lot* on which the *unoccupied livestock barn* is located is zoned such that the building shall not be used for housing *livestock; or* • the floor area of the *unoccupied livestock barn* is <100 m^2.	
#21. MDS Setbacks for *Unused Manure Storages*	
Design capacity for an MDS I calculation shall include all *manure storages* on a *lot* in accordance with this Implementation Guideline, even if those storages are unused and not storing manure at the time of the MDS I application. First and foremost, the volume of *unused manure storages* should be based on information supplied by the farm operator(s) and/or owner(s). *Unused manure storages* for SOLIDS: Only after concerted, documented effort has been made to obtain information from the farm operator(s) and/or owner(s), but obtaining information was not possible, then the following Factors apply for *unused manure storages* for SOLIDS: • Factor A = 1.0 • Factor B is based on 1 *Nutrient Unit*/19.8 m^3 of volume for storages with two or more walls (NOTE: Assume manure is stored 1 m deep over the area enclosed by the two or more walls if using aerial photography). • Factor D = 0.7	*Design capacity* for an MDS II calculation shall include all *manure storages* on a *lot*, even if those storages are unused and not storing manure at the time of an MDS II application. However, structures deemed by a municipal building official, with input from a professional engineer or a consultant knowledgeable about *livestock facilities* where appropriate, as no longer being structurally sound, or reasonably capable of storing manure, shall not be included in an MDS II calculation.

MDS I	MDS II
However, an MDS I setback is not required when: • there is only one, or no, walls; or, • the structure has been deemed by a municipal building official, with input from a professional engineer or a consultant knowledgeable about *livestock facilities* where appropriate, as no longer being structurally sound or reasonably capable of storing manure; or, • the portion of the *lot* on which the *unused manure storage* is located is zoned such that the structure shall not be used for storing manure; or, • the floor area of the *unused manure storage* is <100 m^2. *Unused manure storage*s for LIQUIDS: Only after concerted, documented effort has been made to obtain information from the farm operator(s) and/or owner(s), but obtaining information was not possible, then the following Factors apply for *unused manure storage*s for LIQUIDS: • Factor A = 1.0 • Factor B is based on 1 *Nutrient Unit*/19.8 m^3 of *design capacity* (NOTE: Assume manure is stored 2.5 m deep and level over the area enclosed by storage walls if using aerial photography). • Factor D = 0.8 However, an MDS I setback is not required when: • the structure has been deemed by a municipal building official, with input from a professional engineer or a consultant knowledgeable about *livestock facilities* where appropriate, as no longer being structurally sound or reasonably capable of storing manure; or, • the portion of the *lot* on which the *unused manure storage* is located is zoned such the structure shall not be used for storing manure; or, • the floor area of the *unused manure storage* is <40 m^2.	

MDS I	MDS II
#22. MDS Setbacks for *Anaerobic Digesters*	
There is no calculation for an MDS I setback from an *anaerobic digester*. Instead, the required MDS I setbacks are fixed as follows: • 200 m to proposed Type A land uses • 450 m to proposed Type B land uses • 200 m to proposed *dwellings* Refer to Figure 5 in Section 7 of this MDS Document. Secondary elements related to the *anaerobic digester* such as gas and water pipes and electrical generator buildings or wires are not subject to MDS I setbacks. MDS I setbacks are measured from the closest associated component of the existing *anaerobic digester*.	There is no calculation for an MDS II setback for an *anaerobic digester*. Instead the required MDS II setbacks are fixed as follows: • 200 m from existing Type A land uses • 450 m from existing Type B land uses • 200 m from existing *dwellings* on a separate *lot* • 20 m from a rear and side *lot* line • 40 m from the edge of a road allowance Refer to Figure 6 in Section 7 of this MDS Document. Secondary elements related to the *anaerobic digester* such as gas and water pipes and electrical generator buildings or wires are not subject to MDS II setbacks. MDS II setbacks are measured to the closest associated component of the proposed *anaerobic digester*. MDS II setbacks for *anaerobic digesters* cannot be reduced through Implementation Guideline #43.
#23. Calculating Building Base Distance ('F')	
The MDS I formula for calculating Building Base Distance ('F') is: 'F' = Factor A x B x D x E. NOTE: Factor C is NOT used in MDS I.	The MDS II formula for calculating Building Base Distance ('F') is: 'F' = Factor A x B x C x D. NOTE: Factor E is NOT used in MDS II.
#24. Determining Storage Base Distance ('S')	
Storage Base Distance ('S') is NOT calculated, but read directly from Table 6. First calculate the Building Base Distance ('F') in accordance with Implementation Guideline #23, then select the *manure storage* type from Table 5 that best matches the *manure storage* type on the *lot* and use this information to determine the corresponding value on Table 6. If there are multiple *manure storage* types on the *lot*, the storage type with the highest relative Storage Odour Potential is selected from Table 5.	

MDS I	MDS II
#25. Factor A: Odour Potential Factor (Table 1)	
Factor A is determined by selecting the value aligned with the applicable *livestock*/manure description on Table 1. Factor A is based on the relative potential for emanating offensive odours. The greater the value of Factor A, the higher the odour potential and the further the resulting MDS setbacks, all other things being equal.	
#26. Factor B: *Nutrient Units* Factor (Table 2)	
Factor B used in MDS I setbacks for *settlement area* expansions shall only be based on the *design capacity* for all *livestock facilities* on a *lot*. In addition, for other MDS I setbacks where the *livestock facilities* are located on *lots* ≤5 ha, Factor B is also only based on the *design capacity* for all *livestock facilities* on the *lot*. For all other MDS I setbacks where the *livestock facilities* are located on *lots* >5 ha, Factor B is based on the possible future expansion of the existing *livestock facilities* on the *lot*, known as the 'potential' *design capacity*. More specifically, the potential *design capacity* for MDS I is determined by knowing the *design capacity* for all *livestock facilities* on the *lot*, and the total area of the *lot*. With both of these pieces of information, use the table below to determine the appropriate potential *design capacity*. This value should then be used to find the value of Factor B for the purposes of calculating an MDS I setback where the *livestock facilities* are located on a *lot* >5 ha.	For MDS II, Factor B is based on the *design capacity* for all *livestock facilities* on a *lot*. In accordance with Table 2, the more *Nutrient Units*, the greater the value for Factor B and the further the resulting MDS II setbacks, all other things being equal. While using Table 2, it may be necessary to interpolate a value for Factor B. When interpolating, do not include more than two decimal places, rounded accordingly.

MDS I

Design Capacity (NU)	Total *Lot* Size ≤5 ha	Total *Lot* Size >5 ha, but ≤25 ha	Total *Lot* Size >25 ha, but ≤50 ha	Total *Lot* Size >50 ha
≤5 NU	Factor B based on *design capacity* only	Factor B based on *design capacity* only	Factor B based on *design capacity* only	Factor B based on *design capacity* only
>5 NU, but ≤25 NU	Factor B based on *design capacity* only	Factor B based on 2 x *design capacity*	Factor B based on 2 x *design capacity*	Factor B based on 2 x *design capacity*
>25 NU, but ≤125 NU	Factor B based on *design capacity* only	Factor B based on 2 x *design capacity*	Factor B based on 3 x *design capacity*	Factor B based on 3 x *design capacity*
>125 NU	Factor B based on *design capacity* only	Factor B based on 2 x *design capacity*, to max of 300 NU	Factor B based on 3 x *design capacity*, to max of 450 NU	Factor B based on 3 x *design capacity*, to max of 600 NU

NOTE: To determine *design capacity* for *unoccupied livestock barns* or *unused manure storages*, see Implementation Guidelines #20 and #21 respectively.

In accordance with Table 2, the more *Nutrient Units*, the greater the value for Factor B and the further the resulting MDS I setbacks, all other things being equal.

While using Table 2, it may be necessary to interpolate a value for Factor B. When interpolating, do not include more than two decimal places, rounded accordingly.

MDS II

MDS I	MDS II
#27. Factor C: Expansion Factor (Table 3)	
Not applicable	Factor C only applies for MDS II, and is based on the percentage increase in the number of *Nutrient Units* for the proposed construction of a *first* or *altered livestock facility*, compared to the *Nutrient Units* of all *existing livestock facilities* on the *lot*. The greater the percentage increase, the greater the value for Factor C and the further the resulting MDS II setbacks, all things being equal. Expansion of a *livestock* facility is a necessary and typical process for most farm operations, and can reasonably be expected over time. Factor C is 1.14 (Table 3) for the *first livestock facility* on a *lot*, resulting in a building location that will allow for future expansion of most subsequent *livestock facilities* within a reasonable building envelope. Factor C is 0.5 (Table 3) for no increase in *Nutrient Units* (0% increase) and for decreases in *Nutrient Units*. Where an *existing livestock facility* is to be expanded, the percentage increase shall be calculated using the total additional *Nutrient Units* proposed as the numerator and the total existing *Nutrient Units* as the denominator, with the result multiplied by 100. For example, if an *existing livestock facility* currently has a *design capacity* of 200 *Nutrient Units* and proposes to increase *design capacity* by 100 additional *Nutrient Units*, the percentage increase is calculated as 100 *Nutrient Units* (numerator) divided by 200 *Nutrient Units* (denominator) and multiplied by 100 for a value of 50% (100/200) x 100 = 50%. From Table 3, Factor C = 0.8100. Where a *livestock* facility is to be expanded, and one or more building permits to establish or expand that *livestock* facility were already issued within the previous 3 years, the percentage increase shall be calculated using the total additional *Nutrient Units* established or added by building permit(s) issued during the previous 3-year period, plus the proposed expansion, as the numerator, and the total existing

MDS I	MDS II
	Nutrient Units prior to the previous 3-year period as the denominator. For example, an *existing livestock facility* currently has a *design capacity* of 200 *Nutrient Units* and proposes to increase *design capacity* by 100 additional *Nutrient Units*. A building permit for this *livestock* facility was issued 2 years ago which increased the size of the operation at that time from 100 *Nutrient Units* to 200 *Nutrients Units*. In this case, the percentage increase is calculated as 200 *Nutrient Units* (numerator) (100 *Nutrient Units* for this expansion plus 100 *Nutrient Units* for expansion 2 years ago) divided by 100 *Nutrient Units* (denominator) (the *design capacity* of the *livestock* facility 3 years ago) and then multiplied by 100 for a value of 200% [(100+100)/100] x 100 = 200%. From Table 3, Factor C = 1.0000. In using Table 3, it may be necessary to interpolate a value for Factor C. When interpolating, do not include more than four decimal places, rounded accordingly.
#28. Factor D: Manure Type (Table 1)	
Factor D is determined by selecting the value aligned with the applicable manure type (liquid manure or solid manure) in Table 1. Factor D is based on the physical state of manure (liquid or solid) on the *lot* and its relative potential for emanating offensive odours. The greater the value for Factor D, the higher the odour potential and the further the resulting MDS setbacks, all other things being equal.	
#29. Factor E: Encroaching Land Use Factor (Table 4)	
Factor E is determined by selecting the encroaching land use factor in Table 4 (Type A Land Use or Type B Land Use) that best matches the descriptions in Implementation Guidelines #33 and #34. Factor E is based on the relative sensitivity of an encroaching land use as it relates to odour from an *existing livestock facility*. The more sensitive the land use (based on an anticipated higher density of human occupancy, habitation or activity), the greater the value (1.1 or 2.2) of the encroaching land use factor and the further the resulting MDS I setbacks, all other things being equal.	Not applicable

MDS I	MDS II
#30. Determining Factor A When More Than One Type of *Livestock* are Housed and/or More Than One Type of Manure are Stored, With Differing Values for Factor A	
In MDS I, Factor A will require a weighted average when there is more than one type of *livestock* housed and/or more than one type of manure stored on a *lot* with differing values for Factor A. For example, if a *livestock* facility on a *lot* has 50 *Nutrient Unit*s of chicken broilers (Factor A = 0.7), as well as 100 *Nutrient Unit*s of swine feeders (Factor A = 1.2), then the weighted average Factor A is: [(50 x 0.7) + (100 x 1.2)] ÷ (50 + 100) = 1.03 When calculating a weighted average, the value of Factor A should not include more than two decimal places, rounded accordingly.	In MDS II, Factor A will require a weighted average when there is more than one type of *livestock* proposed to be added and/or more than one type of manure proposed to be added at the same time with differing values for Factor A. For example, if a farmer proposes to expand a *livestock facility* by adding 50 *Nutrient Unit*s of chicken broilers (Factor A = 0.7), as well as adding 100 *Nutrient Unit*s of swine feeders (Factor A = 1.2) at the same time, then the weighted average Factor A is: [(50 x 0.7) + (100 x 1.2)] ÷ (50 + 100) = 1.03 When calculating a weighted average, the value of Factor A should not include more than two decimal places, rounded accordingly.
#31. Determining Factor D When BOTH Solid and Liquid Manure are Stored on a *Lot*	
In MDS I, Factor D will require a weighted average when BOTH solid and liquid manure are being stored on a *lot*. For example, if a *livestock facility* has 50 *Nutrient Unit*s of chicken broilers with a solid manure system (Factor D = 0.7) AND 100 *Nutrient Unit*s of swine feeders with a liquid manure system (Factor D = 0.8) then the weighted average Factor D is: [(50 x 0.7) + (100 x 0.8)] ÷ (50 +100) = 0.77 When calculating a weighted average, the value of Factor D should not include more than two decimal places, rounded accordingly.	In MDS II, Factor D will require a weighted average when BOTH solid and liquid *manure storage*s are being proposed as part of the same building permit application. For example, if a farmer proposes to add 50 *Nutrient Unit*s of chicken broilers with a solid manure system (Factor D = 0.7) AND 100 *Nutrient Unit*s of swine feeders with a liquid manure system (Factor D = 0.8) then the weighted average Factor D is: [(50 x 0.7) + (100 x 0.8)] ÷ (50 + 100) = 0.77 When calculating a weighted average, the value of Factor D should not include more than two decimal places, rounded accordingly.

MDS I	MDS II
#32. Rounding of MDS Calculations	
All resulting calculated separation distances are rounded UP to the nearest metre. For example, if the final MDS setback is 364.72 m, round up to 365 m.	
#33. Type A Land Uses (Less Sensitive)	
For the purposes of MDS I, proposed Type A land uses are characterized by a lower density of human occupancy, habitation or activity including, but not limited to: • industrial uses outside a *settlement area*; • *open space uses;* • building permit applications on existing *lots* outside a *settlement area* for *dwellings*, unless otherwise specified in a municipality's zoning by-law in accordance with Implementation Guideline #7; • the creation of *lots* for *agricultural uses*, in accordance with Implementation Guideline #8; and • the creation of one or more *lots* for *development* on land outside of a *settlement area* that would NOT result in four or more *lots* for *development* in immediate proximity to one another (e.g., sharing a common contiguous boundary, across the road from one another, etc.), regardless of whether any of the *lots* are vacant.	For the purposes of MDS II, existing Type A land uses are characterized by a lower density of human occupancy, habitation or activity including, but not limited to: • industrial uses outside a *settlement area;* • *open space uses;* and, • *dwellings* on *lots* which are located outside of a *settlement area* and are not recognized through an official plan designation for *development*; includes *dwellings* that are located on *lots* zoned for *agriculture uses*, *residential uses* or *non-agricultural uses* (such as zones for general agriculture, rural residential, estate residential, etc.), provided the *lot* remains in a *prime agricultural area* or *rural lands* type designation.
#34. Type B Land Uses (More Sensitive)	
For the purposes of MDS I, proposed Type B land uses are characterized by a higher density of human occupancy, habitation or activity including, but not limited to: • new or expanded *settlement area* boundaries;	For the purposes of MDS II, existing Type B land uses are characterized by a higher density of human occupancy, habitation or activity including, but not limited to: • *settlement area* boundaries; and • existing *development* outside of a *settlement area* which is recognized through an official plan designation.

MDS I	MDS II
• an official plan amendment to permit *development*, excluding industrial uses, on land outside a *settlement area;* • a zoning by-law amendment to permit *development*, excluding industrial uses or *dwellings*, on land outside a *settlement area;* and • the creation of one or more *lots* for *development* on land outside a *settlement area*, that results in four or more *lots* for *development*, which are in immediate proximity to one another (e.g., sharing a common contiguous boundary, across the road from one another, etc.), regardless of whether any of the *lots* are vacant. Because of the increased sensitivity of these uses, a new or expanding Type B land use will generate an MDS I setback that is twice the distance as the MDS I setback for a Type A land use. This is reflected in the value of Factor E which is 2.2 for Type B versus 1.1 for Type A.	Because of the increased sensitivity of these uses, an MDS II setback from existing Type B land uses is twice the distance from existing Type A land uses.
#35. MDS Setbacks for *Agriculture-Related Uses* and *On-Farm Diversified Uses*	
MDS I setbacks from *existing livestock facilities* and *anaerobic digesters* will generally not be needed for land use planning applications which propose *agriculture-related uses* and *on-farm diversified uses*. However, some proposed *agriculture-related uses* and *on-farm diversified uses* may exhibit characteristics that could lead to potential conflicts with surrounding *livestock facilities* or *anaerobic digesters*. Therefore, it may be appropriate for municipalities to require an MDS I setback to permit certain types of these uses. Typically, this subset of uses may be characterized by a higher density of human occupancy or activity or will be uses that may generate significant visitation by the broader public to an agricultural area. Examples include, but are not limited to: food service, accommodation, *agri-tourism uses* and retail operations.	MDS II setbacks to existing *agriculture-related uses* and *on-farm diversified uses* will generally not be needed for building permit applications for *first* or *altered livestock facilities* and *anaerobic digesters*. However, some existing *agriculture-related uses* and *on-farm diversified uses* may exhibit characteristics that could lead to potential conflicts with *first* or *altered livestock facilities* or *anaerobic digesters*. Therefore, it may be appropriate for municipalities to require MDS II setbacks to certain types of these uses. Typically, this subset of uses may be characterized by a higher density of human occupancy or activity, or are uses that generate significant visitation by the broader public to an agricultural area. Examples include, but are not limited to: food service, accommodation, *agri-tourism uses* and retail operations. Surrounding land uses and geographic context can also play a role in determining the

MDS I	MDS II
Surrounding land uses and geographic context can also play a role in determining the suitability of applying MDS I setbacks to proposed *agriculture-related uses*, *on-farm diversified uses* and *agricultural uses*. For these reasons, and in keeping with the intent of this MDS Document, municipalities may choose to require an MDS I setback for proposals, including *lot* creation, to permit certain types of *agriculture-related uses* or *on-farm diversified uses*. In these circumstances, *agriculture-related uses* and *on-farm diversified uses* shall be considered as Type A land uses. Municipalities shall include specific provisions in their comprehensive zoning by-law to clearly indicate the types of *agriculture-related uses* and *on-farm diversified uses* that will be required to meet MDS I setbacks, including provisions related to the measurement of MDS I setbacks from *existing livestock facilities* and *anaerobic digesters*. Otherwise, MDS I setbacks will NOT be required for these types of uses. Municipalities are strongly encouraged to develop policies in their official plans and provisions in their comprehensive zoning by-law to provide consistent direction on this issue.	suitability of applying MDS II setbacks from existing *agriculture-related uses*, *on-farm diversified uses* and *agricultural uses*. For these reasons, and in keeping with the intent of this MDS Document, municipalities may choose to require MDS II setbacks for *new* or *altered livestock facilities* and *anaerobic digesters* to certain types of existing *agriculture-related uses* or *on-farm diversified uses*. In these circumstances, *agriculture-related uses* and *on-farm diversified uses* shall be considered as Type A land uses. Municipalities shall include specific provisions in their comprehensive zoning by-law to clearly indicate the types of *agriculture-related uses* and *on-farm diversified uses* that MDS II setbacks are applied to and how they are measured. Otherwise, MDS II setbacks will NOT be required to these types of uses. Municipalities are strongly encouraged to develop policies in their official plans and provisions in their comprehensive zoning by-law to provide consistent direction on this issue.
#36. Non-Application of MDS Within *Settlement Areas*	
MDS I setbacks are NOT required for proposed land use changes (e.g., consents, rezonings, redesignations, etc.) within approved *settlement areas*, as it is generally understood that the long-term use of the land is intended to be for non-agricultural purposes.	MDS II setbacks are NOT required where municipalities permit *first* or *altered livestock facilities* (e.g., urban agriculture) or *anaerobic digesters* within approved *settlement area* designations, as MDS II was not designed to be used in an urban setting. However, because other issues could be considered when raising *livestock* in *settlement areas*, municipalities may choose to establish local approaches governing urban agriculture.

MDS I	MDS II
#37. MDS Setbacks for Churches, Schools and Cemeteries Used Primarily by a Community Reliant on Horse-Drawn Transportation	
Normally churches, schools and cemeteries are considered Type B land uses as they are institutional uses; however, existing, new and expanding churches, schools and cemeteries intended to primarily serve a community which relies on horse-drawn vehicles as a predominate mode of transportation, shall be considered as Type A land uses for the purposes of both MDS I and MDS II.	
#38. MDS Setbacks for Cemeteries	
Except where noted in Implementation Guideline #37, for the purposes of MDS I, new cemeteries and expansion to existing cemeteries are considered Type B land uses, as they are institutional uses.	For the purposes of MDS II, existing cemeteries are considered Type B land uses, as they are institutional uses. However, certain cemeteries may be treated as Type A land uses at the discretion of the municipality. For example, those cemeteries which are closed, or receive low levels of visitation, or where no place of worship is present, in addition to where noted in Implementation Guideline #37. NOTE: Cemeteries meeting the above criteria shall be clearly identified in the municipality's planning documents on a comprehensive basis in order to be treated as Type A land uses. Otherwise all cemeteries will continue to be treated as Type B land uses, except where noted in Implementation Guideline #37.
#39. MDS II Setbacks for Rear *Lot* Lines, Side *Lot* Lines and Road Allowances	
Not applicable	In addition to setbacks from surrounding Type A and Type B land uses, *first* or *altered livestock facilities* shall also meet the following MDS II setbacks: • Rear and side *lot* line MDS II setbacks are calculated as 0.1 multiplied by the Building Base Distance 'F' and Storage Base Distance 'S' to a maximum of 30 m.

MDS I	MDS II
Not applicable	For example, if an MDS II calculation yields values of 100 m for Building Base Distance 'F' and 123 m for Storage Base Distance 'S', the MDS II setback for the *livestock barn* from the ear and side *lot* lines would be 10 m (100 m x 0.1 = 10 m). The MDS II setback for the *manure storage* from the rear and side *lot* lines would be 12.3 m (123 m x 0.1 = 12.3 m). This value is rounded to the nearest whole number, so in this instance, the setback for the *manure storage* would be 12 m. As another example, if an MDS II calculation yields values of 350 m for Building Base Distance 'F' and 400 m for Storage Base Distance 'S', the MDS II setback for the *livestock barn* from the rear and side *lot* lines would be 30 m (350 m x 0.1 = 35 m, but reduced to the maximum of 30 m). The MDS II setback for the *manure storage* from the rear and side *lot* lines would be 30 m (400 m x 0.1 = 40 m, but reduced to the maximum of 30 m). • Road allowance MDS II setbacks are calculated as 0.2 multiplied by the Building Base Distance 'F' and Storage Base Distance 'S' to a maximum of 60 m. For example, if an MDS II calculation yields values of 100 m for Building Base Distance 'F' and 123 m for Storage Base Distance 'S',the MDS II setback for the *livestock barn* from the edge of the road allowance would be 20 m (100 m x 0.2 = 20 m). The MDS II setback for the *manure storage* from the edge of the road allowance would be 24.6 m (123 m x 0.2 = 24.6 m). This value is rounded to the nearest whole number, so in this instance, the setback for the *manure storage* would be 25 m. As another example, if an MDS II calculation yields values of 350 m for Building Base Distance 'F' and 400 m for Storage Base Distance 'S', the MDS II setback for the *livestock barn* from the edge of the road allowance would be 60 m (350 m x 0.2 = 70 m, but reduced to the maximum of

MDS I	MDS II
	60 m). The MDS II setback for the *manure storage* from the edge of the road allowance would be 60 m (400 m x 0.2 = 80 m, but reduced to the maximum of 60 m). Rear and side *lot* line and road allowance MDS II setbacks for *anaerobic digesters* are found in Implementation Guideline #22. These MDS II setbacks are measured as the shortest distance between the point of new construction for the *manure storages*, or the *anaerobic digester*, or the *livestock occupied portions* of each of the surrounding *livestock barns* and the side and rear *lot* lines, as well as the edge of the road allowance.
#40. Measurement of MDS Setbacks for *Development* and *Dwellings*	
For proposed *development*, MDS I setbacks are measured as the shortest distance between the area proposed to be rezoned or redesignated to permit *development* and either: the surrounding *livestock occupied portions* of *livestock barns*, *manure storages* or *anaerobic digesters*. Refer to Figure 7 in Section 7 of this MDS Document. This shall include areas proposed to be rezoned or redesignated with site-specific exceptions that add *non-agricultural uses* or *residential uses* to the list of *agricultural uses* already permitted on a *lot*. For building permit applications for proposed *dwellings*, where required in accordance with Implementation Guideline #7, MDS I setbacks are measured as the shortest distance between the proposed *dwelling* and either the surrounding *manure storages*, *anaerobic digesters* or the *livestock occupied portions* of the *livestock barns*.	For existing *development*, MDS II setbacks are measured as the shortest distance between the point of new construction for the *livestock occupied portions* of the *livestock barns*, *manure storages*, *anaerobic digesters* and the surrounding area that is zoned or designated to permit *non-agricultural uses* or *residential uses* in a zoning by-law or official plan respectively, even if there are portions of the *existing livestock facility* or existing *anaerobic digester* that do not conform to the MDS II setbacks. For existing *dwellings*, MDS II setbacks are measured as the shortest distance between the point of new construction for the *livestock occupied portions* of the *livestock barns*, *manure storages* or *anaerobic digesters*, and the surrounding *dwellings*, even if there are portions of the *existing livestock facility* or existing *anaerobic digester* that do not conform to the MDS II setbacks. Refer to Figure 8 in Section 7 of this MDS Document. NOTE: Where there are two *dwellings* on the same *lot*, the MDS II setback shall be measured to both.

MDS I	MDS II
#41. Measurement of MDS I Setbacks for the Creation of *Lots*	
Where an MDS I setback is required for the creation of a *lot*, in accordance with Implementation Guideline #8 or #9, measurement of the MDS I setback should be undertaken as follows: 1. For proposed *lots* with an existing *dwelling* that are ≤1 ha, MDS I setbacks are measured as the shortest distance between the proposed *lot* line and either the surrounding *livestock occupied portions* of the *livestock barns*, *manure storages* or *anaerobic digesters*. 2. For proposed *lots* with an existing *dwelling* that are >1 ha, MDS I setbacks are measured as the shortest distance between the existing *dwelling* and either the surrounding *livestock occupied portions* of the *livestock barns*, *manure storages* or *anaerobic digesters*. 3. For proposed *lots* without an existing *dwelling* that are ≤1 ha, MDS I setbacks are measured as the shortest distance between the proposed *lot* line and either the surrounding *livestock occupied portions* of the *livestock barns*, *manure storages* or *anaerobic digesters*. 4. For proposed *lots* without an existing *dwelling* that are >1 ha, MDS I setbacks are measured as the shortest distance between a 0.5 ha or larger building envelope (for a potential *dwelling*) and either the surrounding *livestock occupied portions* of the *livestock barns*, *manure storages* or *anaerobic digesters*. For *lots* created after March 1, 2017, MDS I setbacks shall be required for all building permit applications for *non-agricultural uses* and *dwellings* in accordance with Implementation Guideline #7.	Not applicable

MDS I	MDS II
#42. Non-Effect of Wind Direction, etc. on MDS Setbacks	
The direction of prevailing wind, surrounding topography, and presence of trees, berms or other screening are not part of, and are not intended to affect, the calculation of MDS setbacks. However, these or other similar elements could be considered in applications to vary or reduce MDS setbacks, where appropriate, and in accordance with Implementation Guideline #43.	
#43. Reducing MDS Setbacks	
MDS I setbacks should not be reduced except in limited site specific circumstances that meet the intent of this MDS Document. Examples include circumstances that mitigate environmental or public health and safety impacts, or avoid natural or human-made hazards. If deemed appropriate by a municipality, the processes by which a reduction to MDS I may be considered could include a minor variance to the local zoning by-law provisions, a site specific zoning by-law amendment or an official plan amendment introducing a site specific policy area.	MDS II setbacks should not be reduced except in limited site specific circumstances that meet the intent of this MDS Document. Examples include circumstances that mitigate environmental or public health and safety impacts, or avoid natural or human-made hazards. If deemed appropriate by a municipality, the process by which a reduction to MDS II may be considered would typically be through a minor variance to the local zoning by-law provisions. To a lesser extent a site specific zoning by-law amendment may also be appropriate.

Table 1. Factor A (odour potential) and Factor D (manure type)

Livestock/ Manure Type	*Livestock/*Manure Description	Number per *Nutrient Unit*	Factor A	Manure Type and Storage Description	
				Liquid Manure (<18% dry matter) Factor D = 0.8	Solid Manure (≥18% dry matter) Factor D = 0.7
Swine	Sows with litter, dry sows or boars	3.5	1.0	Most systems have liquid manure stored under the barn slats for short or long periods or in storages located outside	Systems with solid manure inside on deep bedded packs or with scraped alleys
	Breeder gilts (entire barn designed specifically for this purpose)	5			
	Weaners (7–27 kg)	20	1.1		
	Feeders (27–136 kg)	5.25	1.2		
Dairy cattle[a] milking-age cows (dry or milking)	Large-framed; 545–658 kg (e.g., Holsteins)	0.7	0.7	Free-stall barns with minimal bedding or sand bedding, or tie-stall barns with minimal bedding and milking centre washwater added	Tie-stall barns with lots of bedding or loose housing with deep bedded pack and with or without outside yard access
	Medium-framed; 455–545 kg (e.g., Guernseys)	0.85			
	Small-framed; 364–455 kg (e.g., Jerseys)	1			
Dairy cattle[a] heifers (5 months to freshening)	Large-framed; 182–545 kg (e.g., Holsteins)	2	0.7		
	Medium-framed; 148–455 kg (e.g., Guernseys)	2.4			
	Small-framed; 125–364 kg (e.g., Jerseys)	2.9			
Dairy cattle[a] calves (0–5 months)	Large-framed; 45–182 kg (e.g., Holsteins)	6	0.7	Free-stall barns with minimal bedding, or sand bedding, or tie-stall barns with minimal bedding and milking centre washwater added	Bedded pens or stalls or heavily bedded calf hutches that are outside
	Medium-framed; 39–148 kg (e.g., Guernseys)	7			
	Small-framed; 30–125 kg (e.g., Jerseys)	8.5			
Beef cattle	Cows, including calves to weaning (all breeds)	1	0.7	Not applicable	Bedded pack barns with or without outside yard access
	Feeders (7–16 months)	3	0.8	Slatted floor systems, or barns with minimal bedding and yard scraped to a liquid storage	
	Backgrounders (7–12.5 months)	3			
	Shortkeepers (12.5–17.5 months)	2			
Veal	Milk-fed	6	1.1	Slatted floor or slatted stall systems	Heavily bedded pack barns
	Grain-fed	6	0.8		
Goats	Does and bucks (for meat kids; includes unweaned offspring and replacements)	8	0.7	Not applicable	All goat systems
	Does and bucks (for dairy; includes unweaned offspring and replacements)	8			
	Kids (dairy or feeder kids)	20			

Livestock/ Manure Type	*Livestock/*Manure Description	Number per *Nutrient Unit*	Factor A	Manure Type and Storage Description	
				Liquid Manure (<18% dry matter) Factor D = 0.8	Solid Manure (≥18% dry matter) Factor D = 0.7
Sheep	Ewes and rams (for meat lambs; includes unweaned offspring and replacements)	8	0.7	Not applicable	All sheep systems
	Ewes and rams (dairy operation; includes unweaned offspring and replacements)	6			
	Lambs (dairy or feeder lambs)	20			
Horses	Large-framed, mature; >681 kg (e.g., draft or draft cross breeds including unweaned offspring)	0.7	0.7	Not applicable	All horse systems
	Medium-framed, mature; 227–680 kg (e.g., saddle, riding and racing breeds including unweaned offspring)	1			
	Small-framed, mature; <227 kg (e.g., ponies and miniatures including unweaned offspring)	2			
Chickens	Layer hens (for eating eggs; after transfer from pullet barn)	150	1.0	Birds in cages, manure belts, no drying of manure, water added	Birds in cages, manure belts and drying, or floor systems
	Layer pullets (day-olds until transferred into layer barn)	500	0.7		
	Broiler breeder growers (males/females transferred out to layer barn)	300		Not applicable	Bedded floors
	Broiler breeder layers (males/females transferred in from grower barn)	100			Cage or slatted floor systems
	Broilers on any length of cycle	24.8 m^2 (267 ft^2) floor area			Bedded floor systems

Livestock/ Manure Type	*Livestock/*Manure Description	Number per *Nutrient Unit*	Factor A	Manure Type and Storage Description	
				Liquid Manure (<18% dry matter) Factor D = 0.8	Solid Manure (≥18% dry matter) Factor D = 0.7
Turkeys	Turkey poults (day-old until transferred to grow-out turkey barn)	267	0.7	Not applicable	Bedded floor systems
	Turkey breeder layers (males/females transferred in from grower barn)	67			
	Breeder toms	45			
	Broilers (day-olds to 6.2 kg)	133			
	Hens (day-olds up to 6.2–10.8 kg; 7.5 kg is typical)	105			
	Toms (day-olds to over 10.8–20 kg; 14.5 kg is typical)	75			
	Turkeys at any other weights, or if unknown	24.8 m^2 (267 ft^2) floor area			
Quail	All quail	24.8 m^2 (267 ft^2) floor area	0.7	Not applicable	Bedded floor systems
Partridge	All partridge	24.8 m^2 (267 ft^2) floor area			
Pheasants	All pheasants	24.8 m^2 (267 ft^2) floor area			
Squab	All squab	24.8 m^2 (267 ft^2) floor area			

Livestock/ Manure Type	*Livestock/Manure Description*	Number per *Nutrient Unit*	Factor A	Manure Type and Storage Description	
				Liquid Manure (<18% dry matter) Factor D = 0.8	Solid Manure (≥18% dry matter) Factor D = 0.7
Rheas	Adults (includes replacements and market birds)	13	0.7	Not applicable	Bedded floor systems
Emus	Adults (includes replacements and market birds)	12			
Ostriches	Adults (includes replacements and market birds)	4			
Donkeys	Jacks, jennies, mules, hinnies (includes unweaned foals)	2	0.7	Not applicable	All donkey systems
Ducks	Peking	105	0.8	Wire mesh flooring systems	Bedded floor systems
	Muscovy	24.8 m^2 (267 ft^2) floor area			
Geese	All geese	24.8 m^2 (267 ft^2) floor area			
Rabbits	Breeding females (including males, replacements and market animals)	40	0.8	Not applicable	Cage or floor systems
Chinchillas	Breeding females (including males, replacements and market animals)	320			
Fox	Breeding females (including males, replacements and market animals)	25	1.0	Not applicable	Cage system — manure accumulates underneath
Mink	Breeding females (including males, replacements and market animals)	60		Cage system with trough system underneath	
Bison	Adults (includes unweaned calves and replacements)	1.3	0.7	Not applicable	Bedded pack barns with outside access OR outside confinement areas
	Feeders (170–477 kg)	4			
Llama	Adults (includes unweaned young and replacements)	5			
	Feeders (45–86 kg)	16			
Alpaca	Adults (includes unweaned young and replacements)	8			
	Feeders (23–48 kg)	26			

Livestock/ Manure Type	*Livestock*/Manure Description	Number per *Nutrient Unit*	Factor A	Manure Type and Storage Description	
				Liquid Manure (<18% dry matter) Factor D = 0.8	Solid Manure (≥18% dry matter) Factor D = 0.7
Wild boar	Breeding age sows (includes boars, replacements and weaned piglets to 27 kg)	5	0.7	Not applicable	Bedded pack barns with outside access OR outside confinement areas
	Finishing boars (27–86 kg)	7			
White tailed deer	Adults >24 months (including unweaned offspring)	11			
	Feeders	21			
Red deer	Adults >24 months (including unweaned offspring)	7			
	Feeders	14			
Elk	Adults >24 months (including unweaned offspring)	2			
	Feeders	6			
Elk/Deer hybrids	Adults >24 months (including unweaned offspring)	4			
	Feeders	10			
Fallow deer	Adults >24 months (including unweaned offspring)	13	0.7	Not applicable	Bedded pack barns with outside access OR outside confinement areas
	Feeders	23			
Other animals	All other animals	Total live weight of animals divided by 453.6 kg (1,000 lbs)	0.8	All storages with liquid manure	All storages with solid manure
Imported manure	Use the volume of the *manure storage*(s)	19.8 m^3 (700 ft^3)	1.0[b]		
Unoccupied livestock barns	A *livestock barn* that does not currently house any *livestock*, but that housed *livestock* in the past and continues to be structurally sound and reasonably capable of housing *livestock*. NOTE: This should only be used where obtaining information from the farm operator(s) and/or owner(s) was not possible (see Implementation Guideline #20 for more information).	20 m^2 (215 ft^2) of area of *livestock* housing	1.0	Not applicable	All *unoccupied livestock barns*

Livestock/ Manure Type	*Livestock/*Manure Description	Number per *Nutrient Unit*	Factor A	Manure Type and Storage Description	
				Liquid Manure (<18% dry matter) Factor D = 0.8	Solid Manure (≥18% dry matter) Factor D = 0.7
Unused manures storage for solids	A *manure storage* that does not currently store any solid manure, but that stored solid manure in the past and continues to be structurally sound and reasonably capable of storing solid manure NOTE: This should only be used where obtaining information from the farm operator(s) and/or owner(s) was not possible (see Implementation Guideline #20 for more information).	19.8 m^3 (700 ft^3) of volume for storages with two or more walls	1.0	Not applicable	All *unused manure storages* for solids
Unused manures storage for liquids	A *manure storage* that does not currently store any liquid manure, but that stored liquid manure in the past and continues to be structurally sound and reasonably capable of storing liquid manure. NOTE: This should only be used where obtaining information from the farm operator(s) and/or owner(s) was not possible (see Implementation Guideline #20 for more information).	19.8 m^3 (700 ft^3) of volume		All *unused manure storages* for liquids	Not applicable

a. On farms with 100 milking-age cows (dry and milking), there are usually about 20 replacement calves and 80 replacement heifers.
b. Average value for typical types of manures that might be imported to a *lot*, such as poultry, dairy, beef, swine or horse.

