

SECTION 4 LAND USE DESIGNATIONS AND POLICIES

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

4.1 RESIDENTIAL

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

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

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

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

4.1.1 Village Residential**4.1.1.1 General Principles**

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

4.1.1.1.2 Development in the "Village Residential" designation shall protect the low-density residential character of the communities and provide for limited medium density development in appropriate locations.

4.1.1.1.3 The expansion of Settlement Areas or the designation of new lands for "Village Residential" development shall only occur in accordance with the policies of Sections 3.10 and 6 of this Plan.

4.1.1.2 Permitted Uses

4.1.1.2.1 The predominate use of lands designated "Village Residential" shall be for low density single detached, semi-detached, and duplex dwellings.

4.1.1.2.2 Home Occupations are also permitted in accordance with the Policies of Section 3.4 of this Plan.

4.1.1.2.3 Multiple Residential uses, including triplexes, row and townhousing, and low rise apartment buildings are also permitted, subject to the Policies of Section 4.1.1.3.

4.1.1.2.4 Existing seasonal trailer and existing Park Model Home trailer parks are permitted and shall be recognized by the Townships General Zoning By-law.

4.1.1.3 General Policies

4.1.1.3.1 The "Village Residential" lands should be developed on the basis of a gross residential density of 9.8 to 12.8 lots per hectare.

4.1.1.3.2 All development in the "Village Residential" designation shall be serviced by and connected to the municipal Centralized Sewage Treatment System and/or the Centralized Water Supply System and any other service deemed appropriate by Council. Development shall not include the replacement or upgrading of an existing dwelling nor the addition of a garage, carport, sundeck, or other non-habitable structures.

4.1.1.3.3 All existing Multiple Residential uses shall be zoned accordingly in the Township's General Zoning By-law. All new Multiple Residential uses shall have regard to the following policies:

- (a) The proposal is compatible with the density and character of the adjacent development;
- (b) The municipal services are capable of providing service to the proposed development;

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

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

4.1.1.3.4 It shall be the policy of Council to encourage the development of high quality housing consistent with the supply of serviced land and market demand.

4.1.1.3.5 Development proposals within the "Village Residential" designation will be reviewed with regard to their compatibility with the existing character of the Settlement Area. Designs, which utilize neo-traditional concepts and alternative development standards to recreate the pedestrian orientated "small village" character, will be encouraged.

4.1.1.4 **Development Policies**

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

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

4.1.1.4.2 Development Policies for Parts 1, 3, 4 and 5 Plan 51R-21316, and known municipally as 80 Ellen Street:

4.1.1.4.2.1 The policies of this Section apply to lands described as Parts 1, 3, 4 and 5 Plan 51R-21316 and known municipally as 80 Ellen Street within Victoria Harbour.

4.1.1.4.2.2 The lands shall be comprehensively planned to provide for the development of high quality residential uses that are sensitive to adjacent uses and the use and enjoyment of the shoreline. In this regard, all development on the subject property shall conform to the following principles/policies as set out below:

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

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

4.1.1.4.3 Grandview Beach/Paradise Point Development Policy Area

4.1.1.4.3.1 General Principles

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

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

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

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

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

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

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

4.1.1.4.3.2 Permitted Uses

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

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

4.1.1.4.3.3 General Policies

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

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

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

- 4.1.1.4.3.3.3 Where development is proposed that would exceed a fixture rating of 20 units, as may be calculated by the Ontario Building Code, or a maximum building size of over 200 m² or includes the addition of a bedroom(s), a tertiary treatment sewage system will be required. Such a system will need to reduce nitrate concentrations in the sewage effluent as well as achieving and maintaining an appropriate bacterial removal minimum.
- 4.1.1.4.3.3.4 The information will set out any required works and upgrades to the existing water system and sewage facility that will be required and how such works will provide compliance with the no addition effluent loading principle and the Ontario Drinking Water Guidelines. Again, such works should be installed and functioning properly prior to any rezoning.
- 4.1.1.4.3.3.5 In the event of rezoning, as set out above, the Municipality may require the owner to enter into a Site Plan Control Agreement. Such an agreement may set out building envelopes, septic facility areas, well locations and other information deemed appropriate by the Township. The intent of the above is generally to ensure that any works undertaken to comply with the policies of this section will be properly reserved and protected to facilitate their proper operation. (OPA No. 29)
- 4.1.1.4.4 Special Policies for Part of Lots 12 and 13, Concessions 6 and 7 (Victoria Harbour Golf Course Community):

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

- a) Adequate municipal sewage and water capacity is available to service the development;
- b) Off-site road improvements are completed as the development places additional demands on the adjacent road network;
- c) Compensation for the loss of interior forest patches will be required through the planting of native species trees that contribute to interior forest cover on and/or off the subject property, as part of ongoing restoration initiatives for Hogg Creek to the satisfaction of the Township and the Severn Sound Environmental Association;
- d) The present terrain, drainage and cover of the site shall be maintained to the satisfaction of the Township and the Severn Sound Environmental Association and that radical changes in terrain would not be permitted in the development of the proposed subdivision;
- e) A Stage Two Archeological Investigation shall be completed prior to any alteration of the lands; and,

4.1.2 Shoreline Residential

4.1.2.1 General Principles

4.1.2.1.1 The "Shoreline Residential" designation recognizes the existing shoreline residential areas and communities in the Township and is intended to protect the low-density shoreline residential character of these areas. Development in the shoreline communities shall be compatible with existing land uses in the adjacent areas.

