

## TOWNSHIP OF SOUTH FRONTENAC

## BY-LAW NUMBER 2012-59

**BEING A BY-LAW TO AMEND BY-LAW NUMBER 2000-85, THE OFFICIAL PLAN FOR THE TOWNSHIP OF SOUTH FRONTENAC, AS AMENDED, TO CHANGE THE TEXT OF THE PLAN TO STRENGTHEN ENVIRONMENTAL POLICIES; INCLUDE POLICIES FOR PLANS OF CONDOMINIUM; INCLUDE INSTITUTIONAL USES AS REQUIRING SITE PLANS; AND ADD POLICIES TO ALLOW USE OF HOLDING THE SYMBOL: TOWNSHIP-INITIATED.**

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WHEREAS, the Municipal Council of the Township of South Frontenac deems it expedient to amend By-law Number 2000-85, the Official Plan for the Township of South Frontenac, as amended, as it relates to certain policies in the text relating to development in the whole of the Township.

**NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC BY ITS COUNCIL, HEREBY ENACTS AS FOLLOWS:**

1. THAT By-law Number 2000-85 as amended is hereby further amended by changing section 5.2.7 Environmentally Sensitive Areas so that the whole of the section reads as follows: (additions noted in bold type face)

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 feet) 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 (98.4ft.) 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 rural and 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 feet) 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.**

2. **THAT** By-law Number 2000-85 as amended is hereby further amended by changing section 6.17 Site Plan Control by including Community Facility uses and Multi-unit dwellings in the list of uses that may require site plan control so that the whole of the section reads as follows: (additions noted in bold type face)

**6.17 SITE PLAN CONTROL**

Site Plan Control is intended to be used to help minimize the impacts of

4

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.

3. **THAT** By-law Number 2000-85 as amended is hereby further amended by adding a new subsection to be identified as subsection 7.3 immediately after subsection 7.2 in the Division of Land Policies section, to read as follows:

**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

5

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.”

4. THAT By-law Number 2000-85 as amended is hereby further amended by adding a new subsection to be identified as subsection 8.1.3 immediately after subsection 8.1.2 in the Implementation section, to read as follows:

### **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.

3. THAT the Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing for the approval of Amendment Number 17 to the Township of South Frontenac Official Plan.
4. THAT this By-law shall come into force and take effect on the day of passing of the Official Plan Amendment Number 17 by the Minister of Municipal Affairs and Housing.

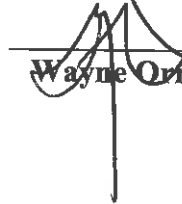
**Dated at the Township of South Frontenac this second day of October, 2012.**

**Read a first and second time this second day of October, 2012.**

**Read a third time and finally passed this sixteenth day of October, 2012.**

**THE CORPORATION OF THE  
TOWNSHIP OF SOUTH FRONTENAC**

  
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**Gary Davison, Mayor**

  
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**Wayne Orr, Clerk-Administrator**