Table 2. Factor B (*Nutrient Units* factor)

When using Table 2 to determine Factor B, it may be necessary to determine a value for Factor B, which is not listed in the table. For example, if you determine the total number of *Nutrient Unit*s on a *lot* to be 255 *Nutrient Unit*s, Table 2 only provides a value for Factor B for 250 *Nutrient Unit*s and for 260 *Nutrient Unit*s, but not for 255 *Nutrient Unit*s. The value of Factor B for 250 *Nutrient Unit*s is 435 and the value of Factor B for 260 *Nutrient Unit*s is 441. Therefore, to determine Factor B for 255 *Nutrient Unit*s select a number between the numbers 435 and 441. In this example, the value of Factor B for 255 *Nutrient Unit*s is 438.

NOTE: When selecting a value for Factor B, do not include more than two decimal places. Interpolated values with more than two decimal places are rounded accordingly. For example, if an interpolated value for Factor B is calculated as 499.238, then use a value of 499.24 for Factor B in the MDS calculation.

For operations with fewer than 5 *Nutrient Unit*s, do not interpolate, but use a Factor B of 150. For operations with >5,000 *Nutrient Unit*s, refer to the MDS software (AgriSuite) to determine Factor B.

Nutrient Units	Factor B
5 or less	150
6	153
7	157
8	160
9	163
10	167
11	170
12	173
13	177
14	180
15	183
16	187
17	190
18	193
19	197
20	200
21	202
22	204
23	206
24	208
25	210
26	212
27	214
28	216
29	218

Nutrient Units	Factor B
30	220
31	222
32	224
33	226
34	228
35	230
36	232
37	234
38	236
39	238
40	240
41	242
42	244
43	246
44	248
45	250
46	252
47	254
48	256
49	258
50	260
52	264
54	268
56	272
58	276
60	280

Nutrient Units	Factor B
62	282
64	284
66	285
68	287
70	289
72	291
74	293
76	294
78	296
80	298
82	300
84	301
86	303
88	305
90	307
92	309
94	310
96	312
98	314
100	316
102	318
104	320
106	322
108	324
110	326
112	329

Nutrient Units	Factor B
114	331
116	333
118	335
120	337
122	339
124	340
126	342
128	344
130	346
135	351
140	355
145	360
150	364
155	368
160	372
165	376
170	380
175	384
180	388
185	392
190	395
195	399
200	402
205	406
210	409
215	413

Nutrient Units	Factor B
220	416
225	419
230	423
235	426
240	429
245	432
250	435
260	441
270	447
280	453
290	458
300	464
310	469
320	474
330	480
340	485
350	490
360	494
370	499
380	504

Nutrient Units	Factor B
390	508
400	513
410	517
420	522
430	526
440	530
450	535
460	539
470	543
480	547
490	551
500	555
520	562
540	570
560	577
580	584
600	591
620	598
640	605
660	611

Nutrient Units	Factor B
680	618
700	624
750	639
800	654
850	668
900	681
950	694
1,000	707
1,100	731
1,200	753
1,300	775
1,400	795
1,500	815
2,000	870
3,000	980
4,000	1,090
5,000	1,200
>5,000 *Nutrient Units*	Refer to the MDS software (AgriSuite)

Table 3. Factor C (expansion factor)

When using Table 3 to determine Factor C, it may be necessary to determine a value for Factor C, which is not listed in the table. For example, the percentage increase at a *livestock facility* is 155%. Table 3 provides a value for Factor C for a 150% increase and for a 160% increase, but not for a 155% increase. The value of Factor C for a 150% increase is 0.9371 and the value of Factor C for a 160% increase is 0.9497. To determine Factor C for a 155% increase, interpolate between the numbers 0.9371 and 0.9497. In this example, the value of Factor C for a 155% increase is 0.9434.

NOTE: When selecting a value for Factor C, do not include more than four decimal places. Interpolated values with more than four decimal places are rounded accordingly. For example, if an interpolated value for Factor C is calculated as 0.977643, then use a value of 0.9776 for Factor C in the MDS calculation.

For operations with a 0% increase, or a decrease in *Nutrient Units*, use a value of 0.5000 for Factor C. Do not interpolate below a value of 0.5000. For operations with a 700% increase or greater, or for a *first livestock facility*, use a value of 1.1400 for Factor C. Do not interpolate above a value of 1.1400.

Percent Increase in *Nutrient Units*	Factor C
0% increase OR decrease	0.5000
1%	0.5062
2%	0.5124
3%	0.5186
4%	0.5248
5%	0.5310
6%	0.5372
7%	0.5434
8%	0.5496
9%	0.5558
10%	0.5620
11%	0.5682
12%	0.5744
13%	0.5806
14%	0.5868
15%	0.5930
16%	0.5992
17%	0.6054
18%	0.6116
19%	0.6178
20%	0.6240
21%	0.6302
22%	0.6364
23%	0.6426

Percent Increase in *Nutrient Units*	Factor C
24%	0.6488
25%	0.6550
26%	0.6612
27%	0.6674
28%	0.6736
29%	0.6798
30%	0.6860
31%	0.6922
32%	0.6984
33%	0.7046
34%	0.7108
35%	0.7170
36%	0.7232
37%	0.7294
38%	0.7356
39%	0.7418
40%	0.7480
41%	0.7542
42%	0.7604
43%	0.7666
44%	0.7728
45%	0.7790
46%	0.7852
47%	0.7914
48%	0.7976

Percent Increase in *Nutrient Units*	Factor C
49%	0.8038
50%	0.8100
55%	0.8167
60%	0.8230
65%	0.8294
70%	0.8357
75%	0.8420
80%	0.8484
85%	0.8547
90%	0.8610
95%	0.8674
100%	0.8737
105%	0.8800
110%	0.8864
115%	0.8927
120%	0.8990
125%	0.9054

Percent Increase in *Nutrient Units*	Factor C
130%	0.9117
135%	0.9180
140%	0.9244
145%	0.9307
150%	0.9371
160%	0.9497
170%	0.9624
180%	0.9751
190%	0.9877
200%	1.0000
300%	1.0280
400%	1.0560
500%	1.0840
600%	1.1120
700% or greater increase or the *first livestock facility* on a *lot*	1.1400

Table 4. Factor E (encroaching land use factor)

Encroaching Land Use	Factor E
Type A land use (less sensitive; see Implementation Guideline #33)	1.1
Type B land use (more sensitive; see Implementation Guideline #34)	2.2

Table 5. *Manure Storage* Types

Solid manure: 18% dry matter, or more
Liquid manure: <18% dry matter

Storage Odour Potential	Manure Type	Inside or Outside *Livestock* Barn	Storage Type (to use in Table 6)	Description of *Manure Storages*
Very low	Solid	Inside	V1	Solid, inside, bedded pack (manure accumulates under *livestock* over time)
		Outside	V2	Solid, outside, covered (cover keeps off precipitation to prevent runoff)
			V3	Solid, outside, no cover, ≥30% dry matter (manure is dry enough that a flowpath option can be used for runoff control (*Nutrient Management Act, 2002*))
			V4	Solid, outside, no cover, 18%–<30% dry matter, with covered liquid runoff storage (manure not dry enough to soak up precipitation, so a liquid runoff storage is needed; storage has a permanent, tight-fitting cover)
	Liquid	Inside	V5	Liquid, inside, underneath slatted floor (manure is stored under the animals in the barn)
		Outside	V6	Liquid, outside, with a permanent, tight-fitting cover (negative pressure tarp, concrete lid, inflatable dome, etc.)
Low	Solid	Outside	L1	Solid, outside, no cover, 18%–<30% dry matter, with uncovered liquid runoff storage (manure not dry enough to soak up precipitation, so a liquid runoff storage needed; it is uncovered, producing more odour than a V4 storage)
	Liquid		L2	Liquid, outside, with a permanent floating cover (tarps, foam panels, plastic hexagon discs, etc.)
Medium	Liquid	Outside	M1	Liquid, outside, no cover, straight-walled storage (usually circular or rectangular concrete or steel storages)
			M2	Liquid, outside, roof, but with open sides (roof keeps off precipitation, but the open sides allow wind to travel over the manure and carry odours)
High	Liquid	Outside	H1	Liquid, outside, no cover, sloped-sided storage (earthen *manure storages*, but NOT earthen runoff storages associated with a solid *manure storage* which are L1)

Table 6. MDS I and MDS II Setbacks for *Manure Storage(s)*

When using this table to determine a value for Storage Base Distance 'S', it may be necessary to interpolate a value. For example, if you determine the value for Building Base Distance 'F' is 106 m, and from Table 5 the *livestock* facility has a *manure storage* with an odour potential that is considered medium (M1), note that Table 6 provides a value for Storage Base Distance 'S' for an M1 Storage with a Building Base Distance 'F' of 100 m and for an Building Base Distance 'F' of 110 m, but not for a Building Base Distance 'F' of 106 m. The value of Storage Base Distance 'S' for an M1 Storage with a Building Base Distance 'F' of 100 m, is 190 m. The value of Storage Base Distance 'S' for an M1 Storage with a Building Base Distance 'F' of 110 m, is 199 m. Therefore, to determine the value of Storage Base Distance 'S' for an M1 Storage, with an Building Base Distance 'F' of 106 m, interpolate between the numbers 190 and 199. In this example, the value of Storage Base Distance 'S' for an M1 Storage, with a Building Base Distance 'F' of 106 m is 195.4 m. This value is rounded to the nearest whole number — 195 m.

NOTE: When selecting a value for Storage Base Distance 'S' do not include any decimal places. Interpolated values with decimal places are rounded accordingly. For example, if an interpolated value for Storage Base Distance 'S' is calculated as 202.83 m, then use a value of 203 m for Storage Base Distance 'S'.

In all instances, where Building Base Distance 'F' exceeds 1,000 m, then the Storage Base Distance 'S' will be the same value as 'F'.

Building Base Distance 'F' (metres)	Storage Base Distance 'S' (metres)			
	Very Low Odour Storages V1 to V6	Low Odour Storages L1 to L2	Medium Odour Storages M1 to M2	High Odour Storages H1
40	40	64	136	232
50	50	74	145	240
60	60	84	154	248
70	70	93	163	256
80	80	103	172	264
90	90	113	181	272
100	100	123	190	280
110	110	132	199	288
120	120	142	208	296
130	130	152	217	304
140	140	162	226	312
150	150	171	235	320
160	160	181	244	328
170	170	191	253	336
180	180	201	262	344
190	190	210	271	352
200	200	220	280	360
210	210	230	289	368
220	220	240	298	376
230	230	249	307	384

Building Base Distance 'F' (metres)	Storage Base Distance 'S' (metres)			
	Very Low Odour Storages V1 to V6	Low Odour Storages L1 to L2	Medium Odour Storages M1 to M2	High Odour Storages H1
240	240	259	316	392
250	250	269	325	400
260	260	279	334	408
270	270	288	343	416
280	280	298	352	424
290	290	308	361	432
300	300	318	370	440
310	310	327	379	448
320	320	337	388	456
330	330	347	397	464
340	340	357	406	472
350	350	366	415	480
360	360	376	424	488
370	370	386	433	496
380	380	396	442	504
390	390	405	451	512
400	400	415	460	520
420	420	435	478	536
440	440	454	496	552
460	460	474	514	568
480	480	493	532	584
500	500	513	550	600
600	600	610	640	680
800	800	805	820	840
1,000	1,000	1,000	1,000	1,000
>1,000 m	Storage Base Distance 'S' is the same as Building Base Distance 'F'			

6.1 MDS I Calculation Form

Introduction

Implementation Guidelines #2 through #5 and #7 through #15 provide direction on the types of applications and situations which generally trigger the need to complete an MDS I setback calculation(s).

Generally, the preferred method for calculating MDS setbacks is to use the software provided by OMAFRA (AgriSuite). However, on occasions where a 'by hand' calculation is preferred or the software is not available, the following information is intended to assist with the calculation of MDS I setbacks. It is not intended to detract or add to the information found in specific Implementation Guidelines or tables located in Sections 4 and 5 of this MDS Document.

MDS I setbacks are calculated for each *livestock facility* that may be reasonably impacted by the proposed *Planning Act, 1990*, application or building permit application. MDS I setbacks for *anaerobic digesters* do not need to be calculated, but are required in accordance with Implementation Guideline #22. In some circumstances, a proposed *development* or *dwelling* may only trigger one MDS I setback if there is only one *livestock facility* in the vicinity. In circumstances where there are multiple *livestock facilities* in the vicinity, multiple MDS I calculations are necessary.

Implementation Guideline #6 provides direction on conducting MDS I calculations. It states that as part of municipal consideration of planning or building permit applications, *existing livestock facilities* or *anaerobic digesters* within a 750 m distance of Type A applications and within a 1,500 m distance of Type B applications shall be investigated, and MDS I setback calculations undertaken where warranted. In circumstances where large *livestock facilities* (e.g., >1,200 *Nutrient Units*) exist beyond the 750 m or 1,500 m study area, MDS I setbacks from these facilities should also be calculated.

Steps 1 and 2 are completed once for any given application. Steps 3 through 14 are repeated for each *livestock facility* for which an MDS I setback is required.

Step 1: Data Collection — Applicant Contact Information

Fill in the pertinent contact information for the applicant. If all of this information is not available, include sufficient information so that the applicant can be identified and contacted if necessary.

Contact Information — Applicant	
First name	
Last name	
Company/organization (if applicable)	
Agent (if applicable)	
Mailing address	
City/town	
Province	
Postal code	
Telephone number	
Alternative telephone number	
Fax number	
Email	

Step 2: Data Collection — Location and Description of the Proposed Application

Fill in the pertinent information regarding the proposed application. If all of this information is not available, include sufficient information to identify if the proposed application involves a *settlement area* boundary expansion and if the proposal is a Type A or Type B land use.

Location and Description of the Proposed Application	
Upper tier/single tier municipality	
Lower tier municipality (if applicable)	
Lot	
Concession	
911 number	
Roll number	
Application type (e.g., building permit, plan of subdivision, rezoning, official plan amendment, etc.)*	
General description of the proposed application*	

*Indicates information required to complete an MDS I calculation

Step 3: Data Collection — Contact Information for the Surrounding *Livestock* Facility

Fill in the pertinent contact information for the farmer or the owner of the surrounding *livestock facility*. If all of this information is not available, include sufficient information so that the farm owner or operator can be identified and contacted if necessary.

Contact Information — Farm Owner or Operator	
First name	
Last name	
Company/organization (if applicable)	
Agent (if applicable)	
Mailing address	
City/town	
Province	
Postal code	
Telephone number	
Alternative telephone number	
Fax number	
Email	

Step 4: Data Collection — Location of the *Livestock Facility*

Fill in the pertinent information regarding the location of the *livestock facility*. If all of this information is not available, include sufficient information so that the *livestock facility* can be located if required. NOTE: It is important to know the size of the *lot* on which the *livestock facility* is located.

Location of the *Livestock Facility*	
Upper tier/single tier municipality	
Lower tier municipality (if applicable)	
Lot number	
Concession	
911 number	
Roll number	
Size of *lot* where *livestock facility* is located (indicate acres or hectares)*	

*Indicates information required to complete an MDS I calculation

Step 5: Data Collection — Information Regarding the *Livestock Facility*

Gather the pertinent information regarding the *livestock facility* that is required to complete the MDS calculation in the following steps. Often, the operator of the *livestock facility* is the best contact to obtain this information.

A *livestock facility* may have two components:

1. *livestock barn(s)*, with associated *manure storage*(s)
2. imported *manure storage*(s)

An *anaerobic digester* may also be present on the *lot*. The type and amount of information needed will depend on the nature of the specific *livestock facility*, which components are present and whether there is an *anaerobic digester* on the *lot*.

If the *livestock facility* includes a *livestock barn*, gather information on the animal housing including information on all the types of *livestock* housed, the barn's capacity for each type of *livestock* and the manure system used in the barn (see Table 1).

If the barn is presently empty, but the type of *livestock* housed and capacity can be reasonably estimated by one or more of the parties involved, use this approach and note that the barn's capacity is estimated. However, if the barn is empty and its capacity cannot be readily estimated by one or more of the parties involved, then record the information for an *unoccupied livestock barn* as found in Table 1.

Typically, a *livestock facility* with a *livestock barn* will include at least one *manure storage*, but it is possible to have a *livestock barn* without one. If present, identify the type of *manure storage* at the *livestock facility* (see Table 6). If more than one type of *manure storage* is present, identify each different type. If the *manure storage* is unused, but the type of *livestock* and the capacity for the barn was estimated, then indicate the type of *manure storage*. However, if the *manure storage* is unused, and the information for an *unoccupied livestock barn* was used to determine the capacity for the *livestock barn*, then proceed to identify the *manure storage* type. Enter information for a solid or liquid *unused manure storage* as per Table 1.

If the *livestock facility* includes an imported *manure storage*, gather information on the size of the *manure storage* and type of manure stored (i.e., solid or liquid). As well, identify the appropriate *manure storage* type (see Table 6). If more than one type of imported *manure storage* is present, identify each different type.

If there is an *anaerobic digester* on the *lot* simply record this information as no additional detailed information is required.

To assist with this step, Implementation Guideline #16 provides direction on obtaining information to calculate MDS setbacks. A sample MDS I Data Collection Form is provided in Section 6.

Step 6: *Livestock*/Manure Types and Descriptions Housed and/or Stored

On Calculation Form A, identify all *livestock*/manure types that are housed and/or stored as part of the *livestock facility*, based on the information provided by the farm operator in Step 5. Table 1 provides a listing of all types of *livestock*. For each type of *livestock*/manure complete a separate row in Form A. For each row and each *livestock*/manure type, rely on Table 1 for information regarding description, 'number/NU' and manure type.

1. In Cell A2, identify the type of *livestock* (e.g., dairy).

2. In Cell B2, identify the appropriate description for the *livestock* (e.g., milking-age cows (dry or milking) large-framed (e.g., Holsteins)).

3. NOTE: There is no description for imported manure, therefore Cell B2 would remain blank.

4. In Cell C2, record the 'number/NU' from Table 1 (e.g., 0.7).

5. In Cell D2, identify the manure type (e.g., liquid). If Table 1 provides more than one option for manure type (i.e., both liquid and solid are options), indicate which type is present or proposed, based on information supplied by the farm operator.

6. Enter the existing maximum number of *livestock* that can be housed, or maximum area that can be used to house *livestock* or the maximum volume of manure that can be stored in Cell E2 based on information supplied by the farm operator. The value entered should be the maximum capacity of the *livestock barn* or *manure storage* for that type of *livestock* or manure and not the present number or area of *livestock* housed or present volume of manure stored.

7. Repeat this step for each type of *livestock*/manure that exists using rows 3 through 6 as needed. If more than five types of *livestock* (and imported manure) are currently, or will be housed, add additional rows to the table. For some types of *livestock* more than one row will be needed if the operation houses more than one description of *livestock*. For example, a dairy operation that houses milking-age cows, heifers and calves would need three rows, one for each description.

8. For *unoccupied livestock barns*, where the *livestock* type that can be housed is known, or can reasonably be estimated by one or more of the parties involved, enter that *livestock* type and capacity for the empty facility. This information can be obtained from the farm owner. However, where the *livestock* type that can be housed in the *unoccupied livestock barn* is unknown, or reliable information is unavailable, complete Calculation Form A using the *unoccupied livestock barn* option provided in Table 1 and described further in Implementation Guideline #20. Follow a similar process for *unused manure storages* as described in Implementation Guideline #21.

MDS I — CALCULATION FORM A

	A	B	C	D	E	F	G	H
1	*Livestock*/ Manure Type	*Livestock*/ Manure Description	Number/NU (number of *livestock* or m^2 or m^3)	Manure Type (solid or liquid)	Existing Maximum Number of *Livestock* (or m^2 or m^3)	Existing Maximum Number of *Nutrient Units*	Factor A Value	Factor D Value
2								
3								
4								
5								
6								

MDS I — CALCULATION FORM B

	A	B
1	***Design capacity***	*Nutrient Units*
2	**Final Factor A**	
3	**Final Factor D**	
4	**Land use type**	
5	**Final Factor E**	

Step 7: Convert *Livestock*/Manure Information to *Nutrient Units*

1. For each *livestock*/manure type and description outlined on Calculation Form A, calculate how many *Nutrient Units* are associated with the *livestock facility*. Determine this by taking the existing maximum number of *livestock* that can be housed, or maximum area that can be used to house *livestock*, or the maximum volume of manure that can be stored in Cell E2 and divide it by the 'Number/NU' in Cell C2. Record this new value in Cell F2. If necessary, repeat this step for each type of *livestock*/manure identified.

2. Next calculate the *design capacity* of all *livestock facilities* on the *lot*. To determine the *design capacity* as expressed in *Nutrient Units*, add values in Cells F2 through F6 on Calculation Form A and record this value in Cell B1 on Calculation Form B.

Step 8: Factor A

1. For each *livestock*/manure type and description outlined on Calculation Form A, determine the value of Factor A. For the *livestock*/manure type described in Cells A2 and B2, enter the value of Factor A from Table 1 in Cell G2 on Calculation Form A. For example, if Cells A2 and B2 describe dairy cattle, milking-age cows, large-framed (e.g., Holsteins), record the value 0.7 in Cell G2. If necessary, repeat this step for each type of *livestock*/manure identified.

2. Review Cells G2 through G6. For cells where there is a recorded value for Factor A, if the value for Factor A is the same in every cell, then enter this value in Cell B2 on Calculation Form B. If there is more than one value for Factor A in Cells G2 through G6 on Calculation Form A, then it is necessary to calculate a weighted average for Factor A. For example, if dairy cattle milking-age cows, heifers and calves are recorded, there is no need to calculate a weighted average for Factor A, as the value of Factor A (i.e., 0.7) is the same for all three types of *livestock*. Similarly, if horses are recorded

(large-framed) and sheep (lambs), there is no need to calculate a weighted average for Factor A, as the value of Factor A (i.e., 0.7) is the same for both types of *livestock*. However, if sheep (lambs) and rabbits are recorded, calculate a weighted average for Factor A, as the value of Factor A is different for these types of *livestock*.

3. To calculate a weighted average for Factor A, see Implementation Guideline #30, and use the values for Factor A recorded in Cells G2 through G6 and the number of *Nutrient Unit*s recorded in Cells F2 through F6. When calculating a weighted average, the value of Factor A should not include more than two decimal places and may need to be rounded accordingly. Record the weighted average for Factor A in Cell B2 on Calculation Form B.

Step 9: Factor D

1. For each *livestock*/manure type and description outlined on Calculation Form A, determine the value of Factor D. For the manure type described in Cell D2 enter the value of Factor D from Table 1 in Cell H2. For example, if Cell D2 says liquid manure, record the value 0.8 in Cell H2. If necessary, repeat this step for each type of *livestock*/manure identified.

2. Review Cells H2 through H6. For cells where a value is recorded for Factor D, if the value for Factor D is the same in every cell, then enter this value on Calculation Form B, Cell B3. If there is more than one value for Factor D in Cells H2 through H6 on Calculation Form A, then it is necessary to calculate a weighted average for Factor D.

   For example, if solid manure for all types of *livestock* is recorded in the Calculation Form, there is no need to calculate a weighted average for Factor D, as the value of Factor D (i.e., 0.7) is the same for all types of *livestock*. However, if there is a record for both solid manure and liquid manure for various types of *livestock* on Calculation Form A, calculate a weighted average for Factor D as the type of manure is different for these types of *livestock*.

3. To calculate a weighted average for Factor D, see Implementation Guideline #31, and use the values for Factor D recorded in Cells H2 through H6 and the number of *Nutrient Unit*s recorded in Cells G2 through G6 on Calculation Form A. When calculating a weighted average, the value of Factor D should not include more than two decimal places and may need to be rounded accordingly. Record the weighted average for Factor D in Cell B3 on Calculation Form B.

Step 10: Factor E

1. Now determine Factor E which is based on the type of land use that is proposed as part of the land use planning or building permit application. Based on the information provided by the applicant in Step 2, as well as on direction found in Implementation Guidelines #33 and #34, determine if the proposed use is a Type A or Type B land use. Implementation Guidelines #35 through #38, and direction in local planning documents, may also help in determining if the proposed land use is a Type A or Type B land use.

2. On Calculation Form B, in Cell B4, record if the proposed land use is a Type A or Type B land use. If the proposed use is a Type A land, use Table 4 to enter a value of 1.1 in Cell B5 on Calculation Form B. If the proposed use is a Type B land, use Table 4 to enter a value of 2.2 in Cell B5 on Calculation Form B.

Step 11: Factor B

1. Next determine Factor B which is based on the *design capacity* for the *livestock facility* expressed in *Nutrient Unit*s, in combination with the size of the *lot* on which the *livestock facility* is located as a consideration for the potential future expansion of the *livestock facility*. If based on Step 2 and Step 10, it is determined that the proposed application is for a *settlement area* expansion (Type B land use), or if the *lot* is ≤5 ha, then take the value of the *design capacity* for the *livestock facility* expressed in *Nutrient Unit*s found on MDS I Calculation Form B, Cell B1. and record this in Cell B6 on MDS I Calculation Form C and skip to #7 below. If the proposed application is not for a *settlement area* expansion, take the value of *design capacity* for the *livestock facility* found on MDS I Calculation Form B, Cell B1, and record this in Cell B1 on MDS I Calculation Form C.

2. Based on the information provided in Step 4 by the farm operator or other reliable source, record in Cell B2 on Calculation Form C the *lot* size (in hectares or acres) of the *lot* on which the *livestock facility* is located. Do not enter the size of the entire farm operation; instead only consider the *lot* on which the *livestock facility* is located. For example, if a farm operation comprised 200 ha in its entirety, but the *livestock facility* is located on a 40 ha conveyable *lot*, record the 40 ha.

3. If the *design capacity* recorded in Cell B1 on MDS I Calculation Form B exceeds 125 *Nutrient Unit*s (NU), then record the applicable cap size in Cell B3 on Calculation Form C. If the *design capacity* does not exceed 125 NU, then indicate "Not Applicable" in Cell B3 on Calculation Form C. If the *design capacity* exceeds 125 NU, then determine the appropriate cap size based on the *lot* size recorded in Cell B2.

4. If the *lot* size recorded in Cell B2 is ≤5 ha, then record the phrase "Not Applicable" in Cell B3. If the *lot* size recorded in Cell B2 is >5 ha, but ≤25 ha, record a value of 300 in Cell B3. If the *lot* size recorded in Cell B2 is >25 ha, but ≤50 ha, record a value of 450 in Cell B3. If the *lot* size recorded in Cell B2 is >50 ha, record a value of 600 in Cell B3.

5. Determine the multiplication factor used to calculate the potential *design capacity* for the *livestock facility* as expressed in *Nutrient Unit*s, described in Implementation Guideline #26. To do this, use MDS I Calculation Form D which is derived from the table found in Implementation Guideline #26. Take the *design capacity* found in Cell B1 on Calculation Form C, cross reference that with the *lot* size found in Cell B2 on Calculation Form C and use these two values to determine the appropriate multiplication factor using Calculation Form D. Enter the value of the multiplication factor in Cell B4.

   For example, if the *design capacity* found in Cell B1 equals 15 NU and the *lot* size found in Cell B2 equals 20 ha, using Calculation Form D, enter a value of 2 in Cell B4 on Calculation Form C. If the *design capacity* found in Cell B1 equals 200 NU and the *lot* size found in Cell B2 equals 40 ha, using Calculation Form D, enter a value of 3 in Cell B4 on Calculation Form C. If the *design capacity* found in Cell B1 equals 5 NU and the *lot* size found in Cell B2 equals 55 ha, using Calculation Form D, enter a value of 1 in Cell B4 on Calculation Form C, etc.

6. Now take the value in Cell B1 on Calculation Form C and multiple it by the value in Cell B4 on Calculation Form C and enter the result in Cell B5 on Calculation Form C. For example, if the value in Cell B1 is 80 NU and the value in Cell B4 is 3, enter 240 NU in Cell B5.

7. Next, determine if the value in Cell B5 on Calculation Form C exceeds the cap size. If Cell B3 on Calculation Form C says "Not Applicable", enter the value from Cell B5 into Cell B6 on Calculation Form C. If Cell B3 on Calculation Form C contains a numeric value (i.e., 300, 450 or 600), compare this to

the value found in Cell B5 on Calculation Form C. If the value in Cell B5 is less than the value in Cell B3, enter the value found in Cell B5 into Cell B6 on Calculation Form C.

For example, if Cell B5 has a value of 240 NU and Cell B3 has a value of 300 NU, then enter a value of 240 NU in Cell B6. If the value in Cell B5 is equal to or greater than the value in Cell B3, enter the value found in Cell B3 into Cell B6 on Calculation Form C. For example, if Cell B5 has a value of 320 NU and Cell B3 has a value of 300 NU, then enter a value of 300 NU in Cell B6.

8. The value in Cell B6 is the potential *design capacity* for the *livestock facility* as expressed in *Nutrient Units* and is used to determine Factor B. Use this number to determine Factor B from Table 2 by looking up the value of Factor B in Table 2 based on the potential *design capacity*. In some cases, it is necessary to interpolate Factor B from Table 2, when the exact value is not specifically identified in Table 2. Implementation Guideline #26 provides more specific direction on Factor B, and information on interpolation and rounding can be found in the text accompanying Table 2.

9. Once the value of Factor B is determined, record this number in Cell B7 on Calculation Form C.

MDS I — CALCULATION FORM C

	A	B
1	***Design capacity***	*Nutrient Units*
2	***Lot* size**	Hectares
3	**Cap size (if applicable)**	
4	**Multiplication factor (from Implementation Guideline #26 and Calculation Form D)**	
5	**Multiplication factor multiplied by *design capacity***	*Nutrient Units*
6	**Potential *design capacity***	*Nutrient Units*
7	**Final Factor B**	

MDS I — CALCULATION FORM D

***Design Capacity* of Livestock Facility (NU)**	**Total *Lot* Size ≤5 ha**	**Total *Lot* Size >5 ha, but ≤25**	**Total *Lot* Size >25 ha, but ≤50 ha**	**Total *Lot* Size >50 ha**
≤5 NU	1	1	1	1
>5 NU, but ≤25 NU	1	2	2	2
>25 NU, but ≤125 NU	1	2	3	3
>125 NU	1	2	3	3

Step 12: Calculate Building Base Distance 'F

1. To calculate Building Base Distance 'F', enter the value for:

   - Factor A (found on Calculation Form B, Cell B2) into Cell A2 on Calculation Form E
   - Factor B (found on Calculation Form C, Cell B7) into Cell B2 on Calculation Form E
   - Factor D (found on Calculation Form B, Cell B3) into Cell C2 on Calculation Form E
   - Factor E (found on Calculation Form B, Cell B5) into Cell D2 on Calculation Form E

2. Calculate Building Base Distance 'F' by multiplying Factor A, Factor B, Factor D and Factor E. In other words, multiply the values in Cells A2, B2, C2 and D2 together and enter this result in Cell E2 on Calculation Form E.

MDS I — CALCULATION FORM E

	A	B	C	D	E
1	**Factor A**	**Factor B**	**Factor D**	**Factor E**	**Building Base Distance 'F'**
2					

Step 13: Determine Storage Base Distance 'S'

1. Enter Building Base Distance 'F' as found in Calculation Form E, Cell E2, in Calculation Form F, Cell B1. If the *livestock facility* does not have a *manure storage*, enter a value of 0 in Cell B3, Storage Base Distance, on Calculation Form F. If the *livestock facility* does have a *manure storage*, proceed to determining Storage Base Distance 'S' starting with Table 5. Compare the 11 types of *manure storages* described in Table 5 (i.e., V1, V2, V3, V4, V5, V6, L1, L2, M1, M2 and H1) with the information provided by the farm operator regarding the *livestock facility* (Step 5). Select the *manure storage* type that best fits the application. The *manure storage* type selected should also reflect the value of Factor D used in the calculation.

   For example, if Factor D in the calculation is based on solid manure (value of 0.7) it is not appropriate to select the V6 *manure storage* type. Enter the *manure storage* type (e.g., V6) in Cell B2 on Calculation Form F. If more than one type of *manure storage* is present, select the *manure storage* type with the highest odour potential. For example, if a *livestock facility* has both a V6 and a H1 *manure storage*, enter H1 in Cell B2 on Calculation Form F.

2. Use the *manure storage* type (Cell B2 on Calculation Form F) and the Building Base Distance 'F' (Cell B1 on Calculation Form F) and determine the value of Storage Base Distance 'S' from Table 6 by looking up the value of the Storage Base Distance 'S' based on these two numbers. In some cases, it will be necessary to interpolate Storage Base Distance 'S' from Table 6 when the actual distance is not specifically identified in Table 6. Information on interpolation and rounding can be found in the text accompanying Table 6.

MDS I — CALCULATION FORM F

	A	B
1	**Building Base Distance 'F'**	
2	**Manure Storage Type (Table 5)**	
3	**Storage Base Distance 'S' (Table 6)**	

Step 14: Final MDS I Setbacks

1. The calculation of MDS I setbacks is now complete. The value in Cell B1 on MDS I Calculation Form F is the required MDS I setback between the proposed *development* or *dwelling* (i.e., planning or building permit application respectively) and the existing *livestock barn*.

2. The value in Cell B3 on MDS I Calculation Form F is the required MDS I setback between the proposed *development* or *dwelling* and the existing *manure storage*. If in Step 5 there was an *anaerobic digester* present on the *lot*, the MDS I setback between the proposed *development* or *dwelling* and all components of the *anaerobic digester* is 200 m for a Type A land use, and 450 m for a Type B land use (see Implementation Guideline #22).

3. Now apply these MDS I setbacks to the proposed *development* or *dwelling* as appropriate. Implementation Guidelines #39 through #41 provide information on the measurement of MDS setbacks. Implementation Guidelines #42 and #43 provide information on reducing and varying MDS setbacks. Repeat Steps 3 through 14 if MDS I setbacks are required for other *livestock facilities*.

6.2 MDS I Sample Data Collection Form

Information Regarding the Existing Facilities		
Facility Type	**Present on the *Lot*? (yes or no)**	**Chart Sections to Complete**
Livestock barn* and/or *manure storage		If yes, complete Section A
Imported *manure storage*		If yes, complete Section B
Anaerobic digester		No additional information required

Section A

Livestock

1. Enter *livestock* information below.
2. If the barn is empty, but *livestock* type and capacity can be reasonably estimated by one or more of the parties involved enter information below, and indicate that the capacity was estimated.
3. If the barn is empty, and capacity cannot be reasonably estimated by one or more of the parties involved, then proceed to the bottom of the *livestock* type list, and enter information for an *unoccupied livestock barn*.