4.1.2.1.2 It is a goal of this Plan is to extend sanitary sewers to all currently unserved shoreline communities. As the purpose of providing sanitary services is primarily remedial in nature, the Township will not support new shoreline or adjacent back lot development. It is also recognized that existing shoreline Residential areas generally do not constitute viable settlement areas and are not preferred development locations and therefore only existing Shoreline communities or existing vacant lots will be serviced by new servicing infrastructure in these areas.

4.1.2.1.3 Development in the "Shoreline Residential" designation shall have regard to the aesthetic quality of the waterfront and shoreline area and to the

principles for a "Green Waterfront" as set out in Section 2 of this Plan.

- 4.1.2.1.4 New development within the waterfront area and in the "Shoreline Residential" designations shall not be permitted where it will contribute to the demand for public services which are uneconomic to provide, improve or maintain.

4.1.2.2 Permitted Uses

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

4.1.2.3 General Policies

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

4.1.2.4 Development Policies

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

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

4.1.3 Mobile Home Residential

4.1.3.1 General Principles

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

4.1.3.2 Permitted Uses

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

4.1.3.2.2 Limited local commercial and recreational uses may be permitted in

accordance with the following policies.

4.1.3.2.3 The uses permitted shall be limited to:

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

4.1.3.3 General Policies

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

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

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

- (a) With direct access to an existing paved public road;
- (b) On marginal agricultural land;
- (c) Where they would not adversely affect adjacent uses;
- (d) Where the soil conditions are suitable for on-site sewage disposal;

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

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

4.1.3.4 Development Policies

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

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

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

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

4.1.4 Estate Residential

4.1.4.1 General Principles

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

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

4.1.4.2 Permitted Uses

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

permitted. A park may also be permitted.

4.1.4.3 General Policies

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

- (d) Areas within the Natural Heritage System and designated “Environmental Protection Policy Area 1”;
 - (e) Areas within the Natural Heritage System and designated “Environmental Protection Policy Area 2” unless no adverse impacts are demonstrated by an E.I.S. prepared in accordance with Section 4.8 of this Plan;
 - (f) Areas in such a relationship to major highways, airports, railways, hydro transmission lines and other surface utilities as would be likely to seriously prejudice the character of the area and its quiet enjoyment by future residents;
 - (g) Areas in proximity to existing or proposed intensive or Developmentized agricultural uses where the provisions of the Agricultural Code of Practice would restrict the agricultural use; and,
 - (h) Areas identified as Settlement Areas.
- 4.1.4.3.8 Estate residential development shall not be permitted in areas wherein outstanding physical resources can be conserved in their natural state or otherwise preserved for open space and recreation purposes.

4.1.4.4 Development Policies

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

4.2 COMMERCIAL

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

4.2.1 Village Commercial

4.2.1.1 General Principles

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

4.2.1.2 Permitted Uses

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

4.2.1.3 General Policies

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

4.2.1.4 Development Policies

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

buffering, screening, and/or setbacks.

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

4.2.2 Highway/Service/Tourist Commercial

4.2.2.1 General Principles

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

4.2.2.2 Permitted Uses

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

4.2.2.3 General Policies

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

entrance permit approval from the appropriate Agency.

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

- a) New "Highway/Service/Tourist Commercial" uses are generally restricted to provincial highways and arterial roads, and to the waterfront areas where consolidated development presently exists so as to be easily accessible by vehicular traffic. New "Highway/Service/Tourist Commercial" uses shall only be permitted to locate on paved public roads;
- b) "Highway/Service/Tourist Commercial" uses shall be grouped whenever possible and served by a service road to reduce to a minimum the number of accesses onto major roadways. The indiscriminate mixing of "Highway/Service/Tourist Commercial" uses with non-compatible uses is not permitted;
- c) Access to the proposed "Highway/Service/Tourist Commercial" use would not create a hazard due to limited sight lines caused by curves or grades.
- d) A feasibility and/or market study may be required to support "Highway/Service/Tourist Commercial" proposals.
- e) Soil and drainage conditions are suitable for the siting of buildings. Buildings and structures will not be permitted on lands subject to flooding, excessive slopes, unstable soils or other physical hazards.