***Livestock* Type**	***Livestock* Description**	**Number of *Livestock* or Area**	**Unit**	**Manure System (indicate solid or liquid if no default provided)**	**Estimate for an Empty Barn? (yes or no)**
Alpacas	Adults (includes unweaned young and replacements)		Number of *livestock*	Solid	
	Feeders (23–48 kg)		Number of *livestock*	Solid	
Beef	Cows, including calves to weaning (all breeds)		Number of *livestock*	Solid	
	Feeders (7–16 months)		Number of *livestock*		
	Backgrounders (7–12.5 months)		Number of *livestock*		
	Shortkeepers (12.5–17.5 months)		Number of *livestock*		
Bison	Adults (includes unweaned calves and replacements)		Number of *livestock*	Solid	
	Feeders (170–477 kg)		Number of *livestock*	Solid	

Livestock Type	*Livestock* Description	Number of *Livestock* or Area	Unit	Manure System (indicate solid or liquid if no default provided)	Estimate for an Empty Barn? (yes or no)
Chicken	Layer hens (for eating eggs; after transfer from pullet barn)		Number of *livestock*		
	Layer pullets (day-olds until transferred into layer barn)		Number of *livestock*		
	Broiler breeder growers (males/females transferred out to layer barn)		Number of *livestock*	Solid	
	Broiler breeder layers (males/females transferred in from grower barn)		Number of *livestock*	Solid	
	Broilers on any length of cycle use the floor area of the *livestock barn*		m^2 or ft^2	Solid	
Chinchillas	Breeding females (including males, replacements and market animals)		Number of *livestock*	Solid	
Dairy	Milking-age cows (dry or milking); large-framed; 545–658 kg (e.g., Holsteins)		Number of *livestock*		
	Milking-age cows (dry or milking); medium-framed; 455–545 kg (e.g., Guernseys)		Number of *livestock*		
	Milking-age cows (dry or milking); small-framed; 364–455 kg (e.g., Jerseys)		Number of *livestock*		
	Heifers (5 months to freshening); large-framed; 182–545 kg (e.g., Holsteins)		Number of *livestock*		
Dairy	Heifers (5 months to freshening); medium-framed; 148–455 kg (e.g., Guernseys)		Number of *livestock*		
	Heifers (5 months to freshening); small-framed; 125–364 kg (e.g., Jerseys)		Number of *livestock*		
	Calves (0–5 months); large-framed; 45–182 kg (e.g., Holsteins)		Number of *livestock*		
	Calves (0–5 months); medium-framed; 39–148 kg (e.g., Guernseys)		Number of *livestock*		
	Calves (0–5 months); small-framed; 30–125 kg (e.g., Jerseys)		Number of *livestock*		

Livestock Type	*Livestock* Description	Number of *Livestock* or Area	Unit	Manure System (indicate solid or liquid if no default provided)	Estimate for an Empty Barn? (yes or no)
White tailed deer	Adults >24 months (including unweaned offspring)		Number of *livestock*	Solid	
	Feeders		Number of *livestock*	Solid	
Red deer	Adults >24 months (including unweaned offspring)		Number of *livestock*	Solid	
	Feeders		Number of *livestock*	Solid	
Elk	Adults >24 months (including unweaned offspring)		Number of *livestock*	Solid	
	Feeders		Number of *livestock*	Solid	
Elk/deer hybrids	Adults >24 months (including unweaned offspring)		Number of *livestock*	Solid	
	Feeders		Number of *livestock*	Solid	
Fallow deer	Adults >24 months (including unweaned offspring)		Number of *livestock*	Solid	
	Feeders		Number of *livestock*	Solid	
Donkey	Jacks, jennies, mules, hinnies (includes unweaned foals)		Number of *livestock*	Solid	
Ducks	Muscovy (use the floor area of the *livestock barn*)		m^2 or ft^2		
	Peking		Number of *livestock*		
Emu	Adults (includes replacements and market birds)		Number of *livestock*	Solid	
Fox	Breeding females (including males, replacements and market animals)		Number of *livestock*	Solid	
Geese	Use the floor area of the *livestock barn*		m^2 or ft^2		
Goats	Does and bucks (for meat kids; includes unweaned offspring and replacements)		Number of *livestock*	Solid	
	Does and bucks (for dairy; includes unweaned offspring and replacements)		Number of *livestock*	Solid	
	Kids (dairy or feeder kids)		Number of *livestock*	Solid	

Livestock Type	*Livestock* Description	Number of *Livestock* or Area	Unit	Manure System (indicate solid or liquid if no default provided)	Estimate for an Empty Barn? (yes or no)
Horses	Large-framed, mature; >681 kg (e.g., draft or draft cross breeds including unweaned offspring)		Number of *livestock*	Solid	
	Medium-framed, mature; 227–680 kg (e.g., saddle, riding and racing breeds including unweaned offspring)		Number of *livestock*	Solid	
	Small-framed, mature; <227 kg (e.g., ponies and miniatures including unweaned offspring)		Number of *livestock*	Solid	
Llama	Adults (includes unweaned young and replacements)		Number of *livestock*	Solid	
	Feeders (45–86 kg)		Number of *livestock*	Solid	
Mink	Breeding females (including males, replacements and market animals)		Number of *livestock*		
Ostriches	Adults (includes replacements and market birds)		Number of *livestock*	Solid	
Partridge	Use floor area of the *livestock barn*		m^2 or ft^2	Solid	
Pheasants	Use floor area of the *livestock barn*		m^2 or ft^2	Solid	
Quail	Use floor area of the *livestock barn*		m^2 or ft^2	Solid	
Rabbits	Breeding females (including males, replacements and market animals)		Number of *livestock*	Solid	
Rheas	Adults (includes replacements and market birds)		Number of *livestock*	Solid	
Sheep	Ewes and rams (for meat lambs; includes unweaned offspring and replacements)		Number of *livestock*	Solid	
	Ewes and rams (dairy operation; includes unweaned offspring and replacements)		Number of *livestock*	Solid	
	Lambs (dairy or feeder lambs)		Number of *livestock*	Solid	
Squab (pigeon)	Use the floor area of the *livestock barn*		m^2 or ft^2	Solid	

Livestock Type	*Livestock* Description	Number of *Livestock* or Area	Unit	Manure System (indicate solid or liquid if no default provided)	Estimate for an Empty Barn? (yes or no)
Swine	Sows with litter, dry sows or boars		Number of *livestock*		
	Breeder gilts (entire barn designed specifically for this purpose)		Number of *livestock*		
	Weaners (7–27 kg)		Number of *livestock*		
	Feeders (27–136 kg)		Number of *livestock*		
Turkey	Turkey poults (day-old until transferred to grow-out turkey barn)		Number of *livestock*	Solid	
	Turkey breeder layers (males/ females transferred in from grower barn)		Number of *livestock*	Solid	
	Breeder toms		Number of *livestock*	Solid	
	Broilers (day-olds to 6.2 kg)		Number of *livestock*	Solid	
	Hens (day-olds up to 6.2–10.8 kg; 7.5 kg is typical)		Number of *livestock*	Solid	
	Toms (day-olds to over 10.8–20 kg; 14.5 kg is typical)		Number of *livestock*	Solid	
	Turkeys at any other weights, or if unknown use the floor area of the *livestock barn*		m^2 or ft^2	Solid	
Veal	Milk-fed		Number of *livestock*		
	Grain-fed		Number of *livestock*		
Wild boar	Breeding age sows (includes boars, replacements and weaned piglets up to 27 kg)		Number of *livestock*	Solid	
	Finishing boars (27–86 kg)		Number of *livestock*	Solid	
Other	Other animals not listed in this table		Enter total weight of *livestock*		

Livestock Type	*Livestock* Description	Number of *Livestock* or Area	Unit	Manure System (indicate solid or liquid if no default provided)	Estimate for an Empty Barn? (yes or no)
Unoccupied livestock barns	A *livestock barn* that does not currently house any *livestock*, but that housed *livestock* in the past and continues to be structurally sound and reasonably capable of housing *livestock*		m^2 or ft^2; where obtaining information from the farm operator(s) and/or owner(s) was not possible (see *implementation* Guideline #20 for more information)		

Manure Storages

1. Identify the appropriate *manure storage* type from the list below; if more than one type of *manure storage* is present identify all types that are applicable. The types of *manure storages* selected should reflect the types of manure systems associated with each *livestock* type identified above (e.g., if dairy housing based on liquid manure was identified above, then select a liquid *manure storage* from below).

2. If the *manure storage* is unused, but the *livestock* type and capacity for the barn were estimated in the previous section, then indicate the type of *manure storage*.

3. If the *manure storage* is unused, and in the section above, *unoccupied livestock barn* was used to determine capacity, then proceed to identify the *manure storage* type. Enter the information for a solid or liquid *unused manure storage*.

Manure Storage Type	*Manure Storage* Description	Present on the *Lot*? (yes or no)
V1	Solid, inside, bedded pack (manure accumulates under *livestock* over time)	
V2	Solid, outside, covered (cover keeps off precipitation to prevent runoff)	
V3	Solid, outside, no cover, ≥30% dry matter (manure is dry enough that a flowpath option can be used for runoff control (*Nutrient Management Act, 2002*)	
V4	Solid, outside, no cover, 18%–<30% dry matter, with covered liquid runoff storage (manure not dry enough to soak up precipitation, so a liquid runoff storage needed, but it has a permanent, tight-fitting cover)	
V5	Liquid, inside, underneath slatted floor (manure is stored under the animals in the barn)	

Manure Storage Type	*Manure Storage* Description		Present on the *Lot*? (yes or no)
V6	Liquid, outside, with a permanent, tight-fitting cover (negative pressure tarp, concrete lid, inflatable dome, etc.)		
L1	Solid, outside, no cover, 18%–<30% dry matter, with uncovered liquid runoff storage (manure not dry enough to soak up precipitation, so a liquid runoff storage needed, but it is uncovered, producing more odour than in V4)		
L2	Liquid, outside, with a permanent floating cover (tarps, foam panels, etc.)		
M1	Liquid, outside, no cover, straight-walled storage (usually circular or rectangular concrete or steel storages)		
M2	Liquid, outside, roof, but with open sides (roof keeps off precipitation, but the open sides allow wind to travel over the manure and carry odours)		
H1	Liquid, outside, no cover, sloped-sided storage (earthen *manure storage*s, but NOT earthen runoff storages associated with a solid *manure storage* which are L1)		
***Unused Manure* Storage Type**	***Manure Storage* Description**	**Total Volume**	**Units**
Solid *unused manure storage*	A *manure storage* that does not currently store any solid manure, but that stored solid manure in the past and continues to be structurally sound and reasonably capable of storing solid manure		m^3 or ft^3
Liquid *unused manure storage*	A *manure storage* that does not currently store any liquid manure, but that stored liquid manure in the past and continues to be structurally sound and reasonably capable of storing liquid manure		m^3 or ft^3

Section B

Imported Manure

1. Indicate the volume of the *manure storage* in cubic metres or cubic feet.
2. Indicate the type of manure stored (solid or liquid).
3. Identify the appropriate *manure storage* type from the list below; if more than one type of *manure storage* is present identify all types that are applicable.

***Manure storage* volume (m^3 or ft^3)**	
Type of manure stored (solid or liquid)	

Manure Storage Type	*Manure Storage* Description	Present on the *Lot*? (yes or no)
V1	Solid, inside, bedded pack (manure accumulates under *livestock* over time)	
V2	Solid, outside, covered (cover keeps off precipitation to prevent runoff)	
V3	Solid, outside, no cover, ≥30% dry matter (manure is dry enough that a flowpath option can be used for runoff control (*Nutrient Management Act, 2002*))	
V4	Solid, outside, no cover, 18%–<30% dry matter, with covered liquid runoff storage (manure not dry enough to soak up precipitation, so a liquid runoff storage needed, but it has a permanent, tight-fitting cover)	
V5	Liquid, inside, underneath slatted floor (manure is stored under the animals in the barn)	
V6	Liquid, outside, with a permanent, tight-fitting cover (negative pressure tarp, concrete lid, inflatable dome, etc.)	
L1	Solid, outside, no cover, 18%–<30% dry matter, with uncovered liquid runoff storage (manure not dry enough to soak up precipitation, so a liquid runoff storage needed, but it is uncovered, producing more odour than in V4)	
L2	Liquid, outside, with a permanent floating cover (tarps, foam panels, etc.)	
M1	Liquid, outside, no cover, straight-walled storage (usually circular or rectangular concrete or steel storages)	
M2	Liquid, outside, roof, but with open sides (roof keeps off precipitation, but the open sides allow wind to travel over the manure and carry odours)	
H1	Liquid, outside, no cover, sloped-sided storage (earthen *manure storage*s, but NOT earthen runoff storages associated with a solid *manure storage* which are L1)	

6.3 MDS II Calculation Form

Introduction

Implementation Guidelines #2 through #5 and #11 through #15 provide direction on the types of applications and situations that trigger the need to complete an MDS II setback calculation.

Generally, the preferred method for calculating MDS setbacks is to use the software provided by OMAFRA (AgriSuite). However, on occasions where a 'by hand' calculation is preferred or the software is not available, this information is intended to assist with the calculation of MDS II setbacks. It is not intended to detract or add to the information found in specific Implementation Guidelines or tables located in Sections 4 and 5 of this MDS Document.

MDS II setbacks are calculated for both a *first* or *altered livestock facility* and yield setbacks between various parts of the *livestock facility*, depending on the type of construction proposed, (i.e., *livestock barn* or *manure storage*), Type A and Type B land uses, road allowances, and rear and side *lot* lines. MDS II setbacks for *anaerobic digesters* do not need to be calculated, but are required in accordance with Implementation Guideline #22. MDS II setbacks are applied based on actual surrounding land uses and circumstances.

Step 1: Contact Information for Applicant

Fill in the pertinent contact information for the applicant who is proposing to construct a *first* or *altered livestock facility*. If all of this information is not available, include sufficient information so that the applicant can be identified and contacted if necessary.

Contact Information — Applicant	
First name	
Last name	
Company/organization (if applicable)	
Agent (if applicable)	
Mailing address	
City/town	
Province	
Postal code	
Primary telephone number	
Alternative telephone number	
Fax number	
Email	

Step 2: Location and Description of the Proposed Application

Fill in the pertinent information for the *lot* where the proposed application is to be located. If all of this information is not available, include sufficient information to identify the proposed application location.

Location and Description of the Proposed Application	
Location and description of the proposed application	
Upper tier/single tier municipality	
Lower tier municipality (if applicable)	
Lot	
Concession	
911 Number and road name	
Property roll number	
Application type (e.g., building permit)	
File number	
General description of the proposed application	

Step 3: *Livestock*/Manure Types and Descriptions Housed and/or Stored

1. On Calculation Form A, identify all the types of *livestock*/manure that are currently, or could potentially be, housed and/or stored as part of the *livestock facility*, based on the information provided by the applicant. Table 1 provides a listing of *livestock*/manure. For each type of *livestock*/manure complete a separate row in Form A. For each row, and each *livestock*/manure type, use Table 1 for information regarding description, number/NU and manure type.

2. In Cell A2, identify the type of *livestock*/manure (e.g., dairy).

3. In Cell B2, identify the appropriate description for the *livestock* (e.g., milking-age cows (dry or milking) large-framed (e.g., Holsteins)).

4. NOTE: There is no description for imported manure, therefore Cell B2 remains blank.

5. In Cell C2 record the number/NU from Table 1 (e.g., 0.7).

6. In Cell D2 identify the manure type (e.g., liquid). If Table 1 provides more than one option for manure type (i.e., both liquid and solid are options), indicate which type is present or proposed, based on information supplied by the applicant.

7. Enter the existing maximum number of *livestock* that can be housed, or maximum area that can be used to house *livestock*, or the maximum volume of manure that can be stored in Cell E2 and the proposed capacity to be added in Cell G2 based on information supplied by the applicant. If the operation is a *first livestock facility*, enter a value of 0 for the existing capacity in Cell E2 on Calculation Form A.

8. Repeat this step for each applicable type of *livestock*/manure, using rows 3 through 6 as needed. If more than five types of *livestock* (or imported manure) are currently, or will be housed (or stored), add additional rows to the table. For some types of *livestock* more than one row is needed if the operation houses more than one description of *livestock*. For example, a dairy operation that houses milking-age cows, heifers, and calves would need three rows, one for each description.

MDS II — CALCULATION FORM A

	A	B	C	D	E	F	G	H	I	J
1	*Livestock*/ Manure Type	*Livestock*/ Manure Description	Number/NU (number of *livestock* or m^2 or m^3)	Manure Type (solid or liquid)	Existing Maximum Number of *Livestock* or m^2 or m^3	Existing Maximum Number of *Nutrient Units*	Proposed Added Number of *Livestock* or m^2 or m^3	Proposed Added Number of *Nutrient Units*	Factor A Value	Factor D Value
2										
3										
4										
5										
6										

MDS II — CALCULATION FORM B

	A	B
1	**Existing *design capacity***	*Nutrient Units*
2	**Proposed total number of *Nutrient Units* to be added**	*Nutrient Units*
3	***Design capacity* after alteration**	*Nutrient Units*
4	**Final Factor A**	
5	**Final Factor D**	
6	**Final Factor B**	

Step 4: Convert *Livestock* Information to *Nutrient Units*

1. For each *livestock*/manure type and description outlined on Calculation Form A, determine the existing maximum number of *Nutrient Unit*s and the proposed number of *Nutrient Unit*s to be added. Calculate existing maximum number of *Nutrient Unit*s by taking the existing maximum number of *livestock* that can be housed, or maximum area that can be used to house *livestock*, or the maximum volume of manure that can be stored in Cell E2 and dividing it by the number/NU in Cell C2. Record this new value in Cell F2.

2. Calculate the proposed number of *Nutrient Unit*s to be added by taking the proposed number of *livestock* to be added, or the area to be used to house *livestock*, or the volume of manure to be stored in Cell G2 and dividing it by the number/NU in Cell C2. Record this new value in Cell H2. If necessary, repeat this step for each type of *livestock*/manure identified.

3. Now calculate the existing *design capacity*, the proposed total number of *Nutrient Unit*s to be added and the *design capacity* after alteration, all three of which are expressed in *Nutrient Unit*s. To determine existing *design capacity*, add values in Cells F2 through F6 on Calculation Form A and record this value in Cell B1 on Calculation Form B.

4. To determine the proposed total number of *Nutrient Unit*s to be added, add values in Cells H2 through H6 and record this value in Cell B2 on Calculation Form B.

5. To determine the *design capacity* for the *livestock facility* after alteration, add values in Cells B1 and B2 on Calculation Form B and record this value in Cell B3 on Calculation Form B.

Step 5: Factor A

1. For each *livestock*/manure type and description outlined on Calculation Form A, where *livestock*/manure are being added, determine the value of Factor A. For the *livestock*/manure type described in Cells A2 and B2, and where indicated in Cell G2 that this type of *livestock*/manure is being added to the operation, enter the value of Factor A from Table 1 in Cell I2. For example, if Cell A2 and B2 describe dairy cattle, milking-age cows, large-framed (e.g., Holsteins), and Cell G2 indicates that 100 *livestock* are being added, record the value 0.7 in Cell I2.

2. Repeat this step for each type of *livestock*/manure (i.e., repeat this for rows 3 through 6 if *livestock*/manure types are identified for these rows) where *livestock*/manure are proposed to be added to the facility.

3. Review Cells I2 through I6. For cells that have recorded a value for Factor A, if the value for Factor A is the same in every cell, then enter this value in Cell B4 on Calculation Form B. If there is more than one value for Factor A in Cells I2 through I6 on Calculation Form A, then calculate a weighted average for Factor A.

   For example, if dairy cattle milking-age cows, heifers and calves are recorded there is no need to calculate a weighted average for Factor A, as the value of Factor A (i.e., 0.7) is the same for all three types of *livestock*. Similarly, if horses (large-framed and sheep (lambs) were recorded there is no need to calculate a weighted average for Factor A, as the value of Factor A (i.e., 0.7) is the same for both types of *livestock*. However, if sheep (lambs) and rabbits were recorded then calculate a weighted average for Factor A, as the value of Factor A is different for these types of *livestock*.

4. To calculate a weighted average for Factor A (see Implementation Guideline #30), use the values for Factor A recorded in Cells I2 through I6 and the proposed total number of *Nutrient Unit*s to be added (numbers recorded in Cells H2 through H6). When calculating a weighted average, the value of Factor A should NOT include more than two decimal places and may be rounded accordingly. Record the weighted average for Factor A in Cell B4 on Calculation Form B.

Step 6: Factor D

1. For each *livestock*/manure type and description outlined on Calculation Form A, where *livestock*/manure is proposed to be added, determine the value of Factor D. For the manure type described in Cell D2 and where indicated in Cell G2 that this type of *livestock*/manure is being added to the operation, enter the value of Factor D in Cell J2 from Table 1. For example, if Cell D2 says liquid manure, record the value 0.8 in Cell J2. Repeat this step for each type of *livestock*/manure identified.

2. Review Cells J2 through J6. For cells where a value for Factor D is recorded, if the value for Factor D is the same in every cell, then enter this value on Calculation Form B, Cell B5. If there is more than one value for Factor D in Cells J2 through J6 on Calculation Form A, then it is necessary to calculate a weighted average for Factor D.

For example, if solid manure for all types of *livestock* is recorded in Calculation Form, there is no need to calculate a weighted average for Factor D, as the value of Factor D (i.e., 0.7) is the same for all types of *livestock*. However, if solid manure and liquid manure is recorded for various types of *livestock* in the Calculation Form, calculate a weighted average for Factor D as the type of manure is different for these types of *livestock*.

3. To calculate a weighted average for Factor D (see Implementation Guideline #31) use the values for Factor D recorded in Cells J2 through J6 and the proposed number of *Nutrient Unit*s to be added (which are recorded in Cells H2 through H6 on Calculation Form A). When calculating a weighted average, the value of Factor D should not include more than two decimal places and may be rounded accordingly. Record the weighted average for Factor D in Cell B5 on Calculation Form B.

Step 7: Factor B

1. Now determine Factor B which is based on the *design capacity* after the proposed construction (alteration) is completed. The *design capacity* after alteration is found in Cell B3 on Calculation Form B. Use this number as the 'Final *Nutrient Unit*s' to determine Factor B from Table 2, by looking up the value of Factor B based on the final *Nutrient Unit*s. In some cases, it will be necessary to interpolate Factor B from Table 2, when the exact value of the final *Nutrient Unit*s is not specifically identified in Table 2. Implementation Guideline #26 provides more specific direction on Factor B, and information on interpolation and rounding can be found in the text accompanying Table 2. Once the value of Factor B is determined, record this number in Cell B6 on Calculation Form B.

Step 8: Determining Percentage Increase

1. Determine Factor C to complete the MDS II calculation by defining the percentage increase for the *livestock facility*. There are four approaches for calculating percentage increase. Use the approach that most appropriately fits the situation:

    - if the operation is a *first livestock facility*, then use Approach (i)
    - if the operation is an *existing livestock facility* that is being altered, and the proposed building permit will result in an increase in *design capacity*, and no other building permits have been issued on this *lot* in the past 3 years that increased the *design capacity* of the *livestock facility*, then use Approach (ii)
    - if the operation is an *existing livestock facility* that is being altered, and the proposed building permit will result in an increase in *design capacity*, and a building permit has been issued on this *lot* within the past 3 years that increased the *design capacity* of the *livestock facility*, then use Approach (iii)
    - if the operation is an *existing livestock facility* and the proposed building permit will result in no change in *design capacity*, or a decrease in *design capacity* for the *livestock facility*, then use Approach (iv)

Approach (i)

For a *first livestock facility* the percentage increase is assumed to be 700%. Enter a value of 700% in Cell B5 on Calculation Form C.

Approach (ii)

Take the value of the proposed total number of *Nutrient Unit*s to be added (found in Cell B2 on Calculation Form B) and enter it in Cell D3 on Calculation Form C. Take the value of existing *design capacity* (found in Cell B1 on Calculation Form B) and enter it in Cell D4 on Calculation Form C. Calculate percentage increase by dividing the value in Cell D3 by the value in Cell D4. Multiply the result by 100. This is the percentage increase. Enter this value in Cell D5 on Calculation Form C.

Approach (iii)

Determine the number of *Nutrient Unit*s that were added to the *livestock* facility by building permit(s) issued within the past 3 years. Ask the applicant for this information; consult existing municipal files or records. If the building permit(s) issued within the past 3 years for this operation was (were) for a *first livestock facility* (i.e., there were no *livestock* housed and no manure stored on this *lot* 3 years ago), then use Approach (i) for this operation. Take the value of the proposed total number of *Nutrient Unit*s to be added (found in Cell B2 on Calculation Form B), add to it any additional *Nutrient Unit*s added by building permits issued within the past 3 years and enter this new value in Cell F3 on Calculation Form C. Take the value of the existing *design capacity* (NU) (found in Cell B1 on Calculation Form B), subtract from it any additional *Nutrient Unit*s added by building permits issued within the past 3 years and enter this new value in Cell F4 on Calculation Form C. Calculate percentage increase by dividing the value in Cell F3 by the value in Cell F4. Multiply the result by 100. This is the percentage increase. Enter this value in Cell F5 on Calculation Form C.

Approach (iv)

For an *existing livestock facility* where the proposed building permit will result in no change in *design capacity*, or a decrease in *design capacity* for the *livestock facility*, percentage increase is assumed to be 0%. Enter a value of 0% in Cell H5 on Calculation Form C.

Step 9: Factor C

1. Calculate Factor C, which is based on the percentage increase. Take the percentage increase found in Cell B5, D5, F5 or H5 (depending on the approach used in Step 8) found on Calculation Form C. Use this value to determine Factor C from Table 3, by looking up the value of Factor C based on the percentage increase in *Nutrient Unit*s. In some cases, it is necessary to interpolate Factor C from Table 3, when the actual percentage increase in *Nutrient Unit*s is not specifically identified in Table 3. Implementation Guideline #27 provides more specific direction on Factor C, and information on interpolation and rounding is found in the text accompanying Table 3.

2. Once the value of Factor C is determined, record this number in Cell B6 on Calculation Form C.

MDS II — CALCULATION FORM C

	A	B	C	D	E	F	G	H
1	**Approach (i)**		**Approach (ii)**		**Approach (iii)**		**Approach (iv)**	
2	*First livestock facility*		Existing *design capacity* is to increase; no previous building permits which added capacity were issued in the last 3 years		Existing *design capacity* is to increase; a building permit had been issued which added capacity to the *livestock* facility within the last 3 years		Existing *design capacity* is staying the same or decreasing	
3			Proposed total number of *Nutrient Units* to be added		Proposed total number of *Nutrient Units* to be added plus additional *Nutrient Units* added by building permit(s) within the past 3 years			
4			Existing *design capacity*		Existing *design capacity* — additional *Nutrient Units* added by building permit(s) within the past 3 years			
5	Percentage increase		Percentage increase [(D3/D4)*100]		Percentage increase [(F3/F4)*100]		Percentage increase	
6	Factor C							

Step 10: Calculate Building Base Distance 'F'

1. To calculate Building Base Distance 'F', enter the value for:

    - Factor A (found on Calculation Form B, Cell B4) into Cell A2 on Calculation Form D
    - Factor B (found on Calculation Form B, Cell B6) into Cell B2 on Calculation Form D
    - Factor C (found on Calculation Form C, Cell B6) into Cell C2 on Calculation Form D
    - Factor D (found on Calculation Form B, Cell B5) into Cell D2 on Calculation Form D

2. Calculate Building Base Distance by multiplying Factor A, Factor B, Factor C and Factor D (multiply the values in Cells A2, B2, C2 and D2 together) and enter this result in Cell E2 on Calculation Form D.

MDS II — CALCULATION FORM D

	A	B	C	D	E
1	**Factor A**	**Factor B**	**Factor C**	**Factor D**	**Building Base Distance 'F'**
2					

Step 11: Determine Storage Base Distance 'S'

1. Enter Building Base Distance 'F' (found in Calculation Form D, Cell E2) in Calculation Form E, Cell B1. If the proposed building permit does not result in the construction or expansion of a *manure storage*, enter a value of 0 in Cell B3, Storage Base Distance 'S', on Calculation Form E.

2. If the proposed building permit does result in the construction or expansion of a *manure storage*, proceed to establish Storage Base Distance 'S' starting with Table 5.

    - Compare the 11 types of *manure storage*s in Table 5 (i.e., V1, V2, V3, V4, V5, V6, L1, L2, M1, M2 and H1) with the proposed project to be constructed by the applicant as part of the building permit application.
    - Select the *manure storage* type that best fits the application. The *manure storage* type selected should reflect the value of Factor D used in the calculation. For example, if Factor D is based on solid manure (value of 0.7) it is not appropriate to select the V6 *manure storage* type. Enter the *manure storage* type (e.g., V6) in Cell B2 on Calculation Form E. If more than one type of *manure storage* is proposed to be constructed as part of the building permit application, select the *manure storage* type with the highest odour potential. For example, if a building permit proposes to construct both a V6 and a H1 *manure storage*, enter H1 in Cell B2 on Calculation Form E.

3. Use the *manure storage* type (Cell B2 on Calculation Form E) and the Building Base Distance 'F', (Cell B1 on Calculation Form E) and determine the value of Storage Base Distance 'S' from Table 6, by looking up the value of the Storage Base Distance 'S' based on these two numbers. In some cases, it is necessary to interpolate Storage Base Distance 'S' from Table 6 when the actual distance is not specifically identified in Table 6. Information on interpolation and rounding is found in the text accompanying Table 6.

MDS II — CALCULATION FORM E

	A	B
1	**Building Base Distance 'F'**	
2	***Manure Storage* Type (Table 5)**	
3	**Storage Base Distance 'S' (Table 6)**	

Step 12: Calculate Minimum Distance Separation II Setbacks

1. Now that the Building Base Distance 'F' and the Storage Base Distance 'S' have been calculated, determine setbacks from the nearest neighbour's *dwelling*, Type A land uses, Type B land uses, road allowances and *lot* lines.

MDS II — CALCULATION FORM F

	A	B	C
1		***Livestock Barn***	***Manure Storage***
2	**Building Base Distance 'F'**		
3	**Nearest neighbours *dwelling* and Type A land use (1 x 'F')**		
4	**Type B land use (2 x 'F')**		
5	**Road allowance setback (0.2 x 'F' to a maximum of 60 m)**		
6	**Rear and side *lot* line setback (0.1 x 'F' to a maximum of 30 m)**		

2. Take the Building Base Distance 'F' (Cell B1 Calculation Form E) and enter this value in Cell B2 on Calculation Form F. Take the Storage Base Distance 'S' (Cell B3 Calculation Form E) and enter this value in Cell C2 on Calculation Form F. To determine various MDS II setbacks for the *livestock barn* and the *manure storage*, multiply these base distances by various factors.

3. To determine the MDS II setback for the *livestock barn* from the nearest neighbour's *dwelling* and Type A land uses, multiple the value in Cell B2 by 1.0 and enter this value in Cell B3.

4. To determine the MDS II setback for the *manure storage* from the nearest neighbour's *dwelling* and Type A land uses, multiple the value in Cell C2 by 1.0 and enter this value in Cell C3.

5. To determine the MDS II setback for the *livestock barn* from Type B land uses, multiple the value in Cell B2 by 2.0 and enter this value in Cell B4.

6. To determine the MDS II setback for the *manure storage* from Type B land uses, multiple the value in Cell C2 by 2.0 and enter this value in Cell C4.

7. To determine the MDS II setback for the *livestock barn* from a road allowance, multiple the value in Cell B2 by 0.2 and enter this value in Cell B5. If this value exceeds 60, enter a value of 60 in Cell B5.

8. To determine the MDS II setback for the *manure storage* from a road allowance, multiple the value in Cell C2 by 0.2 and enter this value in Cell C5. If this value exceeds 60, enter a value of 60 in Cell C5.

9. To determine the MDS II setback for the *livestock barn* from a rear or side *lot* line, multiple the value in Cell B2 by 0.1 and enter this value in Cell B6. If this value exceeds 30, enter a value of 30 in Cell B6.

10. To determine the MDS II setback for the *manure storage* from a rear or side *lot* line, multiple the value in Cell C2 by 0.1 and enter this value in Cell C6. If this value exceeds 30, enter a value of 30 in Cell C6.

The calculation of MDS II setbacks is now complete. Apply these MDS II setbacks to the building permit application as appropriate. Implementation Guidelines #39 through #41 provide information for the measurement of MDS setbacks. Implementation Guidelines #42 and #43 provide information on reducing and varying MDS setbacks.

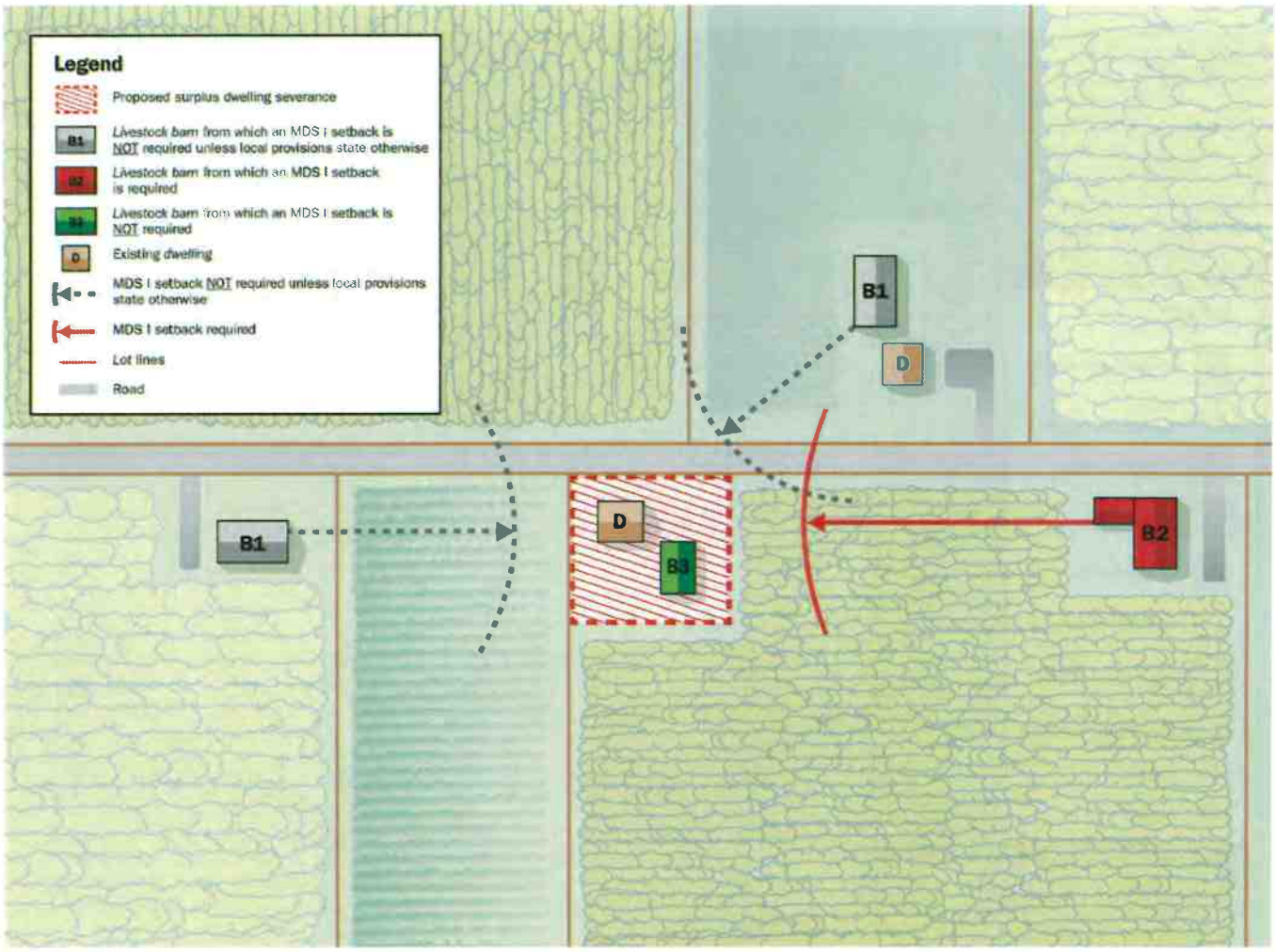


Figure 3. Implementation Guideline #9 — MDS I setbacks and *lot* creation for a *residence surplus to a farming operation*.

An MDS I setback is required from the red *livestock barn* (B2) for the proposed surplus *dwelling* severance, but not from either of the two grey *livestock barns* (B1), unless local provisions state otherwise. This is because those two grey *livestock barns* (B1) are already on separate *lots* from the subject *dwelling* proposed to be severed and therefore a potential odour conflict already exists. The creation of the surplus *dwelling lot* only results in a new potential odour conflict with the red *livestock barn* (B2) as it is on the same *lot* as the subject *dwelling* PRIOR to the consent being approved and will be on a separate *lot* AFTER the consent is approved. In accordance with Implementation Guideline #14, there is no MDS I setback required from the green *livestock barn* (B3), as it will remain on the same *lot* as the subject *dwelling* proposed to be severed.

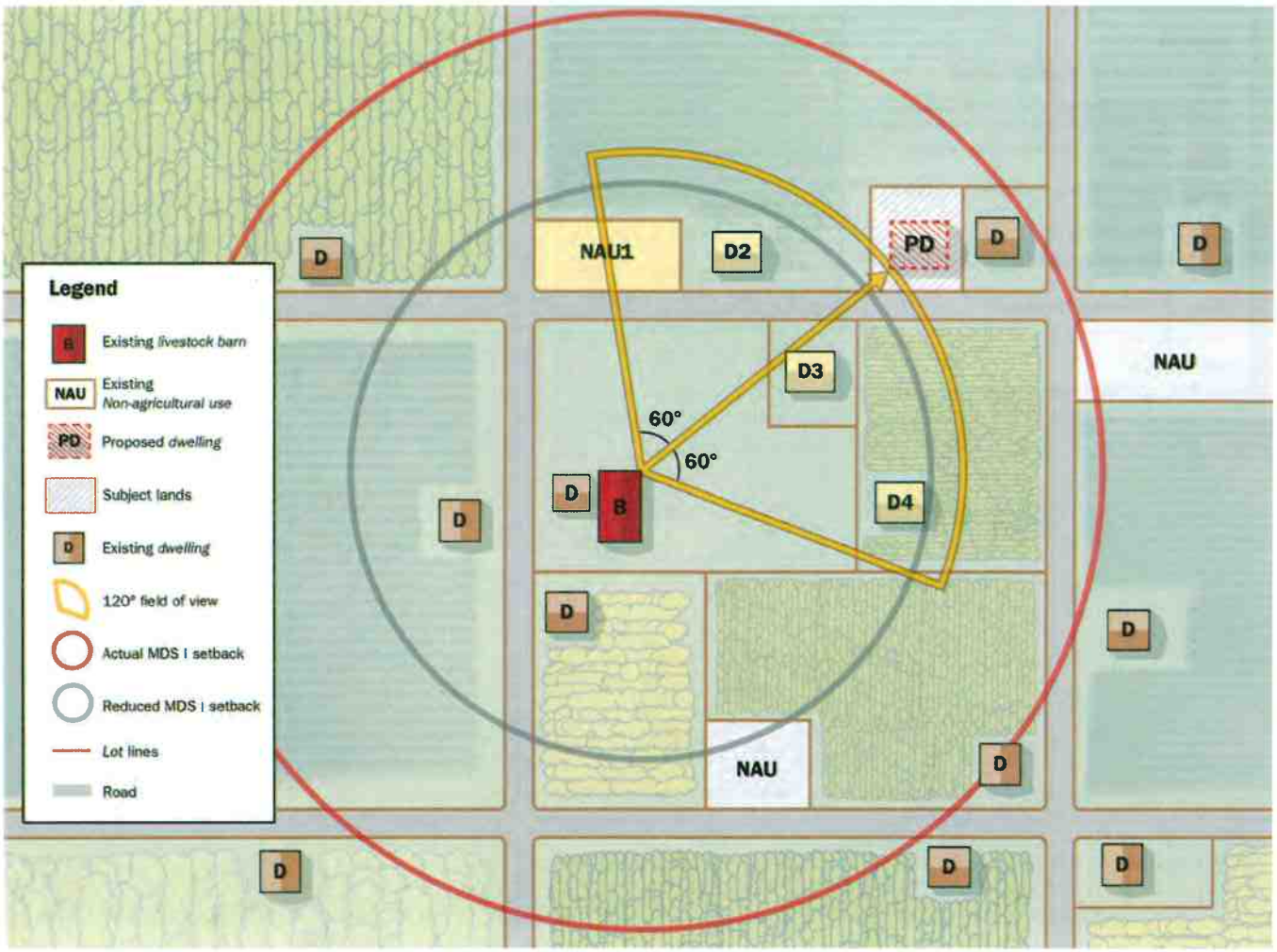


Figure 4. Implementation Guideline #12 — existing uses that do not conform to MDS.

Step 1: Draw a line (orange arrow) connecting the *livestock occupied portion* of the existing *livestock barn* and the nearest edge of the proposed *dwelling*'s building envelope (or the proposed *development* — not this example).
Step 2: At the base of the arrow, looking in the direction the arrow is pointing and using a protractor, plot 60° to the right of the arrow and another 60° to the left of the arrow, effectively creating a 120° 'field of view' from the base of the arrow.
Step 3: Draw an arc using the length of the arrow from Step 1 as the radius and connect the two edges of the 120° field of view, forming a wedge shape. This wedge comprises the 'intervening area' referenced in Implementation Guideline #12.
Step 4: Count the number of existing or approved *dwelling*s or *development* partially or entirely captured within the intervening area.
Step 5: If there are 4, or more, *non-agricultural uses* (NAUs), *residential uses*, and/or *dwelling*s that fall within the intervening area, the actual MDS I setback may be reduced to become the distance of the furthest of the qualifying *non-agricultural uses*, *residential uses* and/or *dwelling*s. In this example, there is one qualifying NAU and three qualifying *dwelling*s totalling four. So a reduced MDS I may be permitted and the proposed *dwelling* can be constructed despite it not meeting the actual MDS I setback generated by the subject *livestock barn*. This process may need to be repeated for *manure storage*s and/or *anaerobic digester*s that may also be located in the investigation distance area established in Implementation Guideline #6.

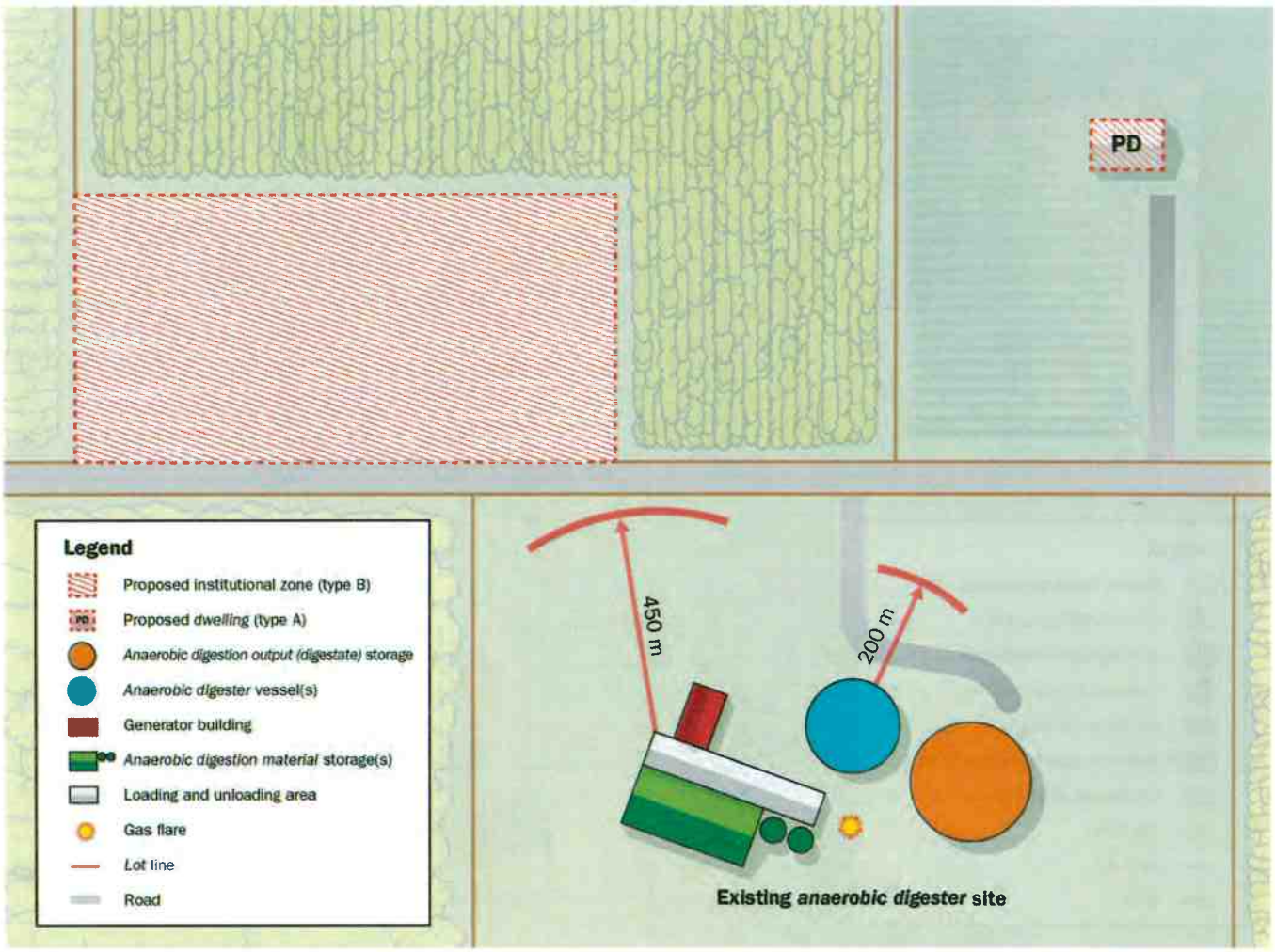


Figure 5. Implementation Guideline #22 — MDS I setbacks for *anaerobic digesters*.

This figure shows where to measure the fixed MDS I setbacks from existing *anaerobic digesters*.

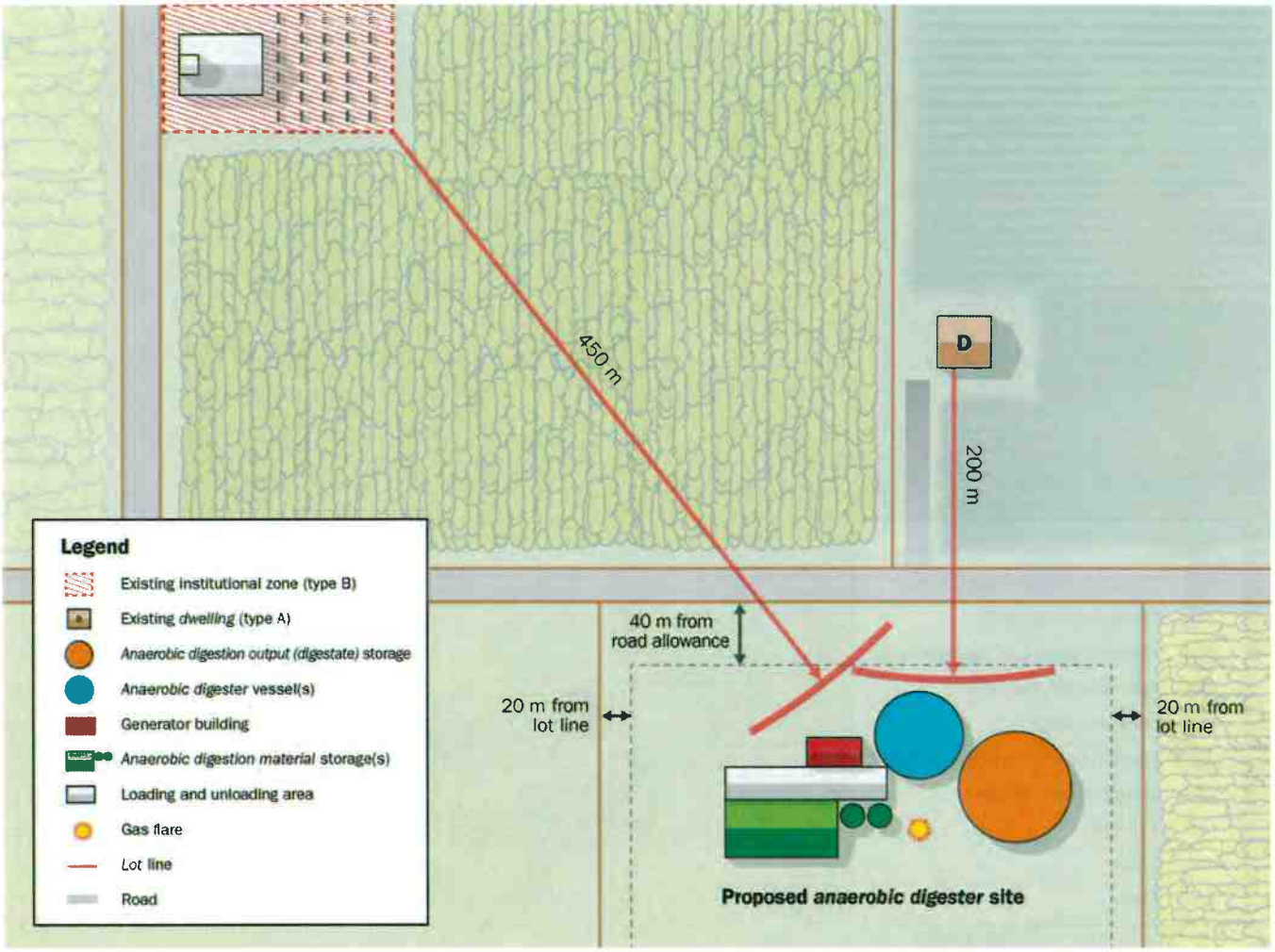


Figure 6. Implementation Guideline #22 — MDS II setbacks for *anaerobic digesters*.

This figure shows where to measure the fixed MDS II setbacks from existing *non-agricultural uses* and *dwellings*.

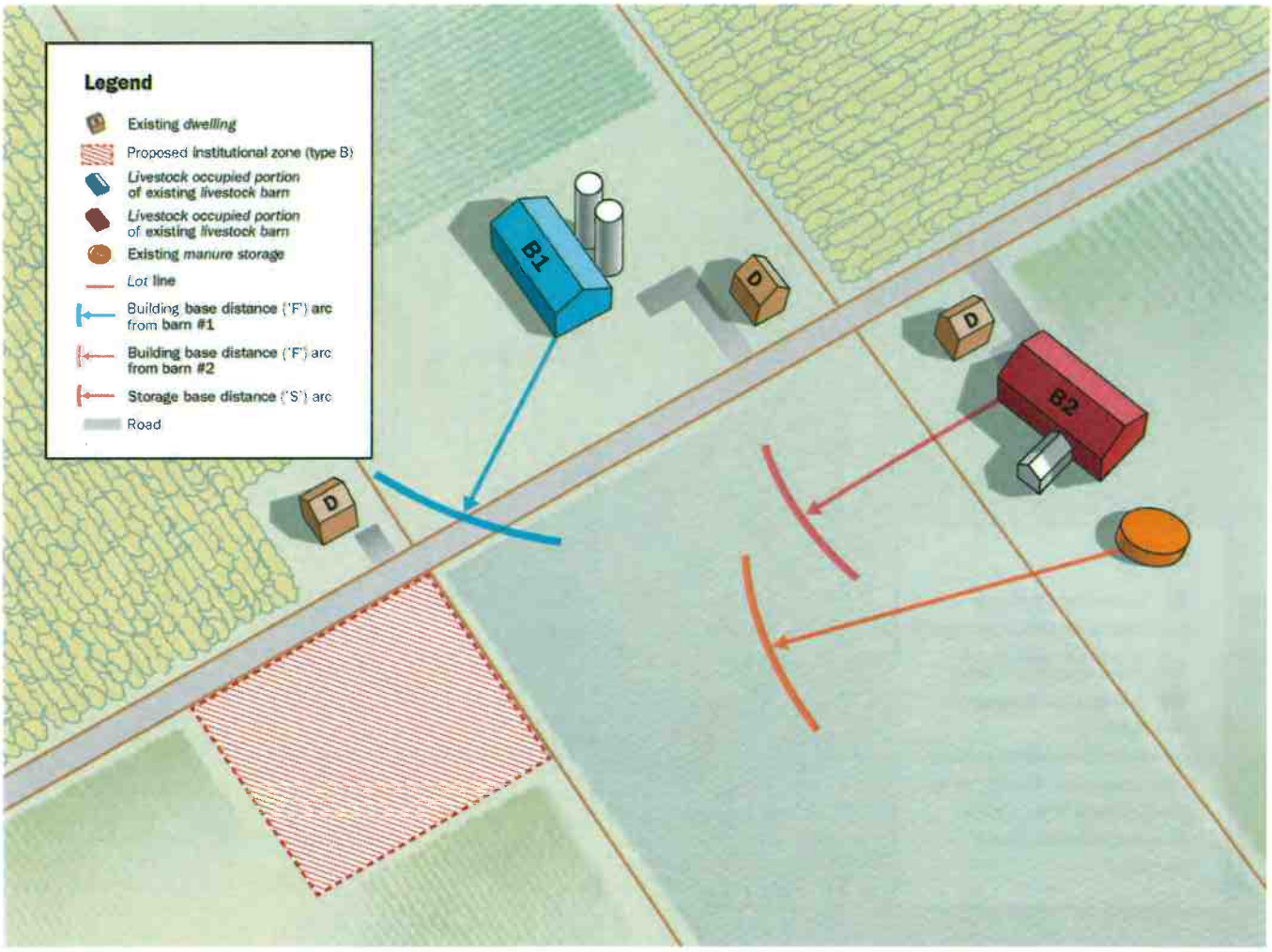


Figure 7. Implementation Guideline #40 — measurement of MDS I setbacks for *development* and *dwellings*.

This figure shows MDS I setbacks for *livestock facilities* near a proposed *non-agricultural use* (i.e., institutional zone). NOTE: The MDS I setbacks are measured from the shortest distance between the area proposed to be rezoned to permit the *non-agricultural uses* and the surrounding *livestock occupied portions* of the *livestock barns* and *manure storages*.

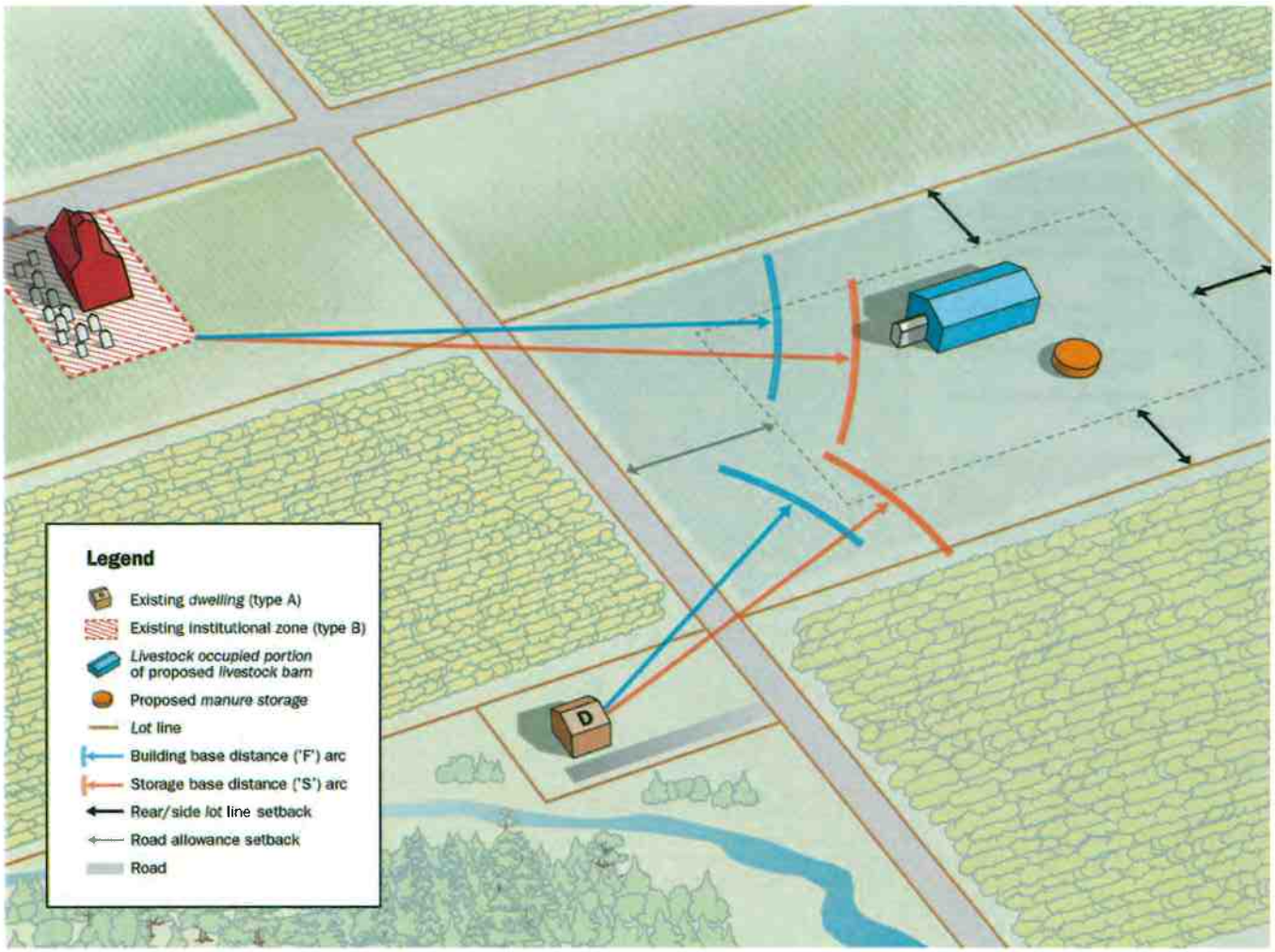


Figure 8. Implementation Guideline #40 — measurement of MDS II setbacks for *development* and *dwellings*.

This figure shows MDS II setbacks for a *first livestock facility* near an existing *non-agricultural use* (i.e., institutional zone) and *dwelling*. NOTE: The MDS II setbacks are measured from the shortest distance between the points of new construction for the *livestock occupied portion* of the *livestock barn* and *manure storage*, and the existing *non-agricultural use* and *dwelling*.

8. ADDITIONAL INFORMATION

This section provides guidance and direction on a number of common issues and questions that have been raised by previous users of MDS and covers the following topics:

- incorporation of this MDS Document into local land use planning documents, including transition and implementation issues between previous versions of this MDS Document, as well as optional applications of MDS for municipalities to address
- considerations when reducing or varying MDS setbacks
- determining types of *livestock barns* and *manure storages*
- determining *design capacity* for *livestock facilities*
- assessing if a *livestock facility* is structurally sound or reasonably capable of housing *livestock*

8.1 Incorporating this MDS Document into Local Land Use Planning Documents

Introduction

The following is intended to assist municipalities when incorporating the appropriate portions of this MDS Document into their land use planning documents. It includes a review of the various options available to municipalities that must be enshrined in policy or provisions to take effect locally.

In preparing this information to help municipalities and users of this MDS Document, OMAFRA recognizes that municipalities are responsible for making local decisions, including compliance with any applicable statutes or regulations. As this portion of the Document deals in a summary fashion with complex matters and reflects legislation, policies and practices that are subject to change, the material herein should not be relied upon as a substitute for specialized legal or professional advice in connection with any particular matter. OMAFRA strongly recommends that municipalities seek their own legal advice to determine if their planning documents adequately address the provisions contained in this MDS Document as required by the PPS and enabled by the *Planning Act, 1990*.

The *Planning Act, 1990*, requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act. As it pertains to MDS, the aforementioned policy statements include policies 1.1.5.9 and 2.3.3.3 contained in the PPS, which respectively state that on *rural lands* and in *prime agricultural areas*, "new land uses, including the creation of *lots*, and new or expanding *livestock facilities* shall comply with the *Minimum Distance Separation Formulae*".

On March 1, 2017, this revised version of the *Minimum Distance Separation Formulae* (known as the MDS Document) came into effect. Therefore, in order to be consistent with the PPS, all planning decisions made on or after March 1, 2017, for new land uses, including the creation of *lots*, need to comply with this MDS Document. The way that municipalities ensure consistency with these PPS policies at the local level is through the inclusion of the MDS Implementation Guidelines, definitions and Factor tables in their municipal official plan and/or their comprehensive zoning by-law. Deciding which of these two local documents the various aforementioned MDS components should be enshrined will depend on the nature of the application being considered (e.g., official plan amendment, zoning by-law amendment, land division consent, building permit, etc.) and whether the application may require an MDS I or an MDS II setback.

All planning decisions made on or after March 1, 2017, for new land uses, including the creation of lots, need to comply with this MDS Document.

Many MDS I setbacks are applied to new or expanding land uses rather than new or expanding buildings, as is always the case for MDS II setbacks. To elaborate, with the exception of MDS I setbacks required for proposed construction on a *lot* which existed prior to March 1, 2017, most MDS I setbacks are implemented when land use planning applications are made under the *Planning Act, 1990*; whereas, MDS II setbacks are applied to *first* or *altered livestock facilities* or *anaerobic digesters* and are primarily implemented when complete building permit applications are submitted under the *Building Code Act, 1992*.

Before construction can begin on a *livestock facility* or *anaerobic digester* (MDS II) or a *dwelling/non-agricultural use* (MDS I), a building permit is required subject to the *Building Code Act, 1992*. Municipal chief building officials are required to issue building permits under the *Building Code Act, 1992*, unless the proposed construction will contravene the *Building Code Act, 1992*, the building code(s) or any other "applicable law". Applicable law is a list of statutes, regulations and by-laws set out in the building code(s). As it relates to MDS, the list of applicable law in the building code includes "by-laws made under section 34 or 38 of the *Planning Act, 1990*". As a result, construction which requires a building permit is subject to the provisions of local municipal comprehensive zoning by-laws. Therefore, by incorporating the appropriate provisions in the comprehensive zoning by-law, that construction will be required to meet the MDS I or MDS II setbacks before a building permit is issued. When MDS I and MDS II setbacks for building construction (e.g., *livestock facilities*, *anaerobic digesters*, *dwellings*, etc.) are incorporated in a municipal zoning by-law, they become one of the requirements that a chief building official must consider when determining whether to issue a building permit. It is important that municipalities craft their comprehensive zoning by-law provisions for MDS thoughtfully. In addition, because applications for building permits must meet whatever requirements are currently in place in the local comprehensive zoning by-law, municipalities are strongly encouraged to review and potentially update their comprehensive zoning by-laws to ensure that this MDS Document is implemented appropriately, in accordance with the requirements of the PPS. Regular updates help avoid potentially unequal situations where a municipality may be carrying out their MDS I calculations under the March 1, 2017, MDS Document, whereas their MDS II calculations are still being done under a previous (1976, 1995 or 2007) version of MDS.

Municipalities are strongly encouraged to review and potentially update their comprehensive zoning by-law and official plan to ensure that the MDS Document is implemented appropriately, in accordance with the requirements of the PPS.

Municipalities may develop MDS provisions in their planning documents to reflect local circumstances and the layout and format of their existing official plan and comprehensive zoning by-law, however, the following key components with respect to the implementation of this MDS Document shall be included.

Minimum Sections to Incorporate from this MDS Document

In accordance with the PPS, this MDS Document shall apply in *prime agricultural areas* or *rural lands*. Where either *prime agricultural areas* or *rural lands* are present, both the MDS Formulae and Implementation Guidelines contained in this MDS Document shall be referenced in municipal official plans, and detailed provisions included in comprehensive zoning by-laws such that, as a minimum, the appropriate MDS setbacks are required in all designations and zones where *livestock facilities* or *anaerobic digesters* are a permitted use.

Sections 1, 2, 6, 7 and 8 of this MDS Document are provided for information and background purposes. Because these sections are primarily intended to provide broader context for the more specific MDS Formulae and Implementation Guidelines, as well as information on related land use topics, they are not required to be incorporated into municipal land use planning documents.

However, the remainder of this MDS Document, Sections 3, 4 and 5, form the basis for incorporating MDS into local land use planning documents, including the Definitions, Implementation Guidelines and the Factor tables. Implementation Guidelines #7, #9, #35 and #38 address areas where municipalities have options when implementing MDS locally, and shall be clearly addressed by a municipality in the appropriate implementing land use planning document (e.g., official plan or comprehensive zoning by-law).

Sections 3, 4 and 5 of this MDS Document form the basis for incorporating MDS into local land use planning documents, including relevant definitions, Implementation Guidelines and the Factor tables.

The nature of the policies developed for adoption in municipal planning documents depends on the type of application anticipated to be processed. For example, a land use change may require an amendment to either the official plan, the comprehensive zoning by-law or an application to create a *lot*. Requiring compliance with the MDS setbacks in the official plan will result in a consideration of either an official plan amendment, zoning by-law amendment or an application to create a *lot*, in relation to the application. This MDS Document applies to all planning act applications submitted on or after March 1, 2017. References in the PPS to *Minimum Distance Separation Formulae* should be taken as reference to this MDS Document for all applications submitted on or after March 1, 2017. For building permit applications, the effective provision in the zoning by-law applies. Municipalities should update their zoning by-laws to reflect this updated MDS Document.

There are multiple approaches to effectively incorporate this MDS Document into local land use planning documents that may achieve consistency with the PPS. Common approaches used by municipalities in the past include: adopting the entire MDS Document as a schedule or appendix; adopting only the definitions (Section 3), Implementation Guidelines (Section 4) and Factor tables (Section 5) in a schedule or appendix; or including a text reference to this MDS Document in official plan policies or zoning by-law provisions. Many municipalities also include a provision that refers to MDS, "as amended by the Province from time to time".

OMAFRA does not specify a preferred approach for incorporating this MDS Document into local land use planning documents. OMAFRA's primary concern is to ensure that consistency with the PPS is achieved; that Sections 3, 4 and 5 of this MDS Document are effectively implemented; and that municipalities address areas where they have options related to implementation. OMAFRA encourages municipalities to seek their own legal advice and direction on approaches for incorporating this MDS Document into their local land use planning documents in a manner that achieves consistency with the PPS, while considering the approach, format and layout used in their local land use planning documents.

For example, official plans shall, as a minimum, contain policies which require compliance with MDS I setbacks when seeking a change in the land use from a *prime agricultural area* or *rural lands* type designation to *development*. The comprehensive zoning by-law shall, as a minimum, contain provisions which make it a requirement to meet both MDS I and MDS II setbacks when seeking a rezoning to change the land use from an "agriculture or rural" type zone to another land use.

Finally, if not already defined in the municipal official plan or comprehensive zoning by-law, OMAFRA recommends that the appropriate definitions found in Section 3 of this MDS Document be included in the 'definitions' or 'glossary of terms' portion of the relevant local planning document.

Regardless of the approach selected, it is recommended that a municipality seek its own legal advice regarding amending its planning documents to accommodate MDS provisions.

Why Choosing the Correct Planning Document is Important

Aside from updating local planning documents to reflect the most recent version of MDS, deciding whether a specific MDS option should be enshrined in the official plan and/or comprehensive zoning by-law is also an important consideration.

For example, in the case of a *settlement area* boundary expansion, MDS I setbacks shall be addressed at the time of an official plan amendment application to change the land use from a *prime agricultural area* or *rural lands* type designation to a *settlement area* type designation. Thus the ideal planning document to address MDS for this type of land use change is the municipal official plan, rather than the comprehensive zoning by-law. This approach ensures consistency with policy 1.1.3.8 (d) of the PPS which states that planning authorities may only allow the expansion of a *settlement area* boundary where it has been demonstrated that "the new or expanding settlement area is in compliance with the *Minimum Distance Separation Formulae*". It also ensures that setbacks from surrounding *livestock facilities* and *anaerobic digesters* are established early in this process, rather than potentially introducing incompatible land uses by waiting for the zoning by-law amendment or the plan of subdivision/condominium stage to implement the required MDS I setbacks.

Conversely, in the case of constructing a *first* or *altered livestock facility* or *anaerobic digester*, address the MDS II setbacks at the time the building permit application is made for the proposed building. The corresponding provision for this type of application should be reflected in the municipal comprehensive zoning by-law, rather than the official plan.

Selecting the appropriate planning document for the various MDS Implementation Guidelines depends on the nature of the application being sought.

Municipal Options for Implementing MDS

Within the various Implementation Guidelines contained in Section 4 of the MDS Document, there are five options available to municipalities that should be incorporated into the appropriate local planning document — either the comprehensive zoning by-law or the official plan. In order to achieve a transparent and consistent approach to processing files, municipalities are urged to address these options on a proactive and comprehensive basis. If the relevant planning document does not expressly address the options, then the default approaches outlined in the corresponding Implementation Guidelines shall apply.

At the time of a comprehensive review of either an official plan or comprehensive zoning by-law, or through a housekeeping amendment related to either planning document, municipal staff should evaluate the various options available, and after conducting an analysis, adopt provisions which outline the municipality's preferred approach to these options.

To elaborate, under this MDS Document, municipalities have the option to alter the application of MDS I with respect to three issues (OPTIONS A to C):

OPTION A: Implementation Guideline #7 — MDS I setbacks for building permit applications on existing *lots* (locate local provisions in zoning by-law)

MDS I setbacks are required for all building permit applications on *lots* which are created after March 1, 2017. There is no municipal option to exempt MDS I setbacks from building permits on these new *lots*.

MDS I setbacks are also required for all building permit applications proposed on *lots* which exist prior to March 1, 2017, unless otherwise specified in a municipality's zoning by-law. While municipalities maintain

the option to choose whether MDS I setbacks for building permit applications on existing *lots* are required, they are strongly encouraged to apply the setbacks. It is important to note that only where a municipality has specifically exempted certain building permit applications from an MDS I setback in their comprehensive zoning by-law shall an MDS I setback not be required. MDS I setbacks shall be required for all types of building permit applications on all *lots* in municipalities where the comprehensive zoning by-law is silent or does not contain any direction on this issue. However, note that MDS I setbacks are not required for *dwelling* additions and renovations on *lots* which exist prior to March 1, 2017, even where an addition results in the existing *dwelling* being closer to a surrounding *livestock facility* or *anaerobic digester*.

If a local exemption from MDS I setbacks for building permit applications on *lots* which exist prior to March 1, 2017 is chosen, there are numerous measures and variations that a municipality can use recognizing the exemption does not need to apply to all building permit applications on all *lots* which exist prior to March 1, 2017. For example, the municipality could only require MDS I setbacks:

- on existing *lots* that are in a particular land use zone or designation (e.g., rural residential, estate residential), or
- on existing *lots* that are above or below a certain size threshold (e.g., 4 ha), or
- on existing *lots* which are vacant (e.g., no existing *dwellings* or buildings), or
- on existing *lots*, but where the MDS I setback cannot be met, then through a planning application permit a *dwelling* provided that it be located as far as possible from the *existing livestock facility* or *anaerobic digester* from which the setback cannot be met, or
- on *lots* which exist prior to a date which is later than the required March 1, 2017 (e.g., date of adoption of former official plan), or
- for certain types of buildings and not others (e.g., *dwellings*).

Regardless of the approach selected, if an exemption is chosen, the local municipality shall include provisions in their comprehensive zoning by-law which clearly state the details of the exemption, because the trigger for the application of MDS I setbacks on *lots* which exist prior to March 1, 2017 will be construction for which a building permit is required under the *Building Code Act, 1992*. Consequently, the document for implementing this option is the municipal comprehensive zoning by-law in order for it to become applicable law under the *Building Code Act, 1992*.

It is important to remember that municipalities with a previous version of MDS (1976, 1995, 2007) referenced in their comprehensive zoning by-law, and who apply MDS I to proposed building permit applications on existing *lots*, will be required to continue to issue building permits if the proposed construction complies with the older version of MDS, including the older software which reflects the actual criteria and formulae incorporated in the by-law. Municipalities are urged to update their comprehensive zoning by-laws to reflect the latest version of this MDS Document. Updating the comprehensive zoning by-law ensures that it reflects the latest version of the new software program — Ontario Agricultural Planning Tools Suite ("AgriSuite") for use with this MDS Document.

OPTION B: Implementation Guideline #9 — MDS I setbacks from surrounding *livestock facilities* on different *lots* than the *residence surplus to a farming operation* proposed to be severed
(locate local provisions in official plan)

Where a new *lot* is proposed with an existing *dwelling*, and that *dwelling* is already located on a different *lot* from the surrounding *livestock facilities* or *anaerobic digesters*, MDS I is not applied as a potential odour conflict is already present between the surrounding *livestock facilities* or *anaerobic digesters* and the existing *dwelling* because they have the ability for separate ownership. However, municipalities may choose to apply MDS I from the surrounding *livestock facilities* or *anaerobic digesters* that are already on different *lots* than the

surplus *dwelling* proposed to be severed. Direction to apply MDS I in these circumstances should be clearly indicated in the consent policies of the municipality's official plan.

OPTION C: Implementation Guideline #35 — MDS I setbacks for *agriculture-related uses* and *on-farm diversified uses*
(locate local provisions in official plan and zoning by-law)

Municipalities have to decide whether or not they wish to require an MDS I setback for new or expanding *agriculture-related uses* and *on-farm diversified uses*. These uses are compatible with, and complement *agricultural uses*. Planning applications to permit these uses may not need to meet MDS I setbacks from existing *livestock facilities* or *anaerobic digesters*. However, some proposed *agriculture-related uses* and *on-farm diversified uses* may exhibit characteristics that could lead to potential conflicts with surrounding *livestock facilities* or *anaerobic digesters*. Therefore, it may be appropriate to require an MDS I setback to permit this subset of uses. Usually these more sensitive uses are characterized by a higher density of human occupancy or activity, or uses that generate significant visitation by the broader public to an agricultural area. For example, food service, accommodation, *agri-tourism uses* and retail operations such as a winery with an outdoor patio for light meals, an on-farm tea room, or a bed and breakfast with a farm-themed cooking school might be types of uses that a municipality could focus on ensuring meet the required MDS I setbacks. Conversely, industrial type *on-farm diversified uses*, such as an accessory welding fabrication shop or *agriculture-related uses*, such as a grain-handling facility may not be as sensitive of odour receptors, and therefore may be the types of uses that a municipality would continue to exempt from MDS I setbacks.

Based on a careful review of existing uses, municipalities may choose to require an MDS I setback for proposals, including *lot* creation, to permit certain types of *agriculture-related uses* or *on-farm diversified uses*. In situations where it is determined that MDS I shall apply, *agriculture-related uses* and *on-farm diversified uses* shall be considered as Type A land uses and the local planning documents which mandate an MDS I setback shall reflect that. If a municipality wishes to require MDS I setbacks for certain *agriculture-related uses* and *on-farm diversified uses*, they shall include specific provisions in the appropriate planning document to outline the desired approach. The language adopted in the local planning documents shall clearly indicate the specific types of uses that are required to meet MDS I setbacks. Otherwise, the provision in Implementation Guideline #35 shall apply and MDS I setbacks will not be required for either of these two categories of land uses.

In addition to the three MDS I options outlined above, municipalities also have the option to alter the application of MDS II with respect to two issues (OPTIONS D to E):

OPTION D: Implementation Guideline #35 — MDS II setbacks for *agriculture-related uses* and *on-farm diversified uses*
(locate local provisions in zoning by-law)

Much like Option C for MDS I, Option D is the reciprocal. Under this MDS Document, *first* or *altered livestock facilities* and *anaerobic digesters* do not need to meet MDS II setbacks for existing *agriculture-related uses* and *on-farm diversified uses*. However, some existing *agriculture-related uses* and *on-farm diversified uses* may exhibit characteristics that could lead to potential conflicts with *first* or *altered livestock facilities* and *anaerobic digesters*. Therefore, it may be appropriate to require MDS II setbacks from these types of uses. Typically, these uses are characterized by a higher density of human occupancy or activity, or are uses that generate significant visitation by the broader public to an agricultural area. Similar to MDS I, examples of these uses which may warrant the application of MDS II setbacks include, but are not limited to: food service, accommodation, *agri-tourism uses* and retail operations. Surrounding land uses and geographic context can also play a role in determining the compatibility of *agriculture-related uses* and *on-farm diversified uses* with first or altered *livestock facilities* and *anaerobic digesters*.

Based on a careful review of the state of the local agricultural industry, municipalities may choose to require MDS II setbacks between *first* or *altered livestock facilities* or *anaerobic digesters* and certain types of existing *agriculture-related uses* or *on-farm diversified uses*. Similar to MDS I, in those situations where a municipality chooses to require an MDS II setback, *agriculture-related uses* and *on-farm diversified uses* shall be considered Type A land uses. If MDS II setbacks are applied, municipalities shall include provisions in their comprehensive zoning by-law to clearly indicate the specific types of *agriculture-related uses* and *on-farm diversified uses* that MDS II setbacks will be measured to. Otherwise MDS II setbacks will not be required between *first* or *altered livestock facilities* or *anaerobic digesters* and these two categories of uses. In all instances, municipalities are strongly encouraged to develop provisions in their comprehensive zoning by-law that provide consistent direction on this issue.

OPTION E: Implementation Guideline #38 — MDS II setbacks from cemeteries (locate local provisions in zoning by-law)

The final MDS option relates to MDS II setbacks between *first* or *altered livestock facilities* or *anaerobic digesters* and existing cemeteries. Except for cemeteries which are intended to primarily serve a community which relies on horse-drawn vehicles as a predominate mode of transportation, this MDS Document generally treats cemeteries as a Type B land uses (see Implementation Guideline #37). However, in some instances, where a cemetery is closed and receives low levels of visitation, a municipality may choose to treat it as a Type A land use for the purposes of MDS II.

It is strongly recommended that municipalities conduct a comprehensive evaluation of existing cemeteries across their entire jurisdiction and clearly identify the specific cemeteries affected in their zoning by-law. This exercise should result in a transparent list, map and/or appendix of cemeteries that will accompany a zoning by-law.

This option is limited to treating specified cemeteries as Type A land uses, rather than the typical Type B land uses. The option does not permit a municipality to fully exempt the *first* or *altered livestock facility* or *anaerobic digester* from an MDS II setback from a cemetery altogether.

With respect to MDS I, except for cemeteries which are intended to primarily serve a community which relies on horse-drawn vehicles as a predominate mode of transportation, new or expanding cemeteries are always treated as a Type B land uses because they are obviously not closed, and typically receive higher levels of visitation.

Summary of MDS Options

Aside from reducing MDS setbacks for specific applications in accordance with Implementation Guideline #43, these five options (contained in four separate Implementation Guidelines) are the only areas where municipalities have options with respect to MDS implementation approaches. Municipal setbacks for *livestock facilities* and *anaerobic digesters* (i.e., MDS II) shall not exceed those calculated by the MDS II formulae, in accordance with provincial standards. For instance, municipal policies which require fixed setbacks for *livestock facilities* or *anaerobic digesters* larger than those established by this MDS Document may be viewed as contrary to section 2.3.3.2 of the PPS, which states:

> "In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards."

Municipalities considering MDS setbacks for *development* or *dwellings* (i.e., MDS I) that exceed those established by this MDS Document shall ensure they are consistent with policy 4.9 of the PPS.

In addition to establishing specific policies or provisions on the five municipal MDS options, municipalities should be aware that there are two other MDS options which are no longer available to them in the current MDS Document. Those municipalities which have adopted local policies to address these former options should remove them from their planning documents. In order to assist in this process, the following illustrates how those former options have been modified:

Application of MDS after a Catastrophe			
2006 MDS I	**2017 MDS I**	**2006 MDS II**	**2017 MDS II**
Where municipalities required MDS I setbacks for buildings on existing *lots*, they were also able to choose whether or not MDS I setbacks were required for those buildings which were destroyed by a catastrophe, provided they weren't built any closer to *livestock facilities* than before the catastrophe.	MDS I setbacks are not required for building reconstruction, provided the reconstructed building is no closer to surrounding *livestock facilities* or *anaerobic digesters* than before the reconstruction.	Municipalities were able to choose whether or not MDS II setbacks were required for those *livestock facilities* which were destroyed by a catastrophe, provided all Factor values remain the same.	MDS II setbacks are not required for *livestock facility* reconstruction, provided all Factor values remain the same.
Application of MDS within *Settlement Areas*			
2006 MDS I	**2017 MDS I**	**2006 MDS II**	**2017 MDS II**
Municipalities were able to choose whether or not MDS I setbacks were required for *development* in a *settlement area*.	MDS I setbacks are not required in a *settlement area*.	In rare circumstances where *livestock facilities* were permitted in a *settlement area*, municipalities were able to choose whether or not MDS II setbacks were required in a *settlement area*.	Where municipalities permit first or altered *livestock facilities* or *anaerobic digesters* in a settlement area, MDS II setbacks shall not be required.

Municipalities should update their existing official plan and comprehensive zoning by-law to recognize these options are no longer available. If a local planning document is not updated to address these changes, municipalities may be faced with implementation challenges. In the absence of municipal policy direction, the default approaches to each of the above options are:

A) MDS I setbacks are required for ALL building permits applications on ALL *lots* which exist prior to March 1, 2017.
B) MDS I setbacks are NOT required for surplus farm *dwelling* severances from *livestock facilities* or *anaerobic digesters* on separate *lots* surrounding the proposed consent application.
C) MDS I setbacks do NOT apply to any new or expanding *agriculture-related* or *on-farm diversified uses*.
D) MDS II setbacks do NOT apply from any existing *agriculture-related* or *on-farm diversified uses*.
E) MDS II setbacks apply to ALL existing cemeteries as Type B land uses, except for those noted in Implementation Guideline #37.

Conclusion

Municipalities shall include policies and provisions in their official plans and zoning by-laws so that the MDS setbacks are met through the appropriate implementation of this MDS Document.

This MDS Document represents the standard with respect to the calculation of MDS setbacks, and the only circumstances that municipalities may alter application of MDS is where options are explicitly made available in specific Implementation Guidelines. Even then, written policies must be adopted in the relevant municipal planning documents to clearly state the intention to exercise these options.

The above are general guidelines; seek legal counsel regarding the specific details of implementing the latest version of this MDS Document into the context and structure of a municipality's official plan and comprehensive zoning by-law. There are different approaches for updating by-laws depending on the current structure of the relevant municipal planning document. OMAFRA staff may be available to provide assistance.

8.2 Reducing MDS Setbacks

Introduction

MDS setbacks are used to reduce odour conflicts by separating incompatible uses. There are various circumstances where a *Planning Act, 1990*, application or construction requiring a building permit may meet the intent of this MDS Document, if not the precise setbacks required by MDS I or MDS II. In some circumstances, it may be appropriate for a municipality or other approval authority to consider the merits of allowing for a reduced MDS setback through a minor variance or other type of *Planning Act, 1990*, application.

Generally, OMAFRA does not support or encourage reductions to MDS setbacks. Allowing for reductions to MDS setbacks can increase the potential for land use conflicts and undermine the intent of this MDS Document. Approach the issue of reducing MDS setbacks with caution. While a MDS setback does not specifically need to be considered in the context of a minor variance application, it is appropriate to consider the tests for a minor variance as a mechanism to assess specific situations and potential reductions to MDS setbacks.

The four considerations for a minor variance are:

1. Does the reduction in the MDS setback keep with the intent of the official plan?
2. Does the reduction in the MDS setback keep with the intent of the zoning by-law?
3. Is the reduction in the MDS setback desirable and appropriate for the area?
4. Is the reduction in the MDS setback minor in nature?

The intent of municipal official plans and zoning by-laws in *prime agricultural areas* will generally be consistent with the goals of complying with the *Minimum Distance Separation Formulae*, and promoting and protecting agriculture in *prime agricultural areas* (various policies in section 2.3 of the PPS). Therefore, any proposal to reduce MDS setbacks should be considered in light of this same general intent. For *rural lands*, municipal official plans and zoning by-laws may have a broader and more diverse set of goals and objectives, but should still reflect the general requirement to comply with the *Minimum Distance Separation Formulae* and should promote and protect *agricultural uses* (various policies in section 1.1.5 of the PPS).

Deciding if a minor reduction to an MDS setback is desirable and appropriate for an area should involve consideration of several specific aspects, such as:

- Is the MDS setback reduction really necessary or should another suitable alternative location (relocating the proposed *lot*/designation/building) be considered?
- Is the reduced setback going to impact the type, size or intensity of *agricultural uses* in the surrounding area?
- Is the reduced setback going to impact flexibility for existing or future agricultural operations, including their ability to expand if desired? If this reduced setback is allowed, will it set precedent for others in the local community?

Determining if a proposed reduction in MDS setbacks is minor depends on the context in which the reduction is being proposed. Minor means different things to different people. OMAFRA does not endorse a specific % decrease (e.g., 5% or 10%) for MDS setbacks. In some circumstances, a very small reduction in an MDS setback may not be considered minor given the surrounding land uses and potential odour conflicts. In other instances, a significant reduction in an MDS setback may be considered minor. The perception of what is 'small' or 'minor' in nature will vary depending on local and site specific circumstances.

Determining if a reduction to MDS setbacks is appropriate in a given circumstance is the responsibility of the local municipality.

It is important to note that granting one reduction in MDS setbacks will lead to future applications to reduce or vary MDS setbacks. For example, granting a minor variance to a new *livestock facility* or *anaerobic digester* may lead to future applications to vary distances for the same operation in the future, if it expands. Applications to reduce MDS setbacks for new *development* or *dwelling*s may lead to applications to reduce MDS setbacks for surrounding *livestock facilities* or *anaerobic digester*s if they look to expand in the future. While applications to reduce MDS setbacks should be considered on their own merits, it is important to consider the broader context and the potential for cumulative impacts over the long term.

The following provides some general comments regarding reductions in MDS setbacks from the perspective of OMAFRA.

Reducing MDS I Setbacks

Implementation Guideline #43 from this MDS Document provides specific direction on reducing required MDS I setbacks; it states:

> "MDS I setbacks should not be reduced except in limited site specific circumstances that meet the intent of this MDS Document. Examples may include circumstances that mitigate environmental or public health and safety impacts, or avoid natural or human-made hazards.
>
> If deemed appropriate by a municipality, the processes by which a reduction to MDS I may occur could include a minor variance to the local zoning by-law, a site specific zoning by-law amendment or an official plan amendment introducing a site specific policy area."

OMAFRA does not generally support or encourage reductions to MDS I distances, especially for new *development*. The intent of MDS I is to minimize nuisance complaints associated with *livestock facilities* and *anaerobic digester*s due to odour and thereby reduce potential land use conflicts. It may be possible to find opportunities to site new *development* and *dwelling*s where MDS setbacks can be met. The requirement to meet MDS I is something that should be assessed at the time when considering finding alternative sites to locate *development* or *dwelling*s.

It may be appropriate to consider reductions to MDS I distances in situations where MDS I is being applied in the context of expanding an existing or approved *development*. It is only appropriate to consider reductions to MDS I setbacks when reasonable alternative locations are limited, and where there is an attempt to reduce potential odour conflicts while balancing or mitigating against other potential concerns, such as environmental impacts, public health and safety or natural and human-made hazards.

The following is a list of questions a municipality or a committee of adjustment may ask when considering a reduction to an MDS I setback. Think through these questions as per Implementation Guideline #43. The list of questions does not represent an exhaustive list, as other site specific circumstance might be relevant. Consider the questions (and other relevant issues) with any one or more of them not necessarily being determinative. In some cases, a surrounding land use, environmental, safety or practicality issue may warrant a reduced MDS I setback if the intent of this MDS Document can still be met.

Surrounding Land Uses

- Is the proposed *development* similar to others on surrounding lands in the vicinity?
- Is the proposed location further away from the surrounding *livestock facility* or *anaerobic digester* than other existing *development* or *dwelling*s in the area?
- Is there a history of complaints in the area related to nuisance issues?

Environmental Concerns

- Would meeting the MDS setback mean that the proposed *development* or building would affect surface water features (e.g., streams, ditches, municipal drinking water intake protection zones, drains, ponds, lakes, open catch-basins, etc.)?
- Would meeting the MDS setback mean that the proposed *development* or building would affect groundwater features (e.g., municipal wells, bedrock, aquifers, municipal drinking water wellhead protection areas, surrounding wells, etc.)?
- Are there other natural or environmental features on the *lot* that should be considered (e.g., wetlands, woodlots, etc.)?
- Would meeting the MDS setback mean that the proposed *development* or building would require a stream crossing or create more potential for environmental risk?

Safety

- Is there a safety issue related to the poor state of repair of an existing building that should be replaced?
- Would siting the new building or *development* in a location that met MDS I setbacks result in a public safety concern, (e.g., building would be located within a 'sight triangle' of an intersection, accessed from a busy road when another safer entrance is available, located in proximity to an active gas well or some other human-made hazard or located within a flood plain or some other natural hazard?)

Practicality

- Would the proposed *development* or building improve the existing situation (e.g., the new building is further away from the surrounding *livestock facility* or *anaerobic digester* than an existing building on site it is replacing, but still doesn't meet the required setback)?
- Does the proposed reduction to the MDS I setback permit the new *development* or building to meet some other regulatory setback requirement?
- Is the proposed *development* or building a logical extension of an existing *development* or building which may have been successfully sited in accordance with a previous version of the MDS Formulae and Guidelines?

- Can site plan design assist in reducing the potential for nuisance complaints? For example, a golf course is zoned to a *lot* line, but lands within an MDS setback are designated as 'out of play' and are not part of the golf course; or a settlement area boundary is extended to a *lot* line, but lands within an MDS I setback may only be used for *infrastructure*, such as a storm water management pond.

Reducing MDS II Setbacks

Implementation Guideline #43 from the MDS Formulae provides specific direction on minor variances and reducing required MDS II setbacks; it states:

> "MDS II setbacks should not be reduced except in limited site specific circumstances that meet the intent of this MDS Document. Examples may include circumstances that mitigate environmental or public health and safety impacts, or avoid natural or human-made hazards.
>
> If deemed appropriate by a municipality, the process by which a reduction to MDS II may occur is typically a minor variance to the local zoning by-law or to a lesser extent a site specific zoning by-law amendment."

NOTE: The MDS II setbacks for *anaerobic digesters* referenced in Implementation Guideline #22 cannot be reduced through Implementation Guideline #43. The following only speaks to reductions to MDS II setbacks for *livestock facilities*.

OMAFRA does not generally support or encourage reductions to MDS II distances. The intent of MDS II is to minimize nuisance complaints associated with *livestock facilities* and *anaerobic digesters* due to odour, thereby reduce potential land use conflicts. It may often be possible to find opportunities to site *first* or *altered livestock facilities* where MDS setbacks can be met. Assess the requirement to meet MDS II at the time when considering new on-farm construction projects for *first* or *altered livestock facilities*.

This Implementation Guideline provides two main points to consider regarding minor variances for reducing MDS II setbacks. First, this document recognizes that reductions to MDS II setbacks can be considered and may be appropriate in some circumstances, especially to address issues related to expansions of existing operations. Second, the types of setback reductions that could be considered and may be appropriate are those that attempt to reduce potential odour conflicts while balancing or mitigating against other potential concerns, such as environmental impacts, public health and safety, or natural and human-made hazards.

There are many reasons why a *livestock facility* cannot meet MDS II setbacks, especially for existing operations that are looking to expand. Due to their age, there are many *existing livestock facilities* that simply were not sited in accordance with MDS II setbacks, and yet have existed adjacent to surrounding *development* or *dwellings* for many years with no nuisance complaints related to odour. Farm operations were traditionally sited near roads and water courses; however, these types of locations, especially for existing operations which are expanding, impose other types of constraints rather than odour that may be more important to address. In some circumstances, it may be more important to address environmental concerns, public safety issues or potential hazards rather than meet an MDS II setback. Considering appropriate reductions to MDS II setbacks provides an opportunity for these types of issues to be considered at the local level.

The following is a list of questions a municipality or a committee of adjustment may ask when considering a reduction to an MDS II setback. Think through these questions as per Implementation Guideline #43. The list of questions does not represent an exhaustive list, as other site specific circumstance might be relevant. Consider the questions (and other relevant issues) with any one or more of them not necessarily being determinative. In some cases, a surrounding land use, environmental, safety or practicality issue may warrant a reduced MDS II setback if the intent of this MDS Document can still be met.

Surrounding Land Uses

- Is the proposed *livestock facility* similar to others on surrounding lands?
- Is there much existing *development* or many *dwellings* surrounding the subject lands?
- Is the proposed location of the *first* or *altered livestock facility* farther away from surrounding *development* or *dwellings* than any previous or *existing livestock facilities* on the *lot*?

Environmental Concerns

- Is there a history of environmental issues or nuisance complaints related to the farm operation which can be addressed through the proposal?
- How does the proposed *livestock facility* affect surface water features (e.g., streams, ditches, municipal drinking water intake protection zones, drains, ponds, lakes, open catch-basins, etc.)?
- How does the proposed *livestock facility* affect groundwater features (e.g., municipal wells, bedrock, aquifers, municipal drinking water wellhead protection areas, surrounding wells, etc.)?
- Are there other natural features or environmental features on the *lot* that should be considered (e.g., wetlands, woodlots, etc.)?
- Would a location that met MDS reduce or increase the need to move equipment over a stream and create more potential for environmental risk?
- Would permitting a larger *manure storage* that does not meet the MDS II setback reduce manure spreading events, especially during winter months, or improve nutrient management practices?

Safety

- Is there a safety issue related to the poor state of repair of an *existing livestock facility* (e.g., existing *manure storage* is aged, in disrepair and should be replaced)?
- Would a location that met MDS place a *livestock facility* near an active gas well?
- Would a location that met MDS place a *livestock facility* in a flood plain?
- Would a location that met MDS place a *livestock facility* in a 'sight triangle' of an intersection or result in a location that will create a driveway that may be unsafe for accessing the road?

Practicality

- Is the proposed *livestock facility* consistent with the intent of local zoning?
- Is there likely to be any noticeable increase in odour produced from the proposed *livestock facility*?
- Does the proposed *livestock facility* improve odour conditions compared to existing buildings on the *lot* (e.g., an uncovered storage is being replaced with a covered storage)?
- Is a reduced setback needed from the edge of a road allowance or *lot* line in order to meet an MDS II setback from a *dwelling*?
- Is a reduced MDS II setback needed from an unopened road allowance?

When considering reductions to an MDS II setback, municipalities may wish to consult with OMAFRA staff for input regarding technical questions or issues. OMAFRA staff will not provide recommendations regarding specific applications to reduce or vary MDS II setbacks, as the decision to grant a minor variance rests with the municipality's committee of adjustment.

8.3 Livestock Barn Identification

Introduction

Livestock barns are agricultural buildings with many uses, such as housing *livestock*, storing grain and farm equipment, workshops and garages. MDS setbacks are only applied to agricultural buildings that are structurally sound and reasonably capable of housing *livestock* — at which point they qualify as *livestock barns*. To calculate the MDS setback distance, the type and number of *livestock* that can be housed in the *livestock* barn must be known.

If the *livestock barn* is empty, an estimate of the number of *livestock* that can be reasonably housed is required. The farm operator is a reliable source for the majority of this information including the number, type and description of *livestock* housed, and the area that could reasonably be used to house *livestock*. In some instances, there may be a need to obtain independent verification of the information provided by the owner of the *livestock facility*. In these circumstances, *livestock barn* identification can be an important skill for land use planners and building officials.

The barn layout will convey the type of *livestock* housed within; however, relying on structural characteristics alone can be misleading, especially with older *livestock barns* such as bank barns. Various structural features may help in determining the type of *livestock* housed in the barn. Indicators of maintenance and the relative size of buildings are also important in determining the type of *livestock* housed in the barn.

The following provides some information that may assist in the identification of various *livestock barns*.

Dairy Barns: Tie Stall Barn

Identifier	Comments
Typical number of animals housed	Smaller herds between 30 to 60 cows
Number of stories	One-story in newer barns, two-story in older barns
Things to look for	Calf hutches, milking equipment room, vertical silos, solid manure pile, stable cleaner
Typical *manure storage* types	Solid manure, but liquid manure systems are becoming popular

Figure 9. Exterior of a tie stall dairy barn.

Figure 10. Interior of a tie stall dairy barn.

Dairy Barns: Free Stall Barn

Identifier	Comments
Typical number of animals housed	Herds from 40 to 500 cows or more
Number of stories	One-story
Things to look for	Calf hutches, attached milking parlors, vertical silos, large horizontal bunker silos, open side wall curtains, modular natural ventilation chimneys along roofline for ventilation, drive-through feed alleys (large end doors)
Typical *manure storage* types	Liquid manure in earthen, concrete or steel storages; possibly an anaerobic digestion system

Figure 11. Exterior of a free stall dairy barn.

Figure 12. Interior of a free stall dairy barn.*

*Source: Farm and Food Care Ontario

Swine Barns: Sow Barn

Identifier	Comments
Typical number of animals housed	100 to 3,000 sows or more
Number of stories	One-story
Things to look for	Concrete sandwich wall construction (concrete walls, ventilation fans on side walls or through the roof, few, if any, windows, loading chute
Typical *manure storage* types	External earthen, concrete or steel liquid *manure storages*, or under-barn storage with external pump outs visible

Figure 13. Exterior of a one-story sow barn.*

*Source: Farm and Food Care Ontario

Swine Barns: Weaner Barn

Identifier	Comments
Typical number of animals housed	1,000 to 4,000 weaners or more
Number of stories	One-story
Things to look for	Concrete sandwich wall construction, ventilation fans on side walls or through the roof, no windows, loading chutes, feed bins one end
Typical *manure storage* types	Liquid manure is stored in external earthen, concrete or steel storages, or under barn storage with external pump outs visible

Swine Barns: Feeder Pigs (Farrow and Finish)

Identifier	Comments
Typical number of animals housed	1,000 to 2,000 pigs per barn
Number of stories	One-story
Things to look for	Ventilation fans on side walls or through the roof, or wide open curtain walls for natural ventilation, loading chutes, feed bins on end
Typical *manure storage* types	Liquid manure under barn

Figure 14. Exterior of a finishing swine barn with liquid *manure storage* under the barn.

Figure 15. Interior of a finishing swine barn with liquid *manure storage* tanks under the barn.*

*Source: Farm and Food Care Ontario

Chicken Barns: Broiler Barns

Identifier	Comments
Typical number of animals housed	Housing 10,000 to 30,000 broilers
Number of stories	Historically these were two-story, but the trend in recent years has been to one-story
Things to look for	Wood frame/metal clad construction, large ventilation fans often on one end with smaller side ventilation fans, feed bins on one end, big cleanout doors on one end, concrete area at that end for cleanout, small man doors located approximately every 15 m down one side of the building for loading birds
Typical *manure storage* types	Solid manure that is cleaned out between each crop (4–6 crops/yr) and stored in open or covered bunker type storage OR removed from farm entirely

Figure 16. Exterior of a chicken broiler barn.*

Figure 17. Interior of a chicken broiler barn.*

*Source: Farm and Food Care Ontario

Chicken Barns: Laying Hen Barns

Identifier	Comments
Typical number of animals housed	Housing several thousand layers in tiered cages
Number of stories	One-story, but could be two-story
Things to look for	Wood frame/metal clad construction, ventilation fans on side walls, high sidewalls 3–6 m, egg packing room at front of barn with truck loading door
Typical *manure storage* types	Newer barns have solid *manure storage* off to side or at end filled by attached augers or conveyors from barn, older ones may have manure stored on ground floor or in liquid storage

Figure 18. Exterior of a chicken layer barn.*

Figure 19. Interior of a chicken layer barn.*

*Source: Farm and Food Care Ontario

Horse Barns

Identifier	Comments
Typical number of animals housed	Usually 1 to 50 horses
Number of stories	Typically two-story, as horse farms often store hay above the stable, but some newer barns are one-story with hay stored at one end; hip roof barns are common
Things to look for	*Lots* of windows (with metal bars), often a large riding arena attached to one end, side ventilation fans, wood fences
Typical *manure storage* types	Solid manure that is cleaned out daily and is often stored on site for long periods and taken directly off farm in many cases

Figure 20. Exterior of a horse barn.**

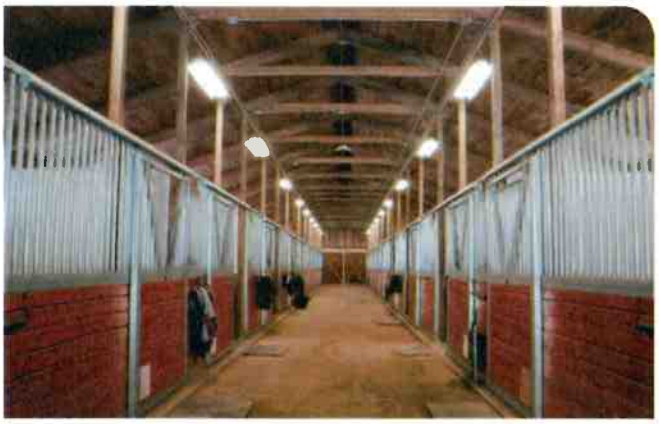


Figure 21. Interior of a horse barn.**

**Source: Shutterstock

Sheep Barns

Identifier	Comments
Typical number of animals housed	10 to 1,000 ewes, usually for meat purposes (seeing an increase in dairy ewe operations)
Number of stories	Two-story, although some larger facilities are one-story
Things to look for	Many hobby size operations, usually older bank barn facilities; newer construction may have curtain side wall/ roofline chimneys; drive-through feed alley
Typical *manure storage* types	Solid manure pack under the sheep that is only cleaned out periodically

Figure 22. Exterior of a sheep barn and yard.

Figure 23. Interior of a sheep barn.

Beef Barns: Barn with External Yard

Identifier	Comments
Typical number of animals housed	10 to 200 cattle (although there are larger cattle operations)
Number of stories	One-story in newer barns, two-story in older barns
Things to look for	Cattle outside of the barn in the yard area or pasture, windbreak fences along yard, hay feeders in yard or fenceline feedbunk, round bales or baleage stored near barns
Typical *manure storage* types	Solid manure pack in barn that is cleaned out periodically

Figure 24. Exterior of an open front beef barn with yard.

Beef Barns: Confined Feedlot Arrangement

Identifier	Comments
Typical number of animals housed	50 to 2,000 cattle
Number of stories	Usually one-story but may include parts of older bank barn
Things to look for	Barn similar to dairy barns — curtain sidewall/panels with ventilation chimneys along roofline, drive-through feed alley, large bunker silos and loading chutes near front of barn
Typical *manure storage* types	Solid manure pack inside barn or fully slatted floor with liquid manure storage underneath

Figure 25. Interior of a beef barn.

Turkey Barn: Hens or Toms

Identifier	Comments
Typical number of animals housed	Usually 500 to 4,000 turkeys
Number of stories	One or two-story
Things to look for	Wood frame construction with metal cladding, mechanically ventilated look similar to broiler chicken barns, naturally ventilated side walls with 'turkey' curtains, big cleanout doors on one end, concreted area at that end for cleanout
Typical *manure storage* types	Solid manure that is cleaned out between each crop

Figure 26. Exterior of a turkey barn.

Figure 27. Interior of a turkey barn.

Field Shade Shelters

Field shade shelters are NOT *livestock barns*, and as such do not require an MDS setback in accordance with the definition of *livestock barn* and Implementation Guideline #3 (Figure 28). These buildings are often located in a pasture and generally have a floor area <10 m^2, although some may be marginally larger than this. Usually these buildings do not have poured concrete foundations and are not entirely enclosed on all sides. Field shade shelters are intended to provide TEMPORARY shelter from the elements (e.g., sun, wind and precipitation) for grazing *livestock*, and are not intended, nor designed to house *livestock* for extended periods of time.

Figure 28. Field shade shelter.

8.4 Manure Storage Identification

Introduction

Manure is a valuable resource for plant growth; however, it requires careful management to protect neighbors and the environment. There are several choices for storing manure and options continue to improve, expand and evolve. The *Nutrient Management Act, 2002*, establishes standards for the construction, siting and sizing of new *manure storages*. Information on constructing *manure storages* is available at ontario.ca/omafra.

Solid manure usually has bedding material added (e.g., straw or wood shavings) so that it can be easily stacked in a pile. Adding bedding material also helps keep the manure as dry as possible, therefore reducing odour. Under both this MDS Document and the *Nutrient Management Act, 2002*, solid manure is considered to have a dry matter content of at least 18%. Manure with at least 30% dry matter content is easier to pile and produces few odours; ease of storage diminishes and odour increases when there is <30% dry matter content.

Liquid manure has a dry matter content of <18% and is stored under the barn or in in-ground storage tanks. Liquid *manure storage* tanks are sometimes left uncovered; odour can be significantly reduced with the use of a variety of different types of permanent covers.

Storages with Very Low Odour Potential

V1 Storage Type (See Tables 5 and 6)

Identifier	Comments
Inside barn/outside barn	Inside
Covered/not covered	Covered
Solid/liquid	Solid
Typical associated *livestock*	Swine, dairy, poultry, beef, sheep, goats
Additional features	Bedded pack, usually with layers of straw or shavings

Figure 29. Interior of a swine barn with bedded pack manure system (V1).

Figure 30. Interior of a sheep barn with bedded pack manure system (V1).*

*Source: Jillian Craig

V2 Storage Type (See Tables 5 and 6)

Identifier	Comments
Inside barn/outside barn	Outside
Covered/not covered	Covered — roof-like structure that may take various forms
Solid/liquid	Solid
Typical associated *livestock*	Chickens (layers or broilers), dairy
Additional features	Cover keeps off precipitation to prevent runoff, storage is usually located right beside the barn and is filled by augers, conveyor belts or the manure is manually pushed into them

Figure 31. Covered solid *manure storage* (V2) with slatted walls.

Figure 32. Covered solid *manure storage* (V2) with slatted walls.

V3 Storage Type (See Tables 5 and 6)

Identifier	Comments
Inside barn/outside barn	Outside
Covered/not covered	No cover
Solid/liquid	Solid ≥30% dry matter (manure is dry enough that a flow path option is used for runoff control, as per the *Nutrient Management Act, 2002*); a flow path control is a permanently vegetated area (PVA) that separates the storage from sensitive environmental features
Typical associated *livestock*	Horses, chickens (broilers), turkey
Additional features	Requires a lot of bedding to make it dry enough

Figure 33. An outdoor, uncovered solid *manure storage* (V3).

V4 Storage Type (See Tables 5 and 6)

Identifier	Comments
Inside barn/outside barn	Outside
Covered/not covered	Covered
Solid/liquid	Solid 18–<30% dry matter, with a covered liquid runoff storage (manure not dry enough to soak up precipitation, so a liquid runoff storage is needed but has a permanent tight-fitting cover)
Typical associated *livestock*	Dairy, beef
Additional features	Milk house washwater generally is placed into the runoff storage as well — this type is not commonly built

Figure 34. An uncovered solid *manure storage* with covered liquid runoff storage (V4).

V5 Storage Type (See Tables 5 and 6)

Identifier	Comments
Inside barn/outside barn	Inside
Covered/not covered	Covered (under barn)
Solid/liquid	Liquid
Typical associated *livestock*	Swine, dairy, beef
Additional features	Underneath slatted floor (i.e., manure is stored under animals in the barn or in tanks found on one side of the barn)

Figure 35. Slatted floor of barn for liquid *manure storage* under the barn (V5).

V6 Storage Type (See Tables 5 and 6)

Identifier	Comments
Inside barn/outside barn	Outside
Covered/not covered	Covered, permanent tight-fitting lid (negative pressure tarp, concrete lid, inflatable dome cover, etc.)
Solid/liquid	Liquid
Typical associated *livestock*	Swine, dairy, chicken (layers), mink
Additional features	A permanent cover that remains in place over time is the key feature for this storage type

Figure 36. Tight-fitting negative pressure tarp for liquid earthen *manure storage* (V6).

Figure 37. Raised base of liquid storage with tightly-sealed inflatable dome cover visible (V6).

Storages with Low Odour Potential

L1 Storage Type (See Tables 5 and 6)

Identifier	Comments
Inside barn/outside barn	Outside
Covered/not covered	Not covered
Solid/liquid	Solid (18–<30% dry matter with uncovered liquid runoff storage)
Typical associated *livestock*	Dairy, beef
Additional features	Manure is not dry enough to soak up precipitation, so liquid runoff storage is needed; it is uncovered producing more odour than with V4 storage; milk house washwater can be put in the runoff storage as well

Figure 38. Uncovered liquid runoff storage (L1).

Figure 39. A solid, uncovered outdoor storage with uncovered liquid runoff storage (L1).

L2 Storage Type (See Tables 5 and 6)

Identifier	Comments
Inside barn/outside barn	Outside
Covered/not covered	Permanent floating cover (e.g., tarps, foam panels, plastic hexagon discs, etc.)
Solid/liquid	Liquid
Typical associated *livestock*	Swine, chicken (layers), mink
Additional features	A permanent floating cover that remains in place over time is the key feature

Figure 40. Round liquid *manure storage* with floating permanent cover comprised of plastic hexagon discs (L2).

Storages with Medium Odour Potential

M1 Storage Type (See Tables 5 and 6)

Identifier	Comments
Inside barn/outside barn	Outside
Covered/not covered	Not covered
Solid/liquid	Liquid
Typical associated *livestock*	Swine, dairy, beef, mink
Additional features	Straight or vertical walls reduce the catchment area for precipitation on the storage, unlike the sloped sides of the H1 earthen *manure storage* — these storages are common

Figure 41. In-ground, uncovered, vertical wall liquid *manure storage* (M1).

Figure 42. An above-grade, uncovered, vertical wall liquid *manure storage* and clean-out access ramp (M1).

M2 Storage Type (See Tables 5 and 6)

Identifier	Comments
Inside barn/outside barn	Outside
Covered/not covered	Covered (roof)
Solid/liquid	Liquid
Typical associated *livestock*	Dairy, chicken (layers)
Additional features	Roof keeps out precipitation, but open sides allow wind to travel over manure and carry away odours these are not common *manure storages*

Figure 43. Front view of a roofed liquid storage facility (M2).

Storages with High Odour Potential

H1 Storage Type (See Tables 5 and 6)

Identifier	Comments
Inside barn/outside barn	Outside
Covered/not covered	Not covered
Solid/liquid	Liquid
Typical associated *livestock*	Swine, dairy, beef, mink
Additional features	Earthen *manure storages* are NOT earthen runoff storages associated with solid *manure storages* listed as L1; earthen storages have sloped sides which have a greater catchment area for precipitation than the M1 type; they are a common storage, catch a lot of precipitation and have a larger surface area which increases odour production

Figure 44. An earthen *manure storage*; note the sloped sides and no cover (H1).

The following is a summary of the *manure storage* types and the most common or likely *livestock* types that may be associated with them. Use this table as a reference when little detail is known about the farm operation for which an MDS calculation is being prepared. It is helpful to approximate the most likely *manure storage* type; however, never use it as a substitute for proper field research and outreach to the landowner or farm operator.

Manure Storage Type	Livestock Commonly Associated
V1	· beef cow/calf, dairy heifer/dry cow and swine operations with solid manure systems, as well as goat and sheep · litter based poultry operations (e.g., broiler chickens, broiler breeders, turkeys, ducks, pheasants, guinea fowl, etc.)
V2	· litter based poultry operations (e.g., broiler chicken, broiler breeder, turkey, ducks, pheasants, guinea fowl, layer hens, etc.) · mink operations with solid manure systems as well as horse and rabbit operations
V3	· litter based poultry operations (e.g., broiler chicken, turkey, ducks, pheasants, guinea fowl, etc.) · horse, donkey, sheep or goat operations
V4	· dairy, beef and swine operations with solid manure systems
V5	· dairy, beef and swine operations with liquid manure systems · veal or duck operations with liquid manure systems
V6	· mink, layer hen and swine operations with liquid manure systems
L1	· dairy and beef operations with solid manure systems
L2	· dairy, beef and swine operations with solid manure systems that utilize uncovered liquid runoff tanks as part of the *manure storage*
M1	· mink, layer hen and swine operations with liquid manure systems
M2	· dairy, beef and layer hen operations with liquid manure systems that use *manure storages* which have a roof but open sides
H1	· dairy, beef and swine operations with liquid manure systems that use earthen *manure storages*

8.5 Structural Capability of Housing *Livestock* or Storing Manure

Introduction

This MDS Document requires that MDS I and MDS II are applied to *livestock facilities* that are structurally sound and reasonably capable of housing *livestock* or storing manure. Barns (or storages) that are NOT structurally sound or reasonably capable of housing *livestock* or storing manure should NOT be considered in MDS, because of safety, environmental and functionality reasons.

When evaluating whether barns and storages are structurally sound and reasonably capable of housing *livestock* or storing manure, evaluators should assume the barn (or storage) passes both these tests, until it is demonstrated otherwise. Only professional engineers or consultants knowledgeable about *livestock facilities* should provide input on these decisions, with the municipal building official ultimately making the final determination using any valid internal or external input. There is no all-inclusive prescriptive checklist to make these determinations.

The following questions may be helpful for municipal building officials, professional engineers and/or consultants, knowledgeable about *livestock facilities*, to consider. The more questions answered 'Yes', means a barn (or storage) is less likely considered viable. Questions are not equally weighted, because if a barn (or storage) is not structurally sound the remainder of the questions do not matter.

Structural Considerations for *Livestock Barns*

Foundation

The foundation of a barn provides structural support for the entire building.

- Is it crumbling, missing mortar and in disrepair?
- Is there a dirt floor in part, or throughout the entire barn?
- Is there evidence of water damage either inside or outside the barn walls?
- Has the main barn structure shifted away from a bank bridge (if present)?
- Is there major concrete work needed inside?
- Would reasonable people avoid spending money to repair the foundation properly?

Walls

The walls of a barn provide support for the roof and additional stories, shelter from the elements, natural lighting and ventilation through windows, amongst other functions.

- Are any walls no longer vertical and leaning in one or more directions?
- Do the windows need replacement?
- Is there missing insulation, or was there never any insulation at all?
- Is there a modern ventilation system with exhaust fans, controlled air inlet systems or thermostatic controls?
- Have load-bearing walls been removed without replacing them with comparable support?
- Would reasonable people avoid spending money to repair the walls properly?

Roof

The roof can be costly to replace, upgrade or repair. It can also be a potential hazard if it has gone without inspection and upgrades for some time. Leakage and structural concerns can pose a safety risk, especially when expensive *livestock*, equipment, etc. are stored within.

- Does the roof show evidence of leaking?
- Are there structural issues such as sagging, cracked rafters or missing components?
- Do truss gusset plates show any rust?
- Does the roof system look outdated?
- Does the roof system appear to be out of compliance with current building code standards?
- Would reasonable people avoid spending money to repair the roof properly?

Internal Structure

Alterations over time to the inside of the barn may have unintentionally removed required posts, structural beams, joists, studs or other important components, reducing the safety of the building. Additional wear and tear on these components may have weakened the structure. The cost to repair these features may outweigh the usefulness of the barn.

- Is there evidence of posts, structural beams or joists having been cut out or removed?
- Are there damaged posts or sagging beams that appear in poor shape?
- Is there evidence of rotten wood so that you can push a jackknife right into them?
- Is there evidence of damage from vermin?
- Does the barn have a musty odour, suggesting water damage?
- Does the floor need to be entirely replaced?
- Would reasonable people avoid spending money to repair the internal structure properly?

"Reasonably Capable" Considerations for *Livestock Barns*

Barn Location

Barn location can influence the overall desirability of using the barn for *livestock*. Its location may increase the appeal to use it as a garage, workshop or other non-*livestock* housing use.

- Is the barn close to a road, stream, residential area or features that might prevent someone from wanting to use the building for *livestock*?
- Is the barn close enough to an owner's house that they'd likely not use it for *livestock*?
- Is expansion of this barn going to be difficult given the location of surrounding uses?
- Is the barn located in a zone that doesn't permit *agricultural uses* (e.g., *settlement area*)?
- Would reasonable people avoid spending money to repair the barn given its location?

Size and Shape of the Barn

The size and shape of a barn can influence its potential use. Small barns that are not easily expanded may be desirable for small hobby operations, but perhaps not suitable for someone with the intent to pursue a commercial operation. Low ceiling heights might preclude horses or other tall *livestock*.

- Is the barn quite small for the type of *livestock* typically housed in that type of barn?
- Is the barn one-story without any spot for hay or straw storage, if required for the type of *livestock* likely to be housed?

- Is the barn narrow (<8 m wide)?
- Is the ceiling height low (<2 m high)?
- Would reasonable people avoid spending money to renovate given the barn size and shape?

Historical Use of Barn for *Livestock*

The history of a barn may influence decisions about whether it can still house *livestock*. Stalls, water and feed troughs, electrical upgrades, manure systems, etc. may help in figuring out how long it has been since the barn last housed *livestock*. It may also provide evidence regarding what else the barn may have been used for in the past.

- Was the building originally constructed for purposes other than housing *livestock*, such as fruit packing, tobacco packing, machinery shed, etc.?
- Are elements from these previous uses still present inside the barn?
- Would reasonable people avoid spending money to renovate given the original use of barn?

Era of the Barn

The barn age may provide clues as to the types of damage that should be looked for in the foundation, walls and roof. It may also influence the size and shape of the barn. When the barn was built may affect its ability to be converted for other types of *livestock*, besides what it was originally constructed for.

- If the barn was originally constructed to house a specific type of *livestock*, has the industry standard for that *livestock* changed significantly?
- Was the barn constructed more than a generation ago?
- Would reasonable people avoid spending money to repair the barn given its construction era?

Current Use of the Barn

Current uses of the barn, or parts of it, may have altered the barn from its original layout and function. This may include removing stalls, feeding and watering troughs, stable cleaner, etc. These features might have to be replaced to use the barn for housing *livestock*.

- Is the barn used now as storage for machinery, boats, feed, lumber, etc.?
- Is the barn used as a workshop or for any other purposes?
- Have interior features of the barn been removed (e.g., stalls) and must now be replaced?
- Could these features be replaced without requiring a building permit?
- Is the facility, or could the facility be, insured?
- Would reasonable people avoid spending money to put the barn back to its original use?

Other *Livestock Facilities* and Related Buildings

The presence and condition of related *infrastructure* or other buildings on site in addition to the barn in question may influence the type of activities or type of *livestock* that the barn could still house. The costs associated with replacing or upgrading these features, and whether they are still required for the type of *livestock* most likely to be housed on site, may influence the usability of the barn for housing *livestock*.

- Is this the only *livestock barn* on the site that has any opportunity of being used?
- Is this the only *livestock barn* in the surrounding area?

- Is there missing 'supporting *infrastructure*' on site that would normally be associated with a *livestock* building such as electrical power, water wells, water lines, silos, feed bins, hay storage, feed bunks, *manure storage* and other equipment?
- Would reasonable people avoid spending money to replace or upgrade *infrastructure* on site?

STRUCTURAL CONSIDERATIONS FOR ***Manure Storages***

Foundation/Walls/Roof/Internal Structure

Manure storages, especially liquid *manure storages*, have improved over the past generation. The first liquid *manure storages* (concrete, steel, earthen) appeared in the 1960s. The first concrete liquid *manure storages* were <10 m in diameter and about 2 m deep.

- Is there evidence the foundation has been undermined by damage?
- Is there evidence the storage has leaked manure with staining on the outside?
- Are any walls no longer vertical and leaning in one or more directions?
- Is there evidence of rusted reinforcing bars in the concrete?
- Would reasonable people avoid spending money to repair the *manure storage* properly?

"Reasonably Capable" Considerations for *Manure Storages*

Storage Location, Size and Shape, Historical Use, Era, Current Use, Other Facilities

- Is the *manure storage* close to a road, stream, residential area or features that might prevent someone from wanting to use the structure for storing manure?
- Is the *manure storage* so close to an owner's house that they likely would not use it?
- Is the *manure storage* small by today's standards on other farms?
- Is adding additional storage capacity going to be difficult given the location of surrounding uses?
- Was the structure used as *manure storage* before the *Nutrient Management Act, 2002*, came into effect?
- Is there missing 'supporting infrastructure' on site that would normally be associated with a *manure storage*, such as pumps, loaders, manure spreader, tractor, etc.?
- Would reasonable people avoid using the storage because it is functionally outdated?

8.6 *Design Capacity* of *Livestock Facilities*

Introduction

MDS calculations cannot be completed without knowing the number of *livestock*, area of *livestock* housing, or *Nutrient Units* for *livestock barns*, and the volume, or *Nutrient Units* for *manure storages*. The best information comes from the owner/operator who knows the type and number of *livestock* on the farm, and the type and size of *manure storages*. However, it may be necessary to estimate this information because it is not available from the owner/operator, or the *livestock barn* is unoccupied or the *manure storage* is unused.

There are two methods available for MDS users to consider for guidance since there are so many factors that affect *design capacity* such as owner/operator preference, buyer requirements with respect to animal welfare space, animal age, type of housing system, age and available space of a barn, wider feed alleys to accommodate new feeding technologies, site specific circumstances, etc. It is reasonable to accept some variation between the *design capacity* estimated by the MDS software (AgriSuite) versus that provided by an owner/operator. If the variation is reasonable, it is recommended that the information provided by

an owner/operator be used. Ontario has a diverse agricultural community, with a wide variety of *livestock facilities* that have been constructed over a long period of time, with different local, cultural and management considerations. It is not unreasonable to state no two *livestock barns* are alike.

1. Estimating Number of Animals Using the Database in the MDS Software (AgriSuite)

   The MDS software (AgriSuite) includes many different floor area/animal (m^2/animal) averages based on typical animal types, sizes and housing methods used on Ontario farms. Unfortunately, it is impossible to include every possible system in use because there can be significant variation between *livestock barns*. The MDS software is helpful to give first approximations about how much floor area makes sense for a typical *livestock barn*:

   a) Open the MDS software (AgriSuite) and proceed as if to complete an MDS calculation.
   b) In the Livestock/Manure Information area, click on the Add Livestock/Manure button. This opens Livestock/Manure screen. Enter information for three drop-down menus on *livestock* type, description and system. For example, choose Swine.... Feeders (27–129.5 kg).... Full Slats.
   c) Click on the button marked with a calculator logo to show two things:
      i. first, a box to enter the total floor area of the *livestock* barn (m^2 or ft^2)
      ii. second, the estimated floor area per animal based on earlier inputs
   d) Type in the total floor area and hit Tab or click OK. The MDS software then calculates an estimate of the maximum number of *livestock* that can be housed in the *livestock barn*.

2. Estimating Number of *Livestock*, Area of *Livestock* Housing and/or Volume for *Unoccupied Livestock Barns* or *Unused Manure Storages*

   When *livestock barns* or *manure storages* have not been used for some time, or there is a new owner, they may not know how many, or what type of *livestock* could be housed within the building. Apply MDS if the *livestock barns* are structurally sound and reasonably capable of housing *livestock*. Also consider the potential for *manure storage*. Base MDS on the most probable values for Factors A, B and D given site specific circumstances.

a. *Unoccupied Livestock Barns*

The best information comes from the owner/operator who knows, or knew, the type and number of *livestock* housed. If unable to obtain more specific information as outlined in Implementation Guideline #16, the following Factors may apply for *unoccupied livestock barns*:

- Factor A = 1.0
- Factor B, based on 1 *Nutrient Unit*/20 m^2 of floor area (use one floor only)
- Factor D = 0.7 (based on most probable barn use; solid manure)

However, an MDS I setback is not required for any *unoccupied livestock barns* when:

- the building has been deemed by a municipal building official, with input from a professional engineer or a consultant knowledgeable about *livestock facilities* where appropriate, as being not structurally sound nor reasonably capable of housing *livestock;* or
- the portion of the *lot* on which the *unoccupied livestock barn* is located is zoned such that *livestock facilities* are not permitted; or
- the floor area of the *unoccupied livestock barn* is <100 m^2.

b. *Unused Manure Storages* for Solids

It is not often that one needs to know the volume of *manure storages* in order to calculate an MDS setback. It only occurs when there are no *livestock* on a *lot*. The best information comes from the owner/operator who knows, or knew, the type and volume of the *manure storage*. If unable to obtain more specific information as outlined in Implementation Guideline #16, apply the following Factors for *unused manure storages* for solids:

- Factor A = 1.0
- Factor B, based on 1 *Nutrient Unit*/19.8 m^3 of volume for storages with two or more walls (NOTE: Assume manure is stored 1 m deep over the area enclosed by the two or more walls if using aerial photography.)
- Factor D = 0.7 (based on solid manure)

However, an MDS I setback is not required for any *unused manure storages* for solids when:

- there are only one, or no, walls; or
- the storages have been deemed by a municipal building official, with input from a professional engineer or a consultant knowledgeable about *livestock facilities* where appropriate, as being not structurally sound nor reasonably capable of storing manure; or
- the portion of the *lot* on which the *unused manure storage* is located is zoned such that *livestock facilities* are not permitted; or
- the floor area of the *unused manure storage* is <100 m^2 .

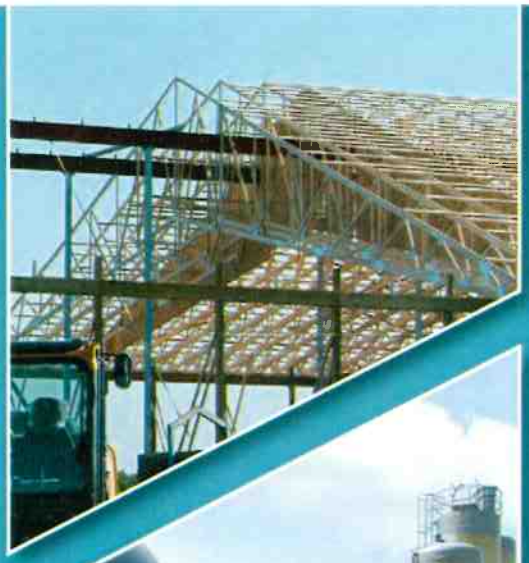
c. *Unused Manure Storages* for Liquids

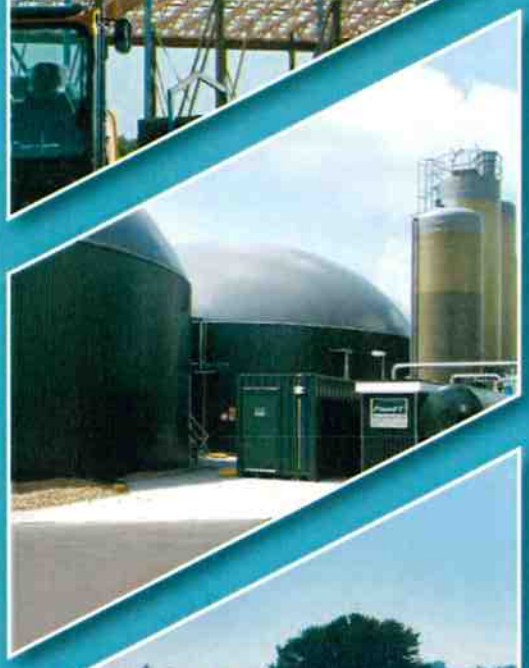
The best information comes from the owner/operator who knows, or knew, the type and volume of *manure storage*. If unable to obtain more specific information as outlined in Implementation Guideline #16, apply the following Factors for *unused manure storages* for liquids:

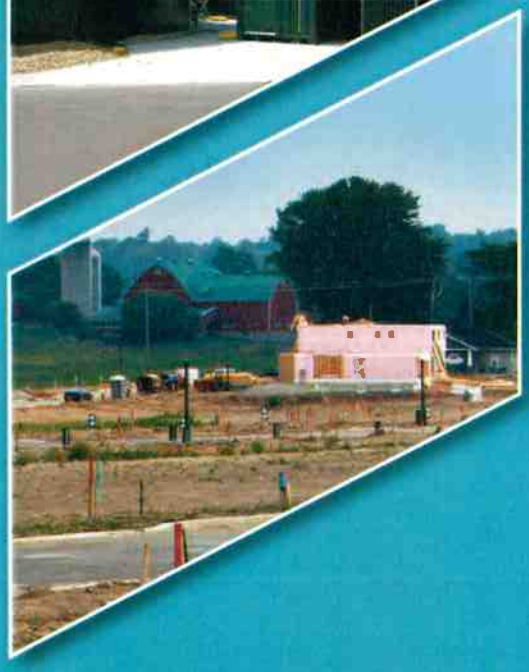
- Factor A = 1.0
- Factor B, based on 1 *Nutrient Unit*/19.8 m^3 of volume (NOTE: assume manure is stored 2.5 m deep and level over the area enclosed by storage walls if using aerial photography.)
- Factor D = 0.8 (based on liquid manure)

However, an MDS I setback is not required for any *unused manure storages* for liquids when:

- the storages have been deemed by a municipal building official, with input from a professional engineer or a consultant knowledgeable about *livestock facilities* where appropriate, as being not structurally sound nor reasonably capable of storing manure; or
- the portion of the *lot* on which the *unused manure storage* is located is zoned such that *livestock facilities* are not permitted; or
- the floor area of the *unused manure storage* is <40 m^2 .







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APPENDIX 2

SHORELINE SETBACKS

5.3 SHORELINE SETBACKS

5.3.1 Overview

The Sewage System Regulations under the Environmental Protection Act require that sewage systems be set back 15 m from shorelines. This requirement is designed to protect surface water quality from effluent originating in tile fields and leaching beds on the basis of public health concerns. In recent years, the Ontario Ministries of the Environment and Natural Resources have been requesting setbacks for sewage systems and buildings on lake trout lakes which exceed those currently required for sewage systems only. As well, as noted in Section 5.1, some study area municipalities also require building and sewage system setbacks in excess of provincial requirements. The recent concerns advanced by the approval agencies relate to potential changes in lake trophic state due to phosphorus migration from tile fields and related shoreline development to surface waters, and the resulting effects on lake aesthetics and fish and wildlife habitat. Approval agencies are now viewing more extended setbacks as effective mechanisms to reduce impacts resulting from shoreline development.

The underlying principle of an extended setback is that, the greater the distance the tile field and development are from the lake, the greater the capacity of the intervening land base to intercept and retain phosphorus. Some of the factors contributing to phosphorus retention by soils are soil chemistry and absorption capacity, phosphorus concentration in and loading rate of septic tank effluent, composition and density of the vegetation cover, and slope conditions. It is logical to expect variations in the degree of effectiveness of different landscapes to mitigate potential trophic state impacts. For example, deep, sandy loam soils supporting continuous forest growth on level sites would naturally retain more phosphorus than shallow, discontinuous mantles over steeply sloping bedrock. It follows, therefore, that a development located on sites of the former type would not need as great a setback as one located on sites of the latter type.

The degree of setback required remains a matter of conjecture, and the research on the subject is inconclusive. Depending on their viewpoint and objectives, resource manager may phrase the question in one of two ways:

- how far back from a lakeshore must development be situated in order to significantly reduce phosphorus loads from tile fields and surface uses?
- or, how far back must development be situated before it can be assumed that no phosphorus above natural background levels will enter the lake?

Dillon and Rigler (1975) indicated that in Ontario's lake country, development beyond 305 m (1,000 ft.) of the shoreline of a lake or its inflowing streams or rivers should not have any phosphorus impact on the lake. However, this value was essentially picked out of the air.

In 1974, a joint Ministry of the Environment-Ministry of Natural Resources committee in Southeastern Ontario recommended a number of precautionary measures for new development on all recreational waters. The recommended measures were as follows (Aitkens 1975, p.3).

"(a) Set back of [30 m] as a buffer zone for the cottage and waste disposal systems.

(b) Preservation of the natural vegetation between the cottage and the lake i the buffer zone.

(c) The use of a tile bed with selected material with a good phosphate retention capability and the use of a siphon or pump to provide an even distribution of septic tank effluent to the tile bed."

"The proposal put forward by the Joint Committee for engineered tile bed systems combined with a [30 m] setback requirement for the primary structure (cottage) and waste disposal facility is intended as a total package for limiting phosphorus export from a cottage lot to sensitive recreational lakes. The tile bed system would be designed to ensure nutrient containment of the domestic wastes and the [30 m] buffer zone is intended primarily to limit the nutrient export associated with surface drainage (i.e. roof runoff, roads, parking space and soil disturbed during construction of the dwelling and waste disposal facility). As a secondary consideration, the [30 m] buffer zone of undisturbed soil mantle would provide an added margin of protection in the form of phosphorus retention for nutrients which might leave the tile field."

Field studies undertaken by Brandes (1974) on subsurface movement of pollutants showed that when tile field systems were constructed on soils containing more than 40% clay and silt, and the distance of the tile field to the lake or river was more than about 20 m, no chemical or microbiological pollutants reached the water body. However, when coarse sands (diameter 1.0 to 2.5 mm) were used to construct filter beds 100 cm in depth, a very insignificant removal of phosphorus was observed. Studies by Aitkens (1977) on phosphorus retention capabilities of granular soils on the Precambrian Shield indicated that the main limitation was soil depth, and recommended a 30 m setback for sensitive lakes in Southeastern Ontario. However, the literature also points out that the effluent does not necessarily fan out uniformly from tile fields, and, depending on local relief, soil depth, and the topography and character of the underlying bedrock or comparably impermeable subsoil, may form more concentrated plumes. While the use of a siphon or pump to provide an even distribution of septic tank effluent to the tile bed will obviously assist in mitigating or eliminating this problem, under certain site characteristics, the effluent may run along the soil-bedrock interface and not actually pass through much soil before reaching water bodies.

In a recent report presenting timber management guidelines for protecting fish habitats, the Ministry of Natural Resources (1988b) recommended varying buffer widths around water bodies, depending on slope characteristics, as follows. Figure 5.1, below, shows the relationship between slope percentages and angles.

Slope	Slope Angle	Width of Area of Concern
0% - 15%	0 - 8°	30 m
16% - 30%	9° - 17°	50 m
31% - 45%	18° - 24°	70 m
46% - 60%	25° - 31°	90 m

Although the above setbacks focus on timber operations rather than residential or cottage development, one of the key reasons for applying them relates to reducing "the input of phosphorus to water courses by reducing surface runoff and by trapping phosphorus-bearing sediment and logging debris" (Ontario Ministry of Natural Resources 1988b, pg. 1). In this sense, these setbacks might also be applied more generally to address trophic state concerns related to shoreline development.

However, we are of the opinion that factors other than slope are more important in setting out possible setback guidelines for shoreline development. In the following paragraphs, we describe those biophysical features which we consider to be important (soil depth, soil texture, slope, and vegetation cover), and a proposed scoring system which is subsequently related to recommended shoreline setbacks. We acknowledge that the suggested approach has not been developed on the basis of reams of data collected in a rigorous and scientific fashion; rather, it represents the results of the experience in applying and implementing development setbacks in a wide range of biophysical landscapes across Ontario for a variety of environmental protection and resource management purposes. Also, we emphasize that the discussion which follows relates to existing or predevelopment terrain conditions. An obvious consideration is how far back from the shoreline an analysis must be undertaken for any given lot or landscape. In certain situations, it will be immediately clear that a site has good development capability, and an evaluation of limited extent will be required. However, more complex sites will require more extensive analysis. In effect, the scope of any evaluation is clearly site dependent.

5.3.2 Soil Depth

The Ontario Sewage Systems Regulations require that the bottoms of distribution line trenches be at least 90 cm above impermeable surfaces, such as bedrock or compact clay. Given that the trenches themselves need to be from 60 to 90 cm deep, it follows that the deeper the soil, the more suitable it is for tile field installation. However, soil depth has other implications, the most critical being nutrient, and in particular phosphorus, retention. In this regard, Robertson, Cherry, and Sudicky (1991) reported that phosphorus concentrations in groundwater (expressed as phosphate phosphorus) rapidly decreased with depth directly under weeping tiles; for example, they noted concentrations of 10 mg/L approximately 50 cm below the tiles, 1 mg/L about 100 cm below, and 0.1 mg/L about 150 cm below.

Based on the above considerations, the following scores are suggested for soil depth at the site of a proposed tile field.

Soil Depth	Score
> 150 cm	0
100 - 150 cm	2
75 - 100 cm	4
50 - 75 cm	6
25 - 50 cm	8
<25 cm	10

5.3.3 Soil Texture

The influence of soil texture on water infiltration is well known, and forms much of the basis for establishing total distribution line lengths for septic tile field systems. In this regard, the optimum soils are those that have neither too fast a percolation rate (such as gravels and very coarse sands which do not allow sufficient time for pollutants in tile field effluent to be absorbed by soil particles), nor too slow a percolation rate (such as dense clays which could promote saturation of the tile bed). The Ministry of the Environment's manual for private sewage systems (1984) notes that percolation rates in the order of 0.1 to 0.001 mm/sec are characteristic of soils that are permeable to moderately permeable; these soils are well-suited for tile fields. Soils with faster percolation rates (in the order of 1 mm/sec) than this range are unacceptable for tile fields. Soils with slow rates (in the order of 0.0001 to 0.00001 mm/sec) are classified as having low permeablities, while those with even slower rates are unacceptable for tile fields. The specific percolation rates of native soils depend on the distribution of various particle sizes, with the percentage of fines (silts and clays) perhaps being the most critical factor. Imported fill of suitable texture and to adequate depths (raised tile beds) is generally required to amend those soils having low to unacceptable percolation rates.

Apart from affecting percolation rates, textural characteristics also influence to some degree a soils ability to retain phosphorus; soil chemistry (for example, aluminum, iron, and calcium concentrations) is perhaps of equal or greater important in this regard. Information on the specific phosphorus retention capacities of various soil texture classes is not well documented; however, data from various publications are informative and allow some generalizations. For example, studies on the subsurface movement of effluent from private sewage disposal systems (Brandes 1974 and 1975, and Robertson, Cherry, and Sudicky 1991) indicate that a decrease in phosphorus concentration below and downgradient of the tile fields is generally relatively rapid, regardless of soil type. Based on the studies of Brandes (1974 and 1975), concentrations decreased most rapidly with increasing silt and clay content in the soil; up to 98% of phosphorus was removed in soils containing 40% silt and clay, with significant reductions in concentrations within the first 3 m of the tile fields. Although the reductions are not as dramatic with sandy soils, as much as 78% phosphorus removal was reported by Brandes (1974), and phosphorus concentrations were typically reduced to 0.1 mg/L within 20 m of the tile fields. Brands (1974) concluded that the bulk of the effluent phosphorus was fixed within the native soil matrix directly below and downgradient of the tile fields, so that phosphorus

concentrations reaching the groundwater and/or nearby water bodies were very low, even where sandy soils predominated.

Robertson, Cherry and Sudicky (1991) undertook detailed groundwater monitoring of two single family residences to determine the impact of septic systems on shallow unconfined aquifers in southern Ontario. One site at Cambridge, located on a carbonate-rich sand aquifer, was in operation for over 12 years, while the other site on the Muskoka River near Bracebridge, on a poorly buffered, carbonate-depleted sand aquifer, was in operation for one year. While high levels (about 10 mg/L) of phosphorus were found in the septic tank effluent, concentrations were substantially attenuated immediately below the tile bed. For example, at the Cambridge site, "... phosphate phosphorus >1 mg/L [was] mostly confined to the aquifer area immediately below the tile bed, while at Muskoka, no detectable phosphate phosphorus (>0.02 mg/L) was observed in the groundwater zone." (Robertson, Cherry and Sudicky 1991, p. 9). While the precise mechanism of attenuation was not confirmed at either site, the geochemistry of the groundwater suggests a hydroxylapatite phosphate phosphorus complexing process at the Cambridge site, while at the Bracebridge site, attenuation was likely controlled by the presence of sparsely soluble phosphate minerals such as stregnite (an iron complex) or varisite (an aluminum-based compound), or by absorption.

There is no question that identifying, understanding, and confirming the mechanisms which determine the limits to phosphorus attenuation in different shoreline landscapes is important. For example, if the control is soil surface absorption, then phosphorus mobility will increase when the number of absorption sites are filled. However, if the controlling process continues indefinitely, as in the case of chemical combination with other effluent and soil constituents to form minerals, then phosphorus transport will not be a concern as long as the septic system continues to operate properly. In our opinion, it is probably not one mechanism or the other which operates in any one situation; rather, both mechanisms are likely in effect at most lakeshore sites. Regardless, some guidelines on the phosphorus retention capacity of soils are available; in this regard, the following are reproduced from Aitkens (1977, p. 9):

"1. Good phosphorus retention capability - generally greater than 7 mg/100 g of soil. Generally uniform results.
2. Acceptable phosphorus retention - generally greater than 6 mg/100 g of soil.
3. Marginally acceptable phosphorus retention - generally greater than 5 mg/100 g of soil.
4. Not acceptable - generally less than 5 mg/100 g of soil."

From the foregoing, it is difficult to designate a score based on soil texture, simply because coarse and fine textured soils influence percolation and phosphorus retention capacity in different ways. In this regard, tile fields installed on clay soils often need to be partially or fully raised due to the clay's low permeability. The site modifications necessary for this type of site would suggest implementing a more stringent setback than on a site where no soil-based modifications would be required. However, clay has a

relatively high phosphorus retention capacity, which would suggest that limited setbacks are required. As a result, the best approach, until such time as more data becomes available, would be to base the score for each soil type on whichever of its percolation and phosphorus retention characteristics is less desirable, as suggested in the following table.

Characteristics

Soil Type	Percolation Rate	Phosphorus Retention Capacity	Score
coarse sand and gravel	excessively rapid	low	10
silty clay and clay	low to impermeable	high	7
well-graded sands	permeable to moderate	low to medium	5
silty sand, clayey sand, silt and fine sand	moderate to low	medium to high	3
sandy loam	moderate to low	medium to high	3
loam	permeable to moderate	medium to high	0

5.3.4 Slope

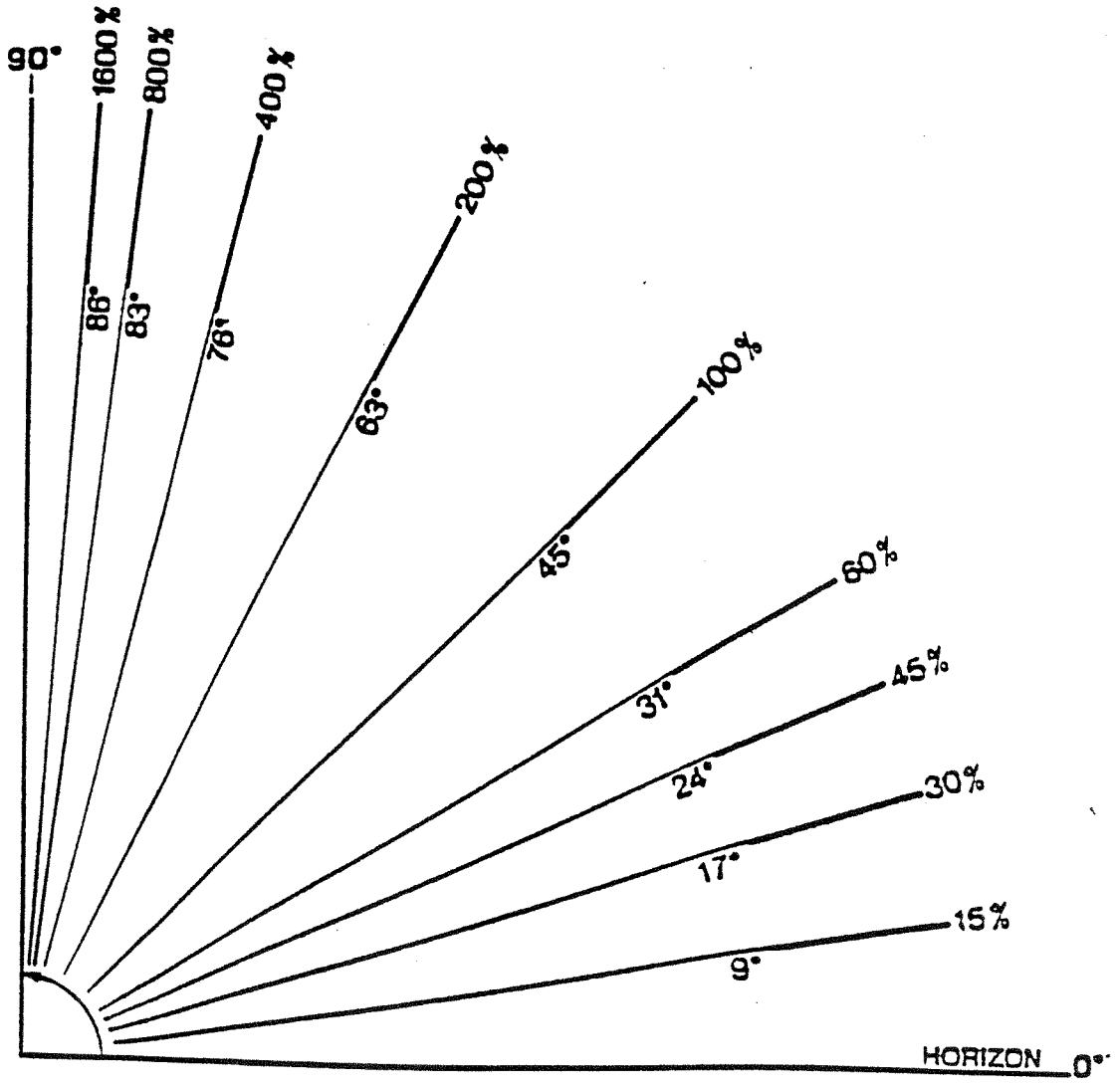
The Ministry of the Environment (1983a) indicated that the most suitable slopes for installing tile fields are from 0 to 9%. Slopes ranging from 10% to 25% necessitate special installation techniques, while slopes greater than 25% are unacceptable. However, apart from these engineering considerations, slopes can also affect the volume and direction of groundwater flow where bedrock is close to the surface (Ontario Ministry of Agriculture and Food 1983), and by implication, the flow of tile field effluent. Further, the greater the slope, the faster the flow and the greater the erosive potential and sediment-bearing capacity of runoff. As mentioned above, the Ministry of Natural Resources has recommended various setbacks for timber operations from watercourses according to shoreline slope classes to reduce sediment and phosphorus loadings.

Given the above, the following scores are suggested for the average slope of the shoreline (see Figure 5.1 for illustration of the relationship between slope percentages and angles).

Slope	Score
0 - 9%	0
10% - 25%	5
>25%	10

FIGURE 5.1

SLOPE PERCENTAGES (%) AND ANGLES IN DEGREES (°)



Expressing slope as a percentage permits easy comparison of the relationship of the vertical (rise) to the horizontal (run). For example, a 30% slope will rise 30 m vertically over a horizontal distance of 100 m.

This system should work well where slopes are uniform; however, there will be an obvious difficulty in assigning a single value to the varied slope conditions typical of the shorelines of many Ontario lakes, particularly those situated on the Canadian Shield. An example of one approach for addressing this problem is provided by Wischmeier and Smith (1978). In deriving the Universal Soil Loss Equation, they dealt with irregular slopes by segmenting them into uniform, or relatively uniform, grades, after which the slope sections were weighted using predetermined slope length and steepness and soil loss factors. A similar kind of methodology could be used here, as follows:

- identify slope segments according to the three broad slope classes noted above;
- measure the total horizontal lengths of each slope class and determine their respective percentages of the total slope length;
- multiply the percentages by the appropriate scores (see above), and sum the products to yield a weighted score for the entire slope.

The following example shows how this might work for a representative 80 m slope.

Horizontal Length of Class

Slope Class	m	%	Class Score	Weighted Score
0 - 9%	10	12.5%	0	0
10% to 25%	30	37.5%	5	1.875
>25%	40	50%	10	5
Total	80	100%		6.875 = 7

5.3.5 Vegetation Cover

The primary influences of vegetation cover in terms of mitigating phosphorus input to water bodies are through direct uptake by roots from the soil solution (although this generally would only apply to the upper soil horizons where the bulk of the rooting systems occur), and through interception of rainfall and runoff and consequent reduction of erosion potential and transport of phosphorus-bearing sediments and particles. The relative important of different cover conditions in terms of these interrelated values has been expressed in varying ways, for example, vegetation cover types (forest, pasture, cultivated, wetland, etc.) as input factors for erosion soil loss equations. In this regard, the differences in the relative amounts of runoff from natural woodland, old field (permanent pasture), and meadow landscapes are quite minor. Assuming that these plant community types are undisturbed, runoff is typically low; however, trampling and grazing of fields generally produce greater amounts of runoff than woods, old fields, and meadows, with some variation depending on specific crops and cultivation practices. For example, runoff from areas planted with row crops is generally greater than from areas

planted with small grains or legumes or from rotation meadows. Runoff is greatest from straight row treatments, but somewhat less from contoured fields, and less still from contoured and terraced fields. As might be expected, fallow fields produce the greatest amounts of runoff (Wischmeier and Smith 1978 and Dickinson n.d.).

Given the above, an appropriate approach to addressing vegetation cover would be to assign scores to broad cover types, determine the percentage of the area under question covered by each type, and calculate a weighted score in the same manner as was done for slopes. Suggested cover types and their respective scores are as follows.

Vegetation Cover Type

	Scope
Undisturbed woodlands, old fields and meadows	0
Disturbed woodlands, old fields and meadows	3
Close-seeded legumes (clover, alfalfa) and rotation meadows	5
Row crops	7
Fallow fields and base bedrock outcrops	10

An example of how this approach might be applied to a 20 ha site with varying vegetation cover characteristics is as follows:

Cover Type	Area Covered ha	%	Class Score	Weighted Score
Undisturbed woodland	4	20%	0	0
Rotation meadow	6	30%	3	0.9
Row crops	10	50%	7	3.5
Total	20	100%		4.4 = 4

In addition, we would suggest that 5 points be deducted from the vegetation cover score for shorelines fronted by wetlands which extend a minimum of 10 m offshore and consist of dense emergent aquatics and/or lowland thickets or forests, and which are to be retained intact. In this regard, the effect of phosphorus loading on a receiving lake or rover is strongly dependent upon the timing and rate of addition. If phosphorus is added at a time when other factors are limiting algal growth, or when phosphorus is already abundant, little additional growth will occur. Factors which control the entry rates and timing of phosphorus loadings to lakes can effectively function to suppress unwanted growth. Accordingly, nearshore wetlands and the vegetation of the land-water interface are important in regulating the timing and rate of phosphorus loading; significant in this regard is the zone of emergent plants including species such as cattails and bulrushes, and the complex community of microflora (algae and bacteria) that grow on the surfaces of the plants and sediments. When phosphorus is added to this zone, it is not immediately utilized and incorporated into plant tissue; rather it tends to be first assimilated by

microflora in the sediments and on decaying plant material. The phosphorus is later recycled to the emergent plants, and eventually becomes part of the bottom sediments following aging and death of the plants.

It should be emphasized that the above vegetation cover type categories are defined at a general level for practical planning purposes. In reality, the actual runoff can vary widely within each category, depending on a number of specific factors such as species composition, plant physiognomy, and stand height, age, and density; however, measurement of these factors would require detailed scientific study.

5.3.6 Recommended Shoreline Setback and Tile Field Fill Guidelines

We propose that a site be assigned a recommended minimum horizontal setback from water, based on its total score as shown in the following table. The setbacks would be not only from the lakes themselves, but also from all permanent and seasonal watercourses tributary to the lakes. Within these setbacks, there should be no buildings, campsites or sewage systems. Vegetation within the setbacks should be disturbed as little as possible, and the soil mantle should not be altered.

Total Score	Recommended Horizontal Setback Distance (m)
36 - 40	90
31 - 35	80
26 - 30	70
21 - 25	60
16 - 20	50
11 - 15	40
≤10	30

To illustrate how the scoring system would be applied, we provide here five examples representative of typical site characteristics of the Rideau Lakes basin.

1. Rugged terrain dominated by Precambrian bedrock, discontinuous mantles of permeable, sandy soil, and forest cover interspersed with bare outcrops (for example, the north shore of Westport Sand Lake, and the north shore of Upper Rideau Lake east of Westport).

-	soil depth <25 cm	10
-	permeable sandy soil	5
-	slope >25%	10
-	vegetation cover	8
-	setback = 80 m	33

2. Moderately rolling lands underlain by Precambrian bedrock, with shallow but continuous soil and forest cover (for example, the north shore of Big Rideau Lake near Murphy's Point Provincial Park).

- soil depth 25 - 50 cm	8
- coarse-textured sand	10
- slope 10% - 25%	5
- vegetation cover	0
- setback = 60 m	23

3. Level to moderately sloping lands underlain by limestone bedrock, with shallow but continuous soil and plant cover, varying from forest to uniformly dense old field communities (for example, the south shore of Big Rideau Lake near Jacklins Bay).

- soil depth 25 - 50 cm	8
- silty sands	3
- slope 0 - 9%	0
- vegetation cover	0
- setback = 40 m	11

4. Level to moderately sloping lands underlain by limestone bedrock, with deep soils and plant cover consisting predominantly of old fields, meadows, and cultivated fields (for example, the south shore of Westport, Sand Lake and the south shore of Upper Rideau Lake east of Westport).

- soil depth > 150 cm	0
- sandy loam	3
- slope 0 - 9%	0
- vegetation cover	3
- setback = 30 m	6

Coupled with these setbacks would be requirements to ensure sufficient phosphorus retention within tile fields. To this end, tile field fill should be installed with and regularly maintained to a phosphorus retention capability of at least 6 mg/100 g of soil (Aitkens1977).

Also, consideration should be given to approving a given setback, on condition that the applicant undertake to modify or abandon cultivation and revegetate the property to the extent required to qualify for that setback through a reduced vegetation cover score.

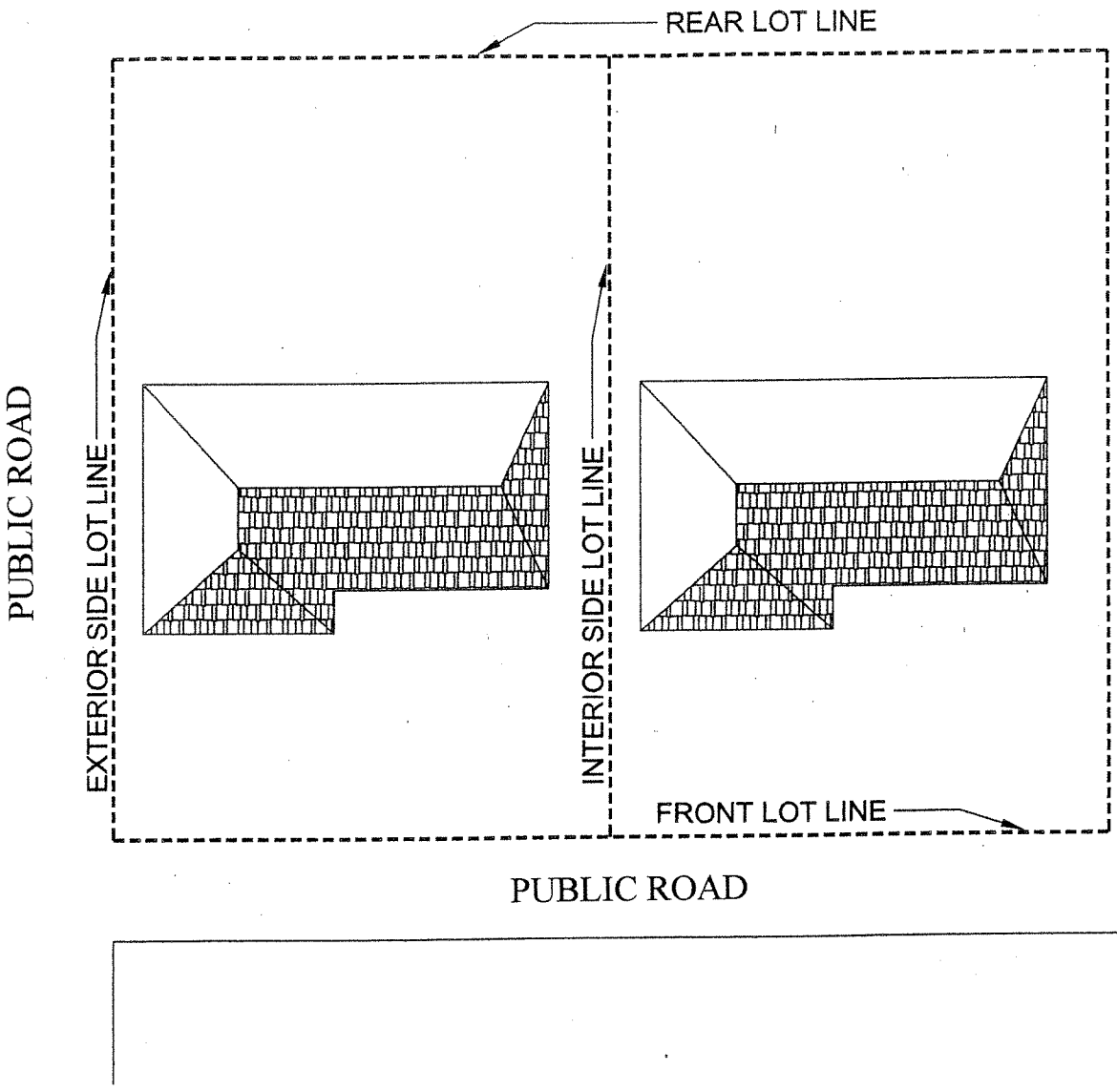
In conclusion, we believe that if shoreland properties are developed in accordance with the above setback and fill guidelines, the phosphorus impacts of development on lake trophic state will be statistically insignificant.

Our proposed approach to setbacks and fill is based on a review of literature most relevant to Ontario and a wide range of practical experience throughout the province. However, these guidelines are not definitive, and are put forward on the assumption that they will be improved and refined over time as municipalities, resource management agencies, and landowners gain experience in working with them. If the guidelines are implemented, we recommend that after three to five years, a comprehensive evaluation of their strengths, weaknesses and potentials for improvement be conducted.

APPENDIX 3

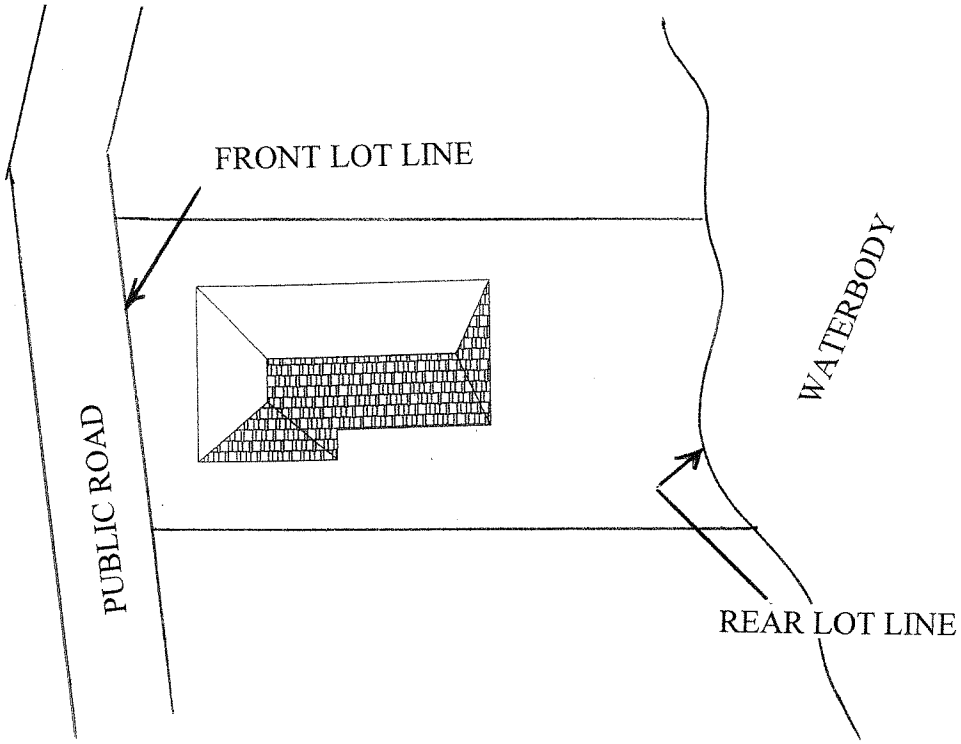
LOT LINE, BUILDING TYPES, AND SETBACK DESCRIPTIONS

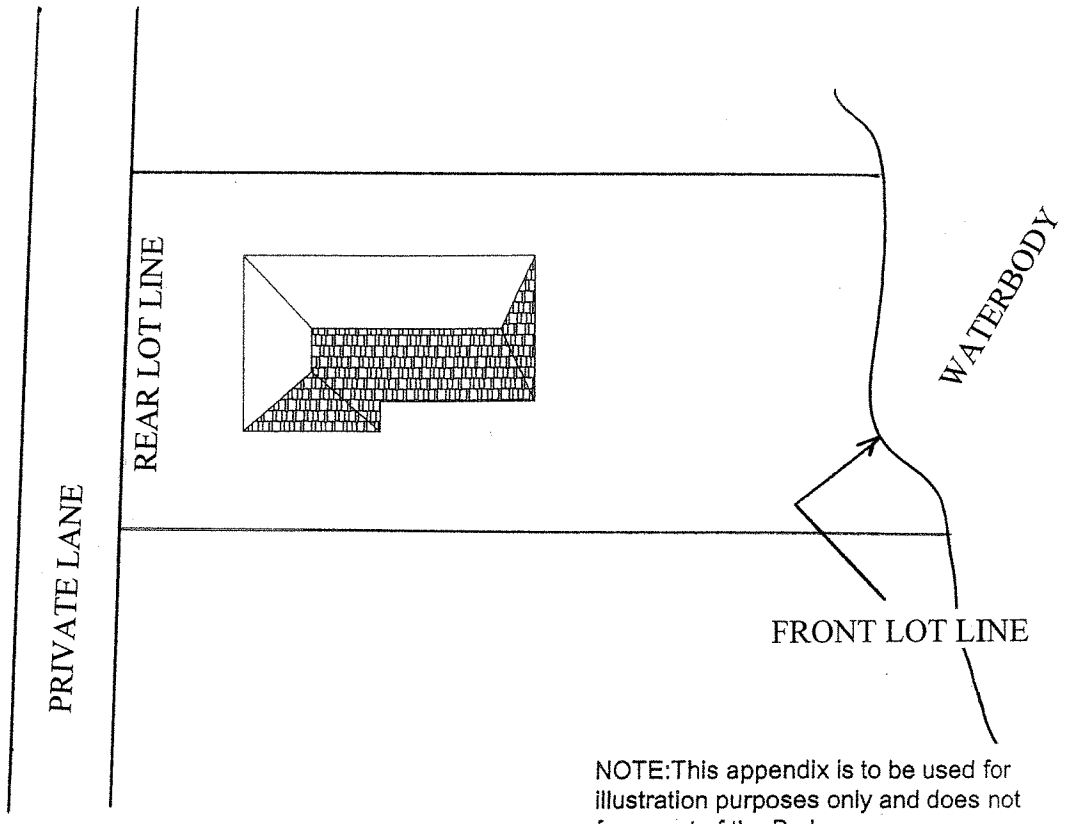
APPENDIX 3
LOT LINE DESCRIPTIONS



NOTE:This appendix is to be used for illustration purposes only and does not form part of the By-law.

APPENDIX 3
LOT LINE DESCRIPTIONS





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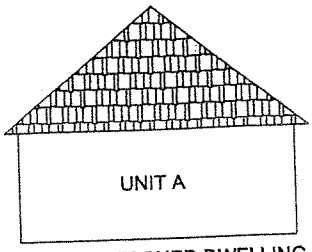
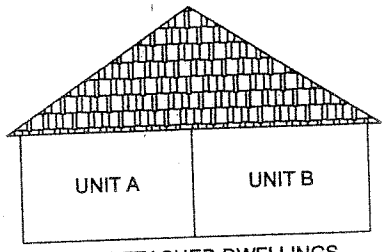
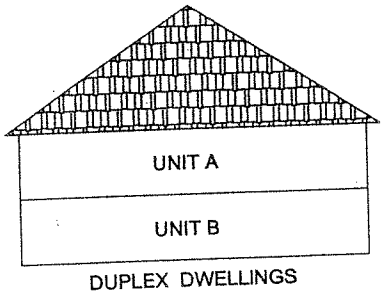
APPENDIX 3
ILLUSTRATION OF DWELLING TYPES



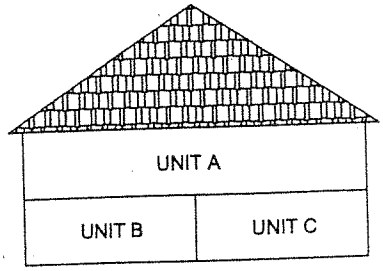
SINGLE DETACHED DWELLING

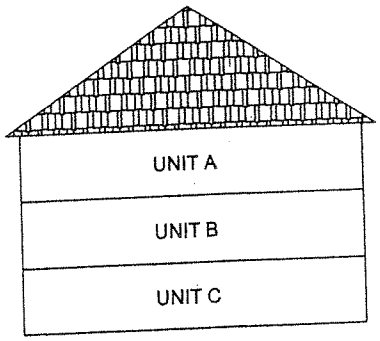


SEMI-DETACHED DWELLINGS



DUPLEX DWELLINGS





MULTIPLE DWELLINGS

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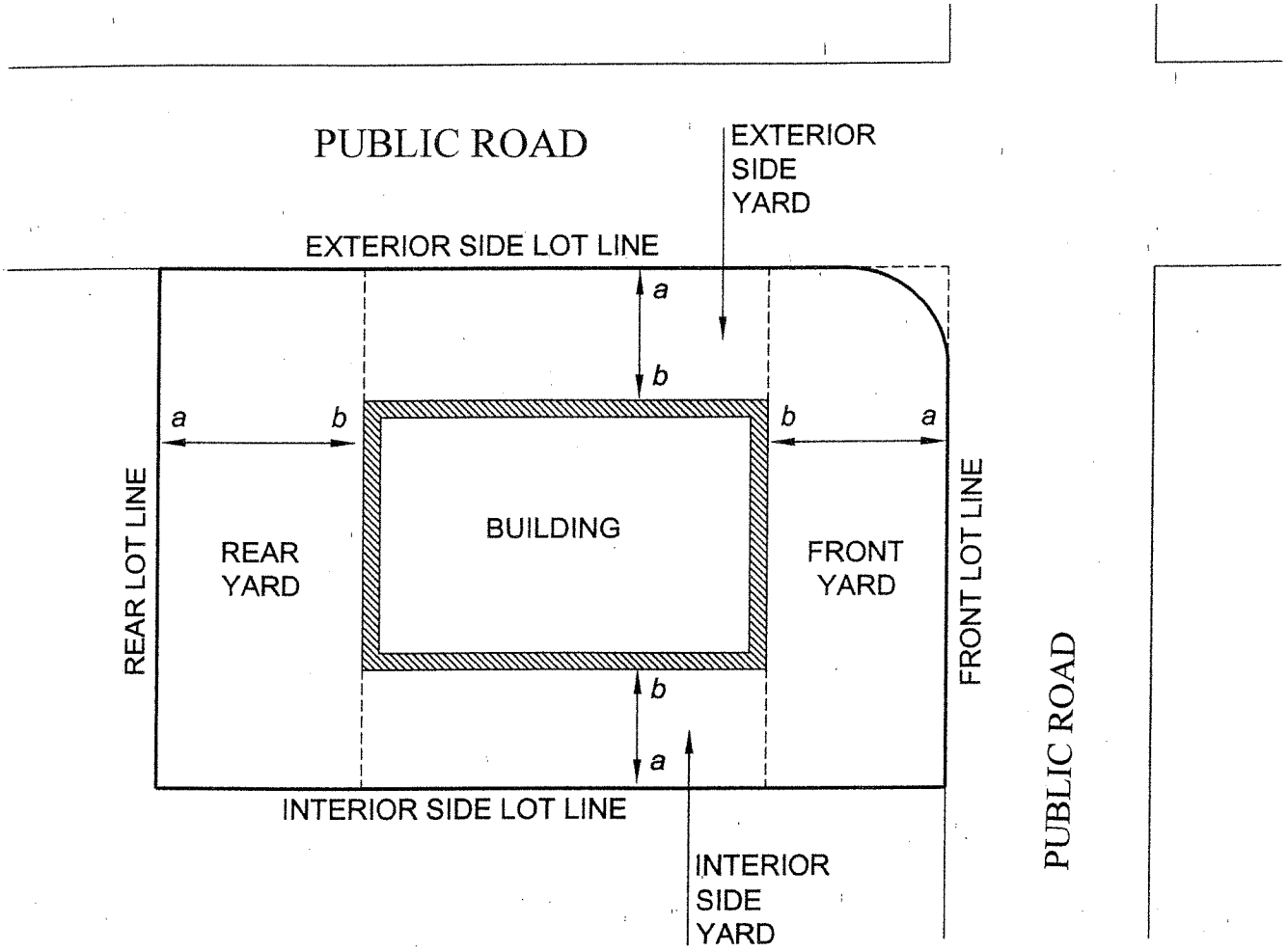
APPENDIX 3

YARD AND LOT LINE DEFINITIONS

ON A CORNER LOT WITH PARALLEL LOT LINES



DISTANCE *ab* REPRESENTS THE SHORTEST DISTANCE MEASURED BETWEEN THE LOT LINE AND THE NEAREST PART OF THE MAIN BUILDING. DISTANCE *ab* MUST BE A MINIMUM OF THE REQUIRED YARD SPECIFIED IN THE BY-LAW

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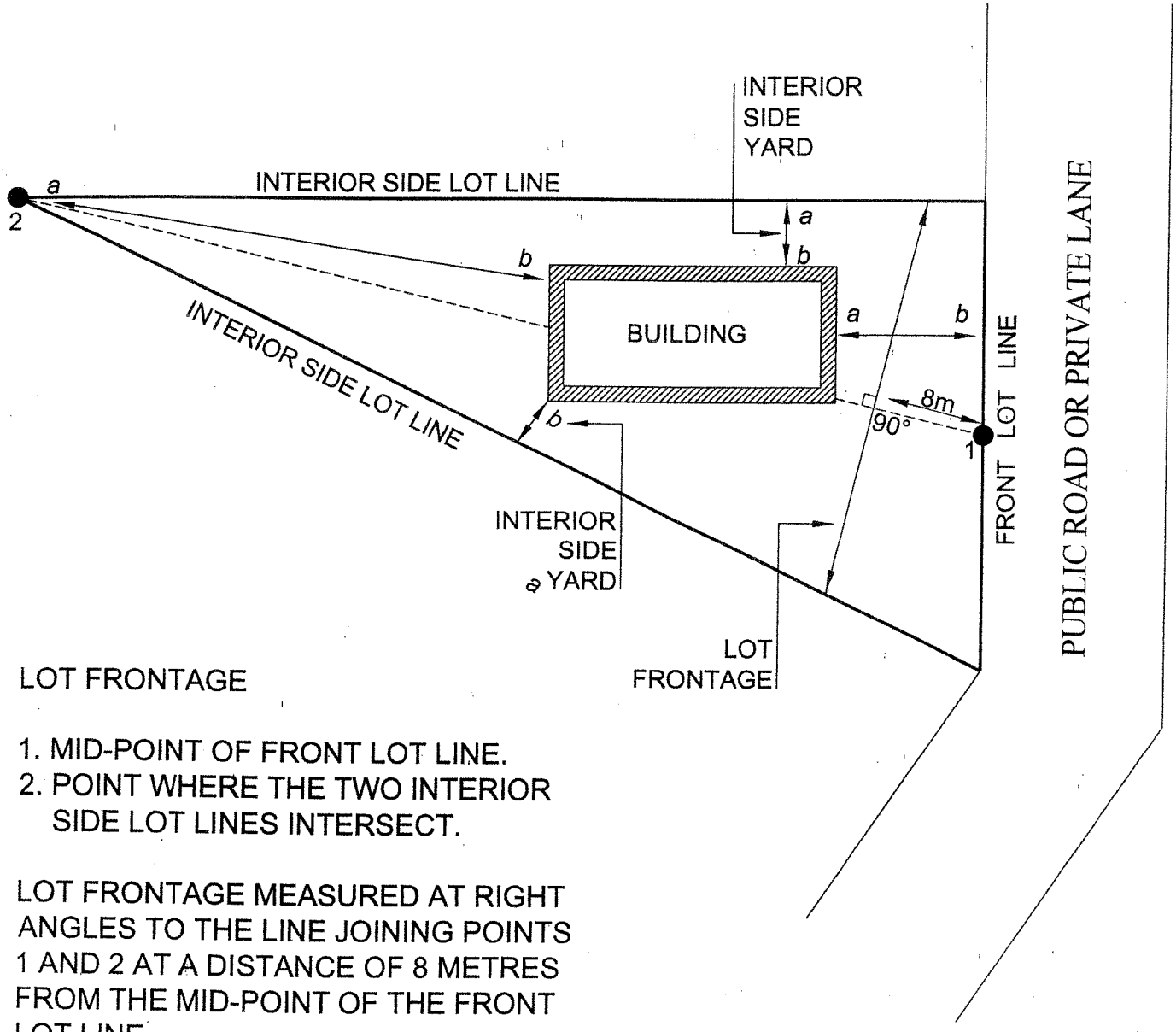
APPENDIX 3

YARD AND LOT LINE DEFINITIONS

ON AN IRREGULAR LOT WITH NO REAR LOT LINE



LOT FRONTAGE

1. MID-POINT OF FRONT LOT LINE.
2. POINT WHERE THE TWO INTERIOR SIDE LOT LINES INTERSECT.

LOT FRONTAGE MEASURED AT RIGHT ANGLES TO THE LINE JOINING POINTS 1 AND 2 AT A DISTANCE OF 8 METRES FROM THE MID-POINT OF THE FRONT LOT LINE.

DISTANCE *ab* REPRESENTS THE SHORTEST DISTANCE MEASURED BETWEEN THE LOT LINE AND THE NEAREST PART OF THE MAIN BUILDING. DISTANCE *ab* MUST BE A MINIMUM OF THE REQUIRED YARD SPECIFIED IN THE BY-LAW

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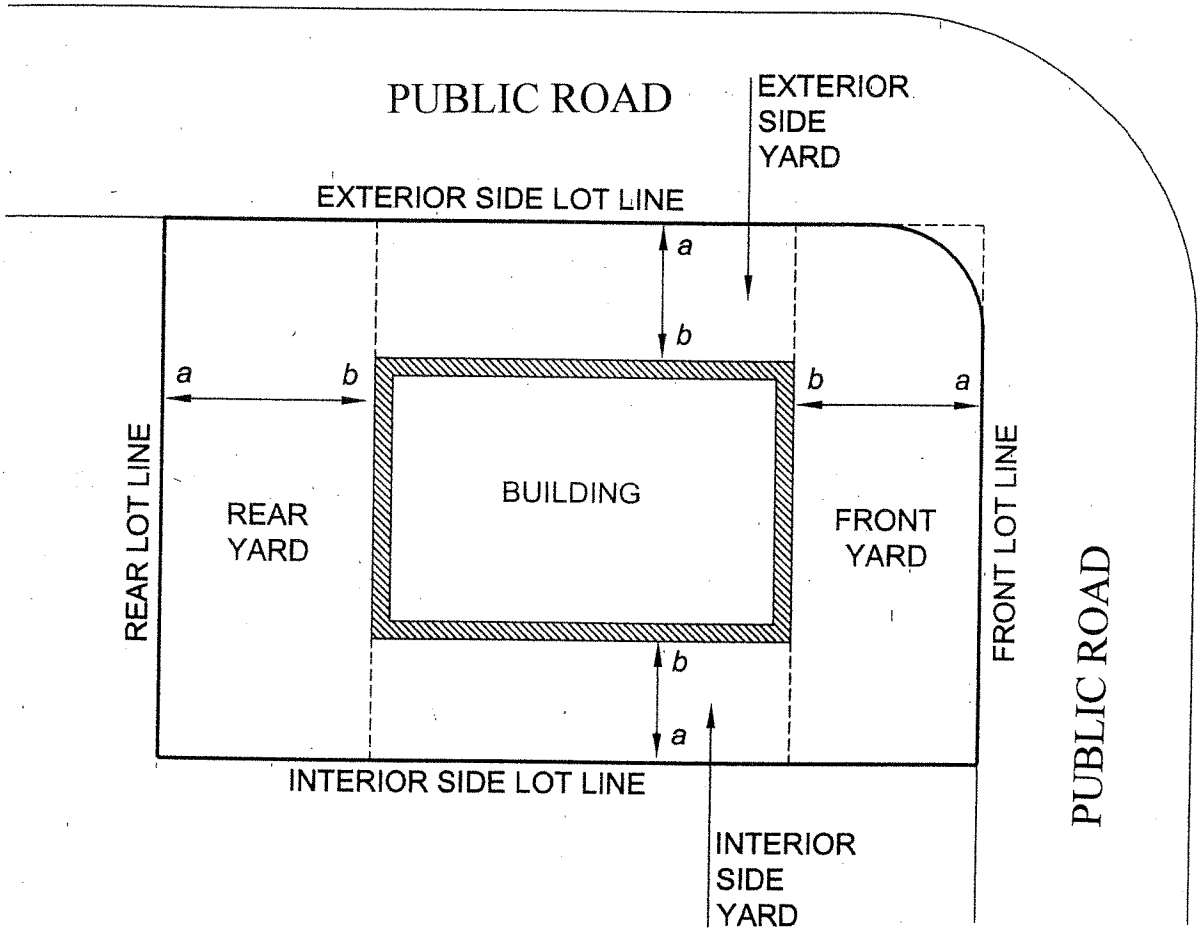
APPENDIX 3

YARD AND LOT LINE DEFINITIONS

ON A CORNER LOT WITH CURVED LOT LINES



DISTANCE *ab* REPRESENTS THE SHORTEST DISTANCE MEASURED BETWEEN THE LOT LINE AND THE NEAREST PART OF THE MAIN BUILDING. DISTANCE *ab* MUST BE A MINIMUM OF THE REQUIRED YARD SPECIFIED IN THE BY-LAW

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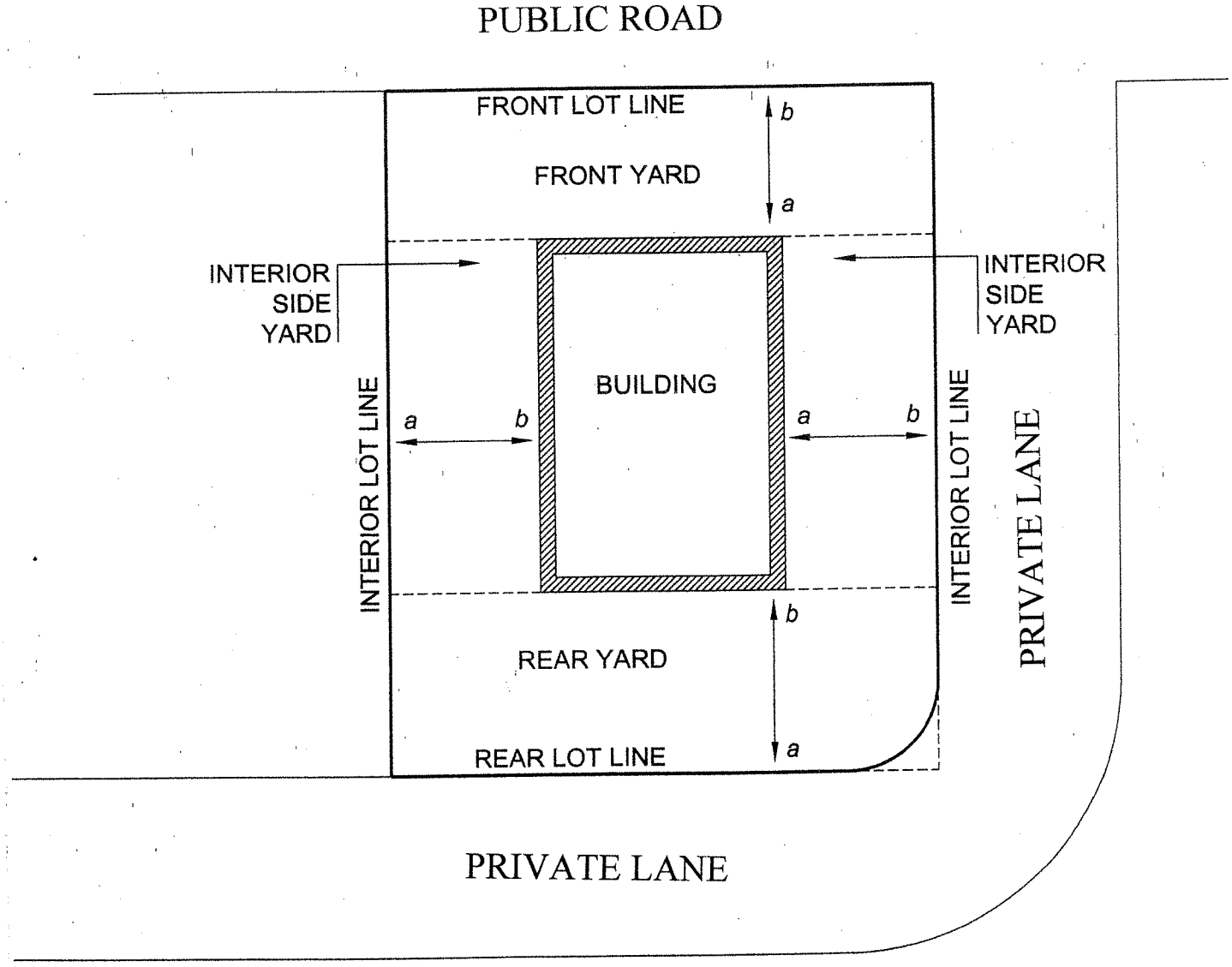
APPENDIX 3

YARD AND LOT LINE DEFINITIONS

ON AN INTERIOR LOT ABUTTING A LANE



- DISTANCE *ab* REPRESENTS THE SHORTEST DISTANCE MEASURED BETWEEN THE LOT LINE AND THE NEAREST PART OF THE MAIN BUILDING. DISTANCE *ab* MUST BE A MINIMUM OF THE REQUIRED YARD SPECIFIED IN THE BY-LAW
- NOTE: MINIMUM REQUIRED DISTANCE ab FROM BUILDING TO LANE IS 5 METRES

NOTE:This appendix is to be used for illustration purposes only and does not form part of the By-law.

SCHEDULES 'A' TO 'J'

TO BY-LAW NO. 2003-75

COMPREHENSIVE ZONING BY-LAW

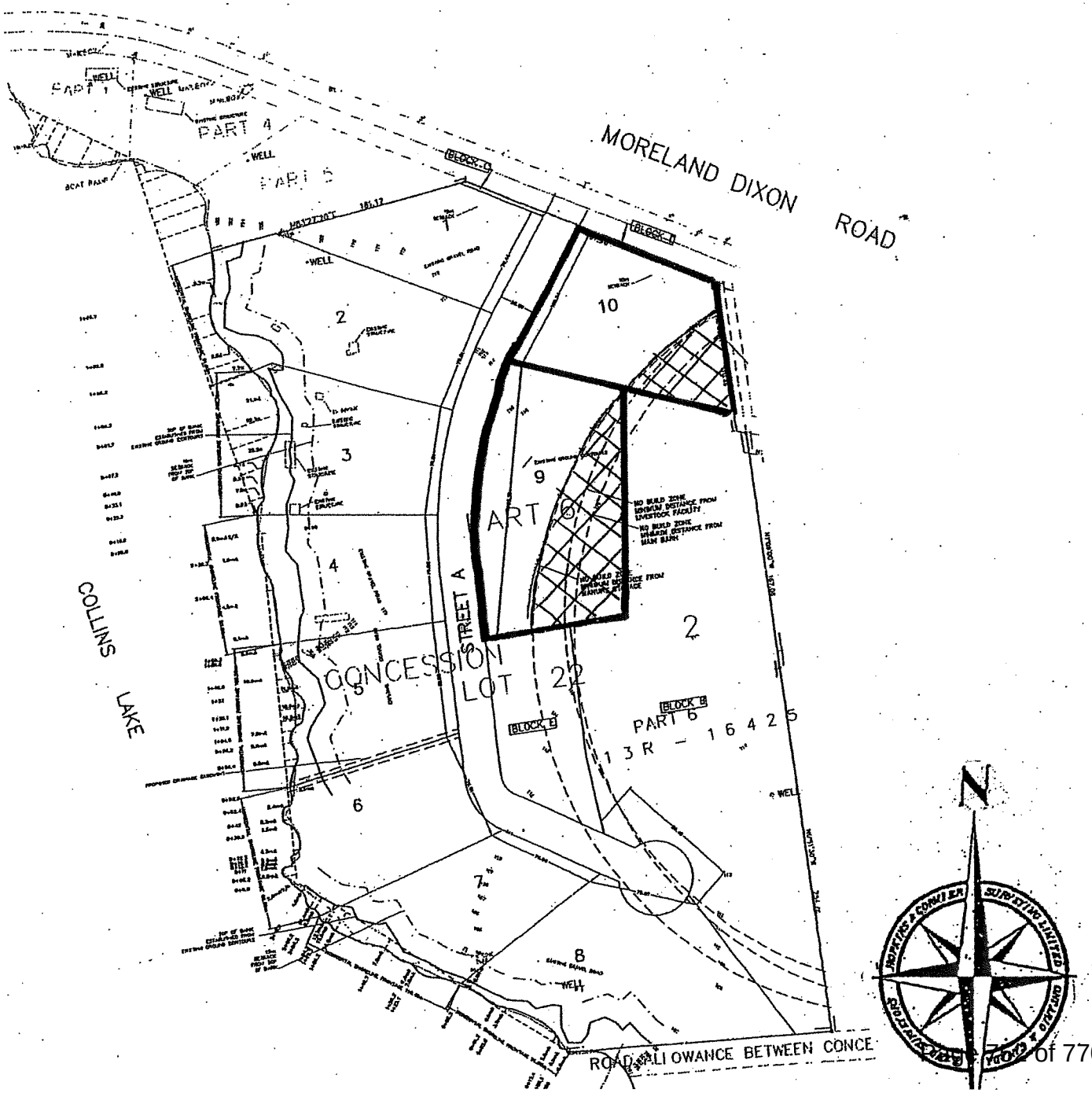
OF THE

TOWNSHIP
OF
SOUTH FRONTENAC

(Districts of Bedford, Portland, Loughborough and Storrington and Two Specific Properties)

SCHEDULE 'I'
TO BY-LAW NO. 2003-75
STORRINGTON DISTRICT

NO BUILD AREA



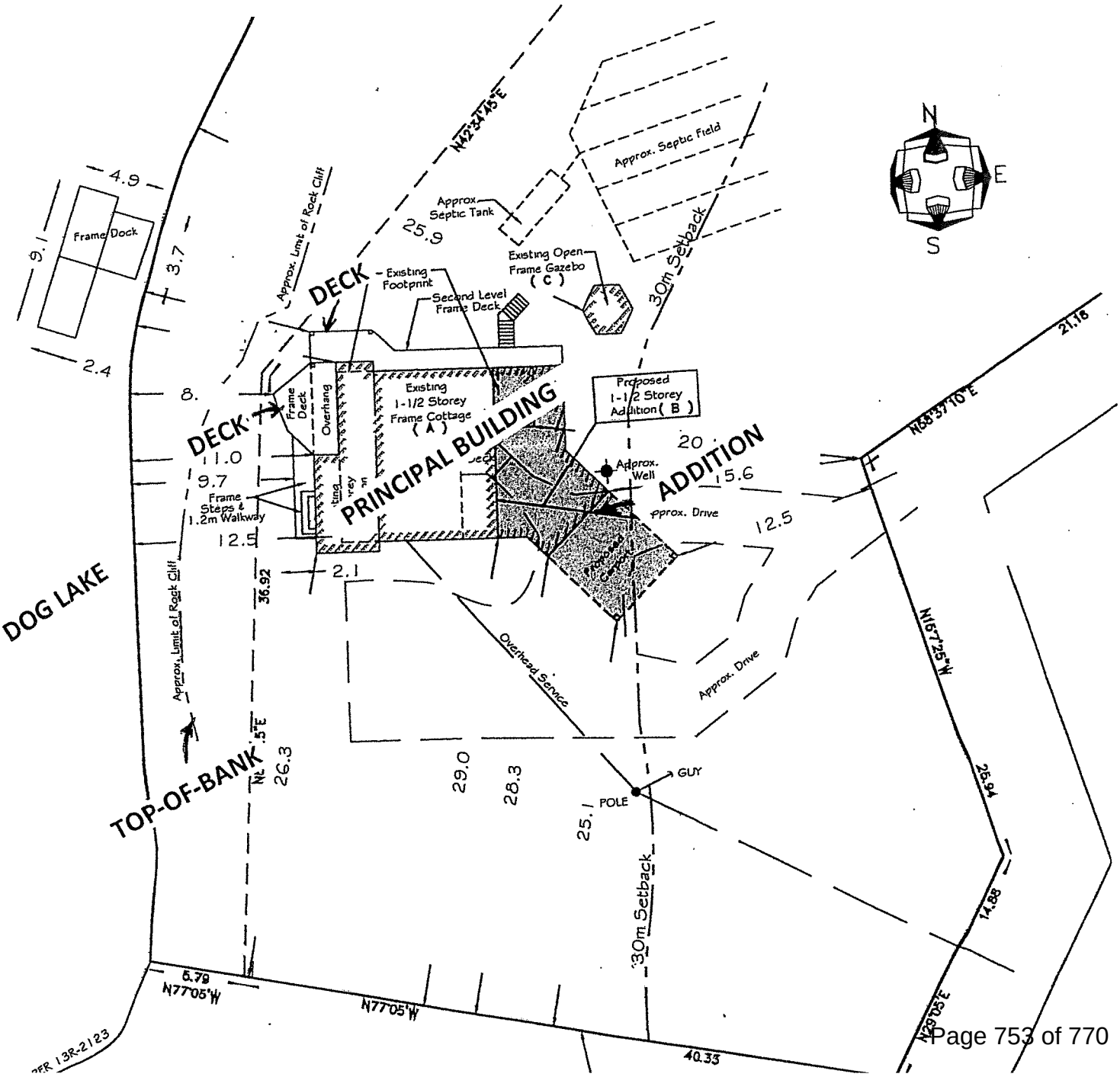
SCHEDULE 'J'

TO BY-LAW NO. 2003-75

THE COMPREHENSIVE ZONING BY-LAW

TOWNSHIP OF SOUTH FRONTENAC

STORRINGTON DISTRICT



APPENDIX 4

RURAL CEMETERIES NOT REQUIRING MINIMUM DISTANCE SEPARATION II CALCULATIONS FOR DEVELOPMENT ON ADJACENT FARM LANDS

Where new livestock facilities or expanded livestock facilities are proposed adjacent to the following cemetery properties no MDS II calculated setback is required:

Roll Number
102908003003720 - Harrowsmith
102908001001900 - Murvale
102904001023900 - Latimer
102906004009700 - Sand Hill
102906005007710 - Van Luven
102906007017210 - Opinicon
102901001027200 - Salem

TERMS OF REFERENCE
SOUTH FRONTENAC COMMITTEE OF ADJUSTMENT

This document shall constitute the terms of the reference for the Township of South Frontenac Committee of Adjustment.

Committee of Adjustment is a quasi-judicial body with authority delegated to it by the Township of South Frontenac, under the provisions of the Ontario Planning Act, to hold public hearings to make decisions on applications for:

- Minor variances and alterations in legal non-conforming uses
- Consents (severances)

OPERATION

The Committee of Adjustment considers and may authorize minor variances from the zoning by-law, review and permit extensions and enlargements to legal non-conforming uses and can grant consent for severances. These decisions are made considering the following:

1. Applications for Minor Variances where a requirement of a Zoning Bylaw cannot be met under Sections 44 and 45 of the *Planning Act;* consider the following "four tests":
    - Whether the variance is minor;
    - Whether the variance is desirable for the appropriate development or use of the land;
    - Whether the general intent and purpose of the Zoning By-law is maintained; and
    - Whether the general intent and purpose of the Official Plan is maintained.

    Committee may impose conditions to the approval of a minor variance.

2. Applications for permission, which deal with the enlargement or extension of a building or structure that is legally non-conforming or for a change in non-conforming use:
    - Extension of a non-conforming use does not need to comply with the four tests.

3. Applications for Consent to Sever a property or for any agreement, mortgage or lease that extends for more than 21 years under Section 53 of the *Planning Act:*
    - Must have regard to the same matters as for a Plan of Subdivision when considering an Application for Consent (s.51(24));
    - Committee may impose conditions to the approval of a severance.

4. Applications for Validation of Title and Power of Sale;

5. Having regard to Provincial Policy Statements (PPS), the County of Frontenac Official Plan and the South Frontenac Official Plan and Zoning By-law.

6. The Committee shall follow the Township of South Frontenac Procedural By-Law (By-Law 2017-76 Being a By-Law to Provide for Governing the Proceedings of the Council, the Conduct Of Members and the Calling of Meetings, or any subsequent Procedural By-law)

A 'notice of the decision' is circulated following the meeting and all Committee of Adjustment decisions made under the Planning Act are subject to appeal to the Local

Planning Appeal Tribunal. The Committee must also satisfy requirements concerning notice, public hearings, notice of decisions and recording of proceedings.

HEARINGS

The goal of the Committee of Adjustment is to provide for and conduct a fair hearing by:

- Allowing anyone wishing to speak to an application an opportunity to do so.
- Giving due diligence to the consideration of each application.
- Openly having all discussions about each application and making all decisions in public at the hearing.
- Making rational decisions with appropriate, well-thought-out conditions.
- Clearly stating the reasons for their decisions.

MEETING SCHEDULE & LOCATION

- Committee of Adjustment public hearings are scheduled to be held once each month with the exception of January, unless directed by Council. Meetings will be held in the Township Council Chambers.

ORGANIZATION

Membership, Appointment, Term of Office, Quorum, Voting

- Committee of Adjustment is composed of 4 public members and 4 members of Council, each representing the four Districts in the Township.
- Committee Members elect a chair and vice-chair.
- Notwithstanding the South Frontenac Township Procedural By-law, consistent with the Planning Act, three members constitute a quorum for consent, minor variance, and legal nonconforming use applications**.** Section 44(5) of the Planning Act states "that where a Committee is composed of three members, two members constitute a quorum, and where a Committee is composed of more than three members, three members constitute a quorum."
- Voting is by simple majority on the application. A tie vote means the application is refused.

QUALIFICATIONS

- An understanding of planning framework and planning instruments, including Township Official Plan, Zoning by-law and other by-laws for controlling development and planning policies in the Province of Ontario, including the Planning Act, policy statements, implementation guidelines and Provincial plans.
- Organized, available and committed to conduct site inspections of subject properties and attend all Committee meetings and training sessions.
- An objective and open mind in order to fully consider the evidence provided.
- An e-mail address in order to receive and respond to Committee communications and information, including hearing and application notices and agenda packages.

TERMS OF REFERENCE
SOUTH FRONTENAC COMMITTEE OF ADJUSTMENT

DUTIES AND RESPONSIBILITIES

Chair

- Presides at all Committee of Adjustment hearings and meetings and exercises authority and performs duties as required.
- Provides guidance and leadership to the committee in the completion of its mandate.
- Ensures that decorum is maintained at each hearing and meeting and that rules of procedure and conduct are observed.

Vice Chair

- Acts in the Chair‘s absence and assumes the roles and responsibilities of the Chair.

All Members

- Review applications sent to them in advance of the hearing.
- Visit the site of applications prior to the hearing.
- Attend Committee of Adjustment hearings, consider applicant, agency and public comments, make decisions in public regarding applications and sign the decisions.
- Contribute time, knowledge, skill and expertise to fulfill the Committee mandate.
- Are cognizant of any conflict of interest or perceived conflict in terms of issues that may serve to benefit them personally.
- Act to protect the privacy of individuals with respect to personal information contained in application forms and information circulated to the Committee and to ensure that personal information is used solely for the processing of the application.

Administrative Support Staff

Secretary-Treasurer (non-voting position)

- Responsible for all Committee of Adjustment administrative duties.
- Review all applications for processing
- Distribute the agenda and public notice
- Record and circulate the minutes
- Issue decisions
- Follow up on any questions and/or concerns from the Committee members and public.

Planner (non-voting position)

- Act as subject matter expert and provide information to assist the Committee of Adjustment in reaching decision.
- Prepare reports outlining the consistence and conformity with relevant planning policies and provide a planning recommendation on each application to the Committee.

TERM

The public members shall be appointed to the Committee for a period of 4 years, coincident with the term of Council. Council members shall be appointed on an annual basis.

RENUMERATION

Members shall be compensated for the expense of visiting each site, and to attend the meetings. Remuneration shall be set by South Frontenac Township Council.

THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC

BY-LAW 2017-76

BEING A BY-LAW TO PROVIDE FOR GOVERNING THE PROCEEDINGS OF THE COUNCIL, THE CONDUCT OF MEMBERS AND THE CALLING OF MEETINGS

WHEREAS Section 238 (2) of the Municipal Act, 2001, c.25, as amended (the Act), provides that Council shall adopt a Procedure By-law for governing the calling, the place and proceedings of meetings;

AND WHEREAS Section 238 (2.1) of the Act provides that the procedure by-law shall provide for public notice of meetings;

NOW THEREFORE the Council for The Corporation of the Township of South Frontenac hereby enacts as follows:

1. That the proceedings of all Council meetings, the conduct of members and the calling of meetings shall be in accordance with the procedures and rules as set down in Schedule "A" attached hereto.

2. This by-law shall come into force and take effect on January 1, 2018.

3. All other previous procedural by-laws are hereby repealed.

NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC, BY ITS COUNCIL, HEREBY ENACTS AS FOLLOWS:

Dated at the Township of South Frontenac this 5th day of December, 2017.

Read a first and second time this 5th day of December, 2017.

Read a third time and finally passed this 5th day of December, 2017.

THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC

Ron Vandewal, Mayor

Wayne Orr, Chief Administrative Officer

SCHEDULE "A" TO BY-LAW 2017-76

1 - DEFINITIONS

Listed below are definitions of common procedural terms:

a) **AGENDA** and Orders of the Day are synonymous.

b) **AMENDMENT** means a change in the form of a Motion. An amendment is designed to alter or vary the terms of the main Motion without materially changing the meaning. It may propose that certain words be left out, that certain words be omitted and replaced by others, or that certain words be inserted or added. Every amendment must be strictly relevant to the question being considered.

c) **CLERK** means the C.A.O./Clerk or the Deputy Clerk acting In the Clerk's absence or in the absence of both the CAO/Clerk and the Deputy Clerk, another person appointed by Council resolution.

d) **CLOSED SESSION** means a meeting or a part of a meeting of Council or a Committee which is closed to the public. All meetings shall be open to the public except as provided for in the *Municipal Act. 2001, Ch. 25, Section 239*.

e) **COMMITTEE** means any advisory or other committee, subcommittee or similar entity of Council.

f) **COMMITTEE CHAIR** is the person presiding at meetings of Committees of Council. Elected by the Committee from its members and may be removed only by vote of a majority of the Committee.

g) **COMMITTEE OF THE WHOLE** means Council sitting in Committee.

h) **COUNCIL** means the Council of The Corporation of the Township of South Frontenac.

i) **HOLIDAY** means A Holiday with Pay (Or Statutory Holiday) as identified in the current C. U. P.E., Local 4336, Collective Agreement.

j) **IN-CAMERA SESSION** shall have the same meaning as closed session (see item #d)

k) **MEETING** means any regular, special or other meetings of council, or of certain local boards or committees, where a quorum is present and where members discuss or otherwise deal with matters in a way that materially advances the business or decision making of the relevant body.

l) **MEMBER** means a member of Council and a member of a Committee;

m) **MINUTES** In strict accordance with the Municipal Act, 2001, Ch. 25, Sect 228, record, without note or comment, of all resolutions, decisions and other proceedings of Council;

n) **MOTION** and resolution shall be considered synonymous and will include an original motion or an amendment to a motion;

o) **POINT OF ORDER** The purpose of raising a point of order is to bring to the attention of the presiding officer that a rule has been broken or an error in procedure has been made as follows:
   i) Breaches of the rules of order of Council;
   ii) Difficulty in continuation of the meeting;
   iii) Improper, offensive or abusive language;

iv) Notice that the discussion is outside the scope of the motion or the notice of motion;
v) Irregularities in the proceedings.

p) **PRESIDING OFFICER** is the Mayor or in his/her absence, Deputy Mayor or in his/her absence the acting head of Council who presides at meetings of Council or the Chair of a Committee meeting;

q) **QUORUM** means a majority of the whole number of members required to constitute Council or a Committee.

r) **QUESTION** means that the vote now be taken.

s) **RECORDED VOTE** means the calling for the yeas and nays of all members of Council by any member of Council and the yeas and nays of each individual member of Council shall be so noted in the minutes.

t) **RULES OF ORDER** The rules of order established by this by law shall govern Council meetings and all Committees of Council. Where this by law is silent on an issue Robert's Rules of Order shall apply.

u) **WEBSITE** means the Official Website of the Corporation of the Township of South Frontenac - www.southfrontenac.net

2 - MEETINGS

a) **MEETING LOCATION** - All meetings of Council shall be held at the municipal complex, 4432 George Street, Sydenham, Ontario, unless otherwise stipulated in a resolution of Council

b) **RULES OF ORDER** - The rules of order established by this by law shall govern Council meetings and all Committees of Council. Where this by law is silent on an issue Robert's Rules of Order shall apply.

c) **SEATING** -During a meeting no person is permitted to come within the enclosure formed by the members' chairs or to address Council unless that person:
- Is a member of Council
- Is the C.A. O., the Clerk or Recording Secretary
- Has been given permission from the Presiding Officer

d) **CHAIR** - The presiding officer of the Council shall be the Mayor. In his or her absence the Deputy Mayor shall preside. The Deputy Mayor will have the powers and duties of the Mayor when performing in that capacity. If neither the Mayor nor the Deputy Mayor is present to open the meeting, the Council shall elect a presiding officer.

e) **CONVENING MEETINGS** - The inaugural meeting of Council shall be held on the first Tuesday, at 7:00 p.m., following commencement of the term of office as defined by the Municipal Elections Act, but shall not be later than 31 days after Council term commences.

Unless otherwise stipulated, Council shall meet at 7:00 p.m. on the first and third Tuesday in each month from January to December inclusive with the exception of the months of July and August when only one meeting will be held each month, on the first Tuesday of the month.

Should Council be scheduled for a closed session the Clerk shall establish a start time that reflects the nature of the agenda. Council would then return to open session at 7:00 p.m.

Council will not meet on a statutory holiday nor will it meet between Christmas and New Years.

Should a Council meeting conflict with any committee meeting, such committee meeting shall be rescheduled after consultation with the Committee Chair.

The Clerk will advertise any meeting date changes caused by this policy.

Council reserves the right to dispense with or alter the time, day or place of any meeting by resolution.

f) **NOTICE REQUIREMENTS**

Notice to Members of Council and Staff

The Clerk will give notice of all Council and Committee meetings to members of Council and to all Department Heads. The notice will be accompanied by an agenda and any other matter to be addressed at the meeting.

The Clerk will send the notice by posting the agenda to AgendaNotes. In the event of a system problem notice may be sent by alternate means including; delivery, facsimile, electronic mail to the residence or place of business of each member or by telephone alert. Generally members will receive notice at least three days before the day of meeting. However failure to receive the notice will not affect the meeting itself, including the timing of or any actions taken there at.

Notice to the Public

The Clerk shall give notice to the public of all regular Council and Committee meetings by posting a schedule of meeting dates on the Township's official web site at the beginning of each calendar year. The agenda shall be posted on the website and in the office on the Friday preceding the date of the meeting.

The Clerk shall give notice to the public of all special meetings of Council by posting a notice on the Township's website as soon as possible after the date of the special meeting has been confirmed.

g) **SPECIAL MEETINGS** - A special meeting may be called under the following circumstances:

- The Mayor may at any time summon a special meeting.
- Upon receipt of a petition of the majority of the members of Council, the Clerk shall call a special meeting for the purpose and at the time mentioned in the petition. Notice may be given by telephone, e-mail or facsimile transmission or posting to AgendaNotes.

The agenda for a special meeting will be prepared by the Clerk in consultation with the Mayor and will be approved by Council at the meeting. Delegations may be scheduled by the Clerk to be heard by Council during a special meeting as appropriate. Closed session (if requested) will be a standing item on every special meeting agenda.

If there is no by-law or petition fixing the place of a special meeting, that meeting shall be held at the place where the last regular meeting was held.

h) **CLOSED SESSION** - As per Subsection 239(2) of the Municipal Act, 2001, as amended, a meeting or part of a meeting may be closed to the public if the subject matter being considered is:

i) the security of property of the municipality
ii) personal matters about an identifiable individual, including municipal employees
iii) a proposed or pending acquisition or disposition of land by the municipality;
iv) labour relations or employee negotiations
v) litigation or potential litigation including matters before administrative tribunals effecting the municipality
vi) advice that is subject to solicitor client privilege including communications necessary for that purpose;
vii) a matter in respect of which a council, board, committee or other body has authorized a meeting to be closed under another Act;

viii) Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them

ix) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization

x) a trade secret or scientific, technical, commercial or financial information that belongs to the Township or local board and has monetary value or potential monetary value; or

xi) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City or local board.

xii) if the meeting is held for the purpose of educating or training the members: and at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council,

xiii) local board or committee;

A meeting shall be closed to the public if the subject matter relates to:

- a request under the Municipal Freedom of Information and Protection of Privacy Act, if the council, board, commission or other body is the head of an institution for the purposes of that Act;
- an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by; the Ombudsman appointed under the Ombudsman Act, an Ombudsman appointed by Council, or the Closed Meeting Investigator appointed by Council.

Prior to holding a meeting or part of a meeting that is to be closed to the public, Council shall state by resolution the fact that a closed meeting is being held and the general nature of the matter to be considered at the closed meeting.

A meeting may only be closed to the public during a vote, if:

- the subject matter is as defined above; and
- the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality or persons retained by or under contract with the municipality

Other policies regarding closed sessions include:

i) All information, documentation or deliberations received, reviewed or taken into a closed meeting is confidential.

ii) The response of Members to enquiries about any matter dealt with by Council or a Committee of Council at a closed meeting, prior to it being reported publicly, shall be "no comment", or words to that effect. No member shall release or make public any information considered at a closed meeting or discuss the content of such a meeting with persons other than members of Council or relevant senior staff members included in the Closed Session.

iii) Any violation of this regulation may result in exclusion of the offending Member from future closed meetings of Council or a Committee of Council and that Member no longer being provided with correspondence, material or information proposed to be dealt with by Council at a closed meeting.

iv) The determination of whether or not a violation of the closed meeting provision of this By-law and the length of the exclusion from closed meetings if so determined, shall be made by Council, and Council in Closed Session shall consider the issue. Prior to this determination by Council, the offending Member shall have the allegation explained to him/her, and he/she shall have the opportunity to provide his/her explanation regarding the matter. The results of Council's deliberations shall be reported publicly.

v) Despite clause (iv), the Member affected shall not be permitted to vote on a motion respecting his/her purported violation of the closed meeting provision of the procedural by-law, his or her exclusion from closed meetings, or the length of any such exclusion.

vi) The release of any information about any matters dealt with by Council at a closed meeting shall be by the Mayor or his delegate only. Once the Mayor or his delegate has released the information, it shall be considered to be public information and a Member may discuss the matter without being considered to be in violation of this By-law.

vii) Agendas, minutes or any items thereon for consideration by Council at a closed meeting shall not be released to the public.

i) **COMMITTEE OF THE WHOLE COUNCIL -** Committee of the Whole Council meetings will be held on the 2nd Tuesday of each month, if required, except during July and August, and shall follow similar rules of procedure as Regular Meetings of Council, except that discussions may be less formal. As appropriate direction provided to staff will be incorporated into reports and will be brought forward for formal approval at Council. Resolutions adopted by Committee of the Whole shall NOT be binding on Council.

Committee of the Whole meetings of Council shall be open to the public except as otherwise provided by The Municipal Act. (See Closed Session Section).

3 - AGENDAS

a) **REGULAR MEETINGS** - The Clerk will prepare an agenda for the use of members at regular meetings. The Agenda shall be posted in the Municipal Building, Sydenham and delivered to each member of Council by posting to AgendaNotes not less than two days (48 hours) prior to the meeting date.

The Clerk will attach copies of all relevant correspondence to the agenda package for Council information. All items of business for the agenda will be received by the Clerk by 12:00 noon on the Thursday prior to the meeting date.

The business of each meeting follows the order in which it stands on the agenda. The agenda for a meeting may only be amended at that meeting by a motion supported by a majority of the members present. Any undisposed matters will be placed on the agenda for the next meeting.

COUNCIL Agenda:

1. Call to Order
2. Declaration of pecuniary interest and the general nature thereof
3. Approval of Agenda
4. Scheduled Closed Session
5. Recess
6. Public Meeting
7. Delegations
8. Approval of Minutes
9. Business Arising
10. Reports Requiring Action
11. Committee Meeting Minutes
12. By-laws
13. Reports for Information
14. Information Items
15. Notice of Motions
16. Announcements/Statement by Councillors
17. Question of clarity (from the public on outcome of agenda items)
18. Closed Session **(if requested)**
19. Confirmatory By-law
20. Adjournment

COMMITTEE OF THE WHOLE Agenda:

1. Call to order
2. Declaration of pecuniary interest and the general nature thereof
3. Approval of Agenda
4. Scheduled Closed Session
5. Recess
6. Public Meeting
7. Delegations
8. Reports Requiring Direction
9. Reports for Information
10. Rise and Report from Committees of Council (rotating basis)
11. Information Items
12. Notice of Motions
13. Announcements/Statements by Councillors
14. Question of clarity (from the public on outcome of agenda items)
15. Closed Session **(if requested)**
16. Adjournment

During July and August a blended meeting agenda will be used incorporating both delegations and public meetings.

b) **DELEGATIONS** - Delegations will be received at Council or Committee of the Whole. Delegations from the public will be limited to a maximum ten minute presentation, unless otherwise approved by Council. Delegations at the request of the Township will not have a pre-set time limit. Delegations are considered in the following order:

- Those persons Council has requested or commissioned to appear (e. g. representatives of senior government, consultants). Council will grant additional time to those commissioned to appear without effecting the time allotment to other delegates
- Citizens, organizations or their representatives who have notified the Clerk in writing of their desire to appear before Council / Committee no later than 12 o'clock noon on the Thursday prior to the meeting date.
- Those persons not included on the agenda but who have requested and been granted permission by Council to address the meeting.

All delegations must provide a written summary of their presentation to the Clerk prior to 12:00 noon on the Thursday prior to the meeting at which they will be appearing or they will not appear on the agenda.

All Delegates will be encouraged by the Clerk to resolve concerns with the appropriate department head, prior to seeking delegation status.

Only topics which have come before Council or are scheduled to appear on Council's agenda are to be scheduled for delegate status.

Unrelated topics require the delegate to be sponsored by a member of Council, prior to being scheduled. Members of Council may sponsor a delegation by emailing the Clerk requesting that the individual / group be given delegate status.

c) **PUBLIC INPUT RELATED TO PLANNING MATTERS** – During a statutory public meeting under the Planning Act, members of the public wishing to speak to the matter will be limited to 10 minutes and will be encouraged to provide their comments in writing to be put on record and limit their presentation to information that has not already been provided or addressed by another individual.

Council will be given sufficient time to consider public input and as such any corresponding Bylaw will not be passed until the next Council meeting.

4 - QUORUM and PRESIDING OFFICER

a) **REGULAR MEETINGS** - As soon as there is a quorum after the hour fixed for the meeting, the Presiding Officer will assume the role as Chair and call the members to order. The Clerk will then take note of attendance.

b) **TIME LIMIT** - The time limit for a quorum is 30 minutes after the time appointed for the meeting. If no quorum is present after 30 minutes, the Council or Committee will stand adjourned until the next regular day of meeting or until a special meeting is called. The special meeting will deal with the matters intended to be addressed at the adjourned meeting. The Clerk will record the names of the members present at the expiration of the time limit and append this record to the next agenda.

Physical attendance by members of Council is required at Council and Committee meetings in order to participate; no means of electronic participation is permitted.

c) **PRESIDING OFFICER** - The Presiding Officer shall oversee the conduct of the meeting including:

i) Call the meeting to order
ii) Introduce the items listed on the Agenda in the order presented unless otherwise determined by Council
iii) Call on the CAO or Department Head to address questions from Council or provide additional information should it have become available since the report was written.
iv) Call on the Clerk to read the motion or by-law as requested by the Presiding Officer
v) Designate the Council Member or Staff Member as to who has the floor to speak
vi) To put to a vote all questions which are properly moved and seconded and after full discussion has been provided, and announce the results of the vote
vii) Ensure the preservation of good order and decorum
viii) Ruling on points of order and privilege
ix) Deciding all questions relating to the orderly procedure of the meeting subject to an appeal by any member of Council from any ruling of the Presiding Officer

The Presiding Officer may expel any person for improper conduct at a meeting.

At Committee of the Whole or Council the Presiding Officer may state his or her position on any matter before Council following the discussion by other members of Council. This will not require the Presiding Officer to relinquish the chair.

The Presiding Officer will vacate the chair prior to; make a motion or serve a notice of motion. If making a motion, the presiding officer shall remain out of the chair during the debate and vote on the subject.

d) **VACANCIES** – If the office of a member of council becomes vacant under section 259 of the Municipal Act, the Council shall at its next meeting declare the office to be vacant, except if a vacancy occurs as a result of the death of a member, the declaration may be made at either of its next two meetings.

Rules pertaining to vacancies shall not apply to a member of council of a municipality who is absent for 20 consecutive weeks or less if the absence is a result of the member's pregnancy, the birth of the member's child or the adoption of a child by the member.

If a vacancy occurs in the office of a member of council, the municipality shall, subject to the Municipal Act,

- fill the vacancy by appointing a person who has consented to accept the office if appointed; or
- require a by-election to be held to fill the vacancy

5 - CONDUCT

a) **SPEAKING** - Each member must be recognized by the Presiding Officer before speaking on any matter or motion. A member may not speak more than once on a matter without leave of the Presiding Officer, except:

- In explanation of a material part of the speech which may have been misunderstood; or
- In reply after everyone else wishing to speak has spoken

Generally no member may speak to the same matter or in reply for longer than 5 minutes.

Through the Presiding Officer, a member may ask for an explanation of any part of the previous speaker's remarks. A member may also, through the Presiding Officer, ask questions to obtain information relating to the report or minutes presented to Council or any clause contained therein. However this must be done prior to the commencement of the debate on the report, minute or clause.

Following the reading of a motion and during debate, all questions to staff are to be addressed through the Presiding Officer.

b) **CONDUCT -** Members shall not:

i) Speak disrespectfully of the Reigning Sovereign, any member of the Royal Family, the Governor-General or a Lieutenant-Governor;
ii) Use offensive words or unparliamentarily language in Council;
iii) Disobey the rules of the Council or decision of the Presiding Officer or of Council on questions of order or practice;
iv) Leave his or her seat or make any noise or disturbance while a vote is being taken and the result is declared;
v) Enter the Council Chamber while a vote is being taken;
vi) Interrupt a member while speaking, except to raise a point of order;
vii) Pass between a member who is speaking and the Chair.
viii) Engage in private conversation while in the Council Meeting or use electronic/mobile devices in a manner which interrupts the proceeding of the Council, or attempts to coordinate voting.

c) **DRESS CODE -** Each member of Council is personally accountable for presenting themselves in a professional manner at all Council meeting.

d) **DECLARATIONS OF CONFLICT OF INTEREST** - Members shall at all times conduct themselves in accordance with the requirements of the Municipal Conflict of Interest Act, including any subsequent amendments, revisions and regulations thereto.

All declarations and disclosures made in accordance with the Act shall be made in writing by the member in accordance with the Act, and a copy shall be submitted to the Clerk.

If, after making such a declaration, the member determines that he/she does not have a Conflict of Interest, then a public statement to that effect shall be made by the member. Such public statement may be in the same form and substance as the original declaration.

e) **DISCIPLINARY ACTION -** It is not the intention of discipline in a meeting to punish a member but to change the behaviour of the member. If a member commits a breach of conduct, the escalation of remedies is as follows:

- The Presiding Officer requests that the member refrain from breaking the rules and specifies the infraction or rule being broken.
- If this fails, the Presiding Officer provides a sterner warning by calling the member to order.
- If, after this instruction, the member continues with the action or refuses to be seated the Presiding Officer may, if the breach of conduct is serious enough, request that the offending member to apologize or failing an apology to be expelled from the meeting.

If expulsion from the meeting is ordered, the Presiding Officer may establish and appoint individuals to escort the member from the meeting room. If the member refuses to leave, the appropriate civil authorities should be called.

f) **EARLY DEPARTURE FROM MEETINGS -** A member who wishes to leave a meeting prior to the adjournment must so advise the Presiding Officer. The recording officer will note the member's time of departure.

g) **NOTICE OF ABSENCE FROM MEETING -** If a member cannot be in attendance at a meeting, they should notify the Clerk or the Deputy Clerk of their absence at their earliest opportunity.

h) **CHAIN OF OFFICE -** The Mayor shall wear or display the Chain of Office at each Council meeting. The Mayor may at his or her discretion wear the Chain of Office on ceremonial occasions.

i) **CONDUCT OF PUBLIC AND MEDIA**

- Members of the public, including accredited and other representatives of any news media, may use cameras, recording equipment, television cameras, and any other devices of a mechanical, electronic, or similar nature to transcribe or record Council Meetings. These devices may not be used in such a way as to obstruct the proceedings of the Meeting.

- Members of the public who constitute the audience at a Meeting, shall not:
  - Address Council or Committee without permission;
  - Applaud, shout, boo, hiss or otherwise express their pleasure or displeasure with the proceedings in such a manner as to interfere with the meeting
  - Bring signage, placards or banners into such Meetings or engage in any activity or behavior that would affect the Council deliberations

6 - MOTIONS

a) **NOTICE OF MOTION** - Notice of motions will preferably be received during the scheduled time as allocated under Section 2.0 (a), however the Clerk may receive a notice of motion at any time during a Council meeting. A notice of motion will become part of the agenda for the subsequent Council meeting unless otherwise approved by Council. A notice of motion requires a seconder only at the time of debate.

If a motion is not moved and seconded on the day and at the meeting for which notice was given, it cannot be moved at any subsequent meeting without notice being given on the agenda for that meeting.

b) **GENERAL** - Every motion, once presented to the Presiding Officer, becomes the property of Council. The presiding officer may call on the Clerk to read the motion. A member can withdraw a motion only with the consent of the majority of Council. Motions shall be debated in the order of presentation to the Presiding Officer.

Any member may request that the Clerk read the motion under discussion at any time during the debate, except when another member is speaking. Any member may request separation of a motion. Each section of the motion will be voted on separately.

When a matter is under debate, no motions can be made other than a motion:

- To refer / defer
- To amend
- To adjourn the meeting
- To vote on the matter

c) **REFER/DEFER** - A motion to refer or defer takes precedence over any motion or amendment, except a motion to adjourn. A motion to refer requires direction as to the body to which it is being referred. A motion to defer must include a reason for deferral. Neither motion is debatable.

d) **VOTING** - When a member makes a motion that the vote now be taken, it shall be put to a vote without debate. If a majority of the members agree to put a motion to a vote, the motion and any amendments thereto will be submitted to a vote immediately without further notice.

No members may speak or present another motion once the Presiding Officer commences the vote on that motion. Each member present at a Council meeting will vote when the vote is taken on a matter, unless prohibited from so doing by statute. Any member who is present but refuses to vote or abstains to vote, their vote will be deemed to be a vote in the negative.

A recorded vote on a motion before Council may be requested at any time by any Council member before the vote is taken or after the vote has been taken unless Council has commenced discussion on a new matter on the agenda. When a member requests a recorded vote, all members will vote in alphabetical order of Council finishing with the Mayor, when polled by the Clerk. The Clerk will note the names of those who voted for and against in the minutes, and will announce the results.

If a member disagrees with the results of the vote, he or she may object to the declaration and ask that the Clerk retake the vote. An objection to any resolution shall not be recorded unless a recorded vote is requested.

e) **AMENDMENT** - A member may present only one amendment to the main motion at a time. Another amendment may be introduced only after the previous one has been disposed of. An amendment that has been seconded may not be withdrawn and must be dealt with.

f) **NEW MATTER** - A member may not introduce a new matter without notice, unless Council without debate dispenses with the notice requirements by two thirds vote.

g) **RECONSIDERATION -** A member who voted with the prevailing side may move for reconsideration at the **same meeting** as follows:

If the motion to reconsider receives a seconder, the motion for reconsideration shall be open to debate and voted upon. The motion will require the votes of two thirds of members present to pass.

If adopted, the motion to reconsider temporarily nullifies the previous decision. The main motion originally voted on is again pending. The motion may now be amended or considered as moved and voted upon.

Example:

1. Original Motion -> Vote
2. Motion to Reconsider -> Vote
3. Reconsideration of main motion (it may now be amended)-> Vote

If a member who voted on the prevailing side presents a motion for reconsideration at a **subsequent meeting**, the motion must be preceded by a notice of motion. At the subsequent meeting, the motion to reconsider follows the same process, as noted above. It will require a two thirds majority vote of the members present to carry.

Example:	Meeting #1 →	Vote on original motion
	Meeting #2→	Notice of Motion to be received
	Meeting #3 →	Motion to Reconsider to be voted on

Meeting #3 → Matter for Reconsideration to be voted on

No matter may be reconsidered more than once in a twelve-month period.

A notice of motion for reconsideration will not stop or delay action on the decided matter unless Council agrees otherwise. In this case. Council must approve the injunction by a two-thirds majority vote of the members present.

If Council approves a motion to reconsider, the reconsideration will become the next order of business, unless the motion calls for a future definite date. Debate on the matter shall proceed as though it had not been previously voted upon. The debate must be confined to reasons for or against reconsideration only.

h) **ADJOURNMENT** - A motion to adjourn a meeting will be in order except:
- When a member is in possession of the floor.
- When it has been decided that the vote now be taken.
- During the taking of a vote.
- If determined in the negative the vote shall not be taken again until some intermediate proceedings have been taken by Council.

Members may not leave their places on adjournment until the Presiding Officer vacates the role as Chair.

Council will adjourn at 10:00 p.m. if in session at that hour, unless determined otherwise by a majority vote of the members present.

i) **BYLAWS** - The agenda may contain a summary of the contents of each bylaw. If a majority of Council requests, the Clerk will read the by-law in its entirety.

All by-laws must be passed in meetings that are open to the public.

A Confirmatory By-law, to confirm the proceedings of Council during the meeting, will be placed before Council each meeting.

j) **SUSPENSION OF THE RULES** - Any Member may request that the rules of procedure be temporarily suspended. An example of a motion to suspend the rules would be to extend the meeting past 10:00 p.m.

k) **ULTRA VIRES** - No motion shall be put on a matter which is Ultra Vires the jurisdiction of Council

l) **CHANGES TO COUNCIL COMPOSITION** - Where Council wishes to consider changes to the composition of council:
- 5 votes shall be required to support the change,
- At least one Councillor from each district shall support the change,
- There shall be widespread consultation with voters before any proposal is adopted including at least one public meeting in advance of day of the meeting where the resolution is decided. Normal municipal procedures for public notice shall apply.

7 - COMMITTEES

a) **SPECIAL PURPOSE COMMITTEES** - Council may from time to time appoint, by resolution, special purpose or "Ad Hoc" committees with Terms of Reference as set out in the appointment resolution.

b) **EXTERNAL COMMITTEES/BOARDS** - Council may from time to time appoint, by resolution, individuals to external committees or boards. The term of office for community members shall be two terms, the length of which will be decided by Council. Terms are to be staggered such that there is always a productive mix of experienced and new volunteer members.

c) **COMMITTEE CHAIR** - Each Committee at its first meeting in the year will elect a Committee Chair and Committee Vice-Chair from its members. The Committee

Chair may be removed only by a vote of a majority of the Committee. The Chair of South Frontenac Recreation shall serve as Chair for a period of no more than two consecutive years.

The Committee will also at the first meeting arrange its own schedule of meetings.

d) **QUORUM** - A quorum shall be a majority of those appointed to a Committee by Council. A majority is more than half of the total number of those appointed to the Committee.

e) **COMMENCEMENT OF MEETINGS** - If a Committee Chair or Committee Vice-Chair is not present within fifteen minutes from the time of the opening of the Committee meeting, the members present will elect another member of the Committee to preside. That member will discharge the duties of the Presiding Officer for that meeting, or until the arrival of the Committee Chair or Vice-Chair.

f) **RULES -** The rules governing the procedure of Council will be observed in all Committees, except that the number of times speaking on a question will not be limited.

g) **VOTING** - The Mayor or his/her designate will be an ex-officio member of all Committees of Council. Further the Mayor or designate will have the same rights and privileges as any other Committee member and may constitute part of the quorum.

Any member, including the Committee Chair, may propose or second a motion. When the Committee Chair proposes a motion, he or she must vacate the chair to the Acting Chair of the Committee during the debate on the motion and resume the chair following the vote. All members will vote on all motions except when disqualified by reasons of interest or otherwise. A tie vote at the Committee level shall be considered lost.

h) **DUTIES** - The Committee may report to Council any Committee member who refuses or neglects to attend a meeting. Council may then remove that member from the Committee and appoint another member in his/her place.

Council may discharge from responsibility any Committee, which refuses or neglects to give due consideration to any matter before it. Council may then allot such responsibility to another Committee.

All Committees are subject to the control and direction of Council.

Each Committee must submit minutes to Council. Reports and or recommendations on all matters connected with their duties are to be submitted to either Council or Committee of the Whole, at the direction of the committee.

i) **PARTICIPATION** – Councillors who are not members of the standing committee can attend as a member of the public to listen to committee discussions. Participation of non-committee Council members will not be permitted. Attendance by non-committee members will not be compensated.