4.2.2.3.4 Outside storage may be permitted in the rear yard of a "Highway/Service/Tourist Commercial" use subject to the buffering provisions for outside storage uses in the General Zoning By-law. Outside storage shall not be permitted in the front or side yards.

4.2.2.3.5 All new "Highway/Service/Tourist Commercial" uses will provide a buffer area of a minimum of 30 metres between the use and any adjacent residential uses. Depending on the nature and extent of buffer planting and/or visual separators provided, a lesser separation distance may be acceptable. Adequate buffer planting shall be provided between Highway/Service/Tourist Commercial areas and any adjacent residential areas. Buffer planting may include provisions for grass strips and appropriate planting of trees and shrubs.

4.2.2.3.6 All new "Highway/Service/Tourist Commercial" development or redevelopment of existing Highway/Service/Tourist commercial uses, permitted by the policies of this Plan may be subject to site plan control.

4.2.2.3.7 Existing campgrounds and trailer parks shall be for seasonal use only and shall be subject to the standards of the implementing General Zoning By-law.

4.2.2.4 Development Policies

4.2.2.4.1 These policies apply to "Highway/Service/Tourist Commercial" development adjacent to Highways 12, 93 and 400. Highways 12, 93 and 400 are significant entrances to the Township and the intent of these policies is to provide a measure of development control on lands adjacent to these highways. Where there is a conflict between these policies and any other policies, the policies in this subsection shall apply. These policies are in addition to and do not preclude the requirements, policies and regulations of the Ministry of Transportation.

4.2.2.4.2 No outside storage shall be permitted in the rear yard within 30 metres of Highway 12, Highway 69, Highway 93 or Highway 400 or associated service road. All outside storage shall be screened with fencing and/or vegetative plantings so as to create a visual screening of the storage areas. Outside display may be permitted in any yard abutting or facing any Highway. The amount of display permitted may vary depending on such factors as the nature of the materials being displayed and the degree of landscaping provided in conjunction with the display area.

4.2.2.4.3 Landscaping and selective plantings shall be provided in areas adjacent to these Highways. Existing treed areas should be incorporated into any landscaping designs. Incorporating these features may reduce landscaping requirements and provide buffering from adjacent land uses.

4.2.2.4.4 The design and placement of signs shall be considered by Council. This consideration shall include the height, size and illumination of all signs along the Highways. A sign by-law regulating signs along these Highways may be implemented.

4.2.3 Marine Commercial

4.2.3.1 General Principles

4.2.3.1.1 The Township has approximately 30 kilometres of shoreline on Severn Sound and is considered the first and best access to Georgian Bay. The existing marinas in the Township therefore form a significant component of the Municipality's tourist commercial base and its shoreline infrastructure.

4.2.3.1.2 It is a policy of this Plan to support and encourage the development of the Township's marine commercial areas and strengthen their role in the local

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

4.2.3.2 Permitted Uses

4.2.3.2.1 The primary use of lands designated "Marine Commercial" shall be for boat docking (both long term lease and transient use), boat storage, car parking, fuel and water supply, sewage pump outs and minor repair service.

4.2.3.2.2 Complimentary uses also permitted in accordance with the policies of this Plan include hotel, motel, restaurants, recreation facilities, related retail, servicing and repair of boats and snowmobiles, and similar uses to the needs of water born and other recreational activities.

4.2.3.2.3 A dwelling may be permitted as an accessory use for a caretaker or owner of the marina.

4.2.3.3 General Policies

4.2.3.3.1 Permitted commercial uses shall be low profile in nature and respect the character of the surrounding neighbourhood.

4.2.3.3.2 "Marine Commercial" uses shall be serviced in accordance with the policies of Section 6 of this Plan and shall have facilities for sewage pump out and gray water disposal.

4.2.3.3.3 Adequate off-street parking shall be provided and shall be directly related to the number of boat slips within the marina.

4.2.3.3.4 Facilities for the sale of gas and oil and for the fuelling of marine craft shall be provided at a separate pier or dock area from where other craft are docked on a seasonal or transient basis. Adequate provision shall be made for fire safety and emergency response to docking areas. Fuel storage tanks for such facilities shall be installed and operated in accordance with Federal and Provincial requirements.

4.2.3.3.5 Where overnight accommodation is provided dockside, sewage pump out stations and garbage disposal facilities shall be provided in accordance with the requirements of the appropriate Agency.

4.2.3.4 Development Policies

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

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

4.2.4 Neighbourhood Commercial

4.2.4.1 General Principles

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

4.2.4.2 Permitted Uses

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

4.2.4.3 General Policies

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

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

4.3 INDUSTRIAL

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

4.3.1 Light Industrial/Commercial

4.3.1.1 General Principles

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

4.3.1.2 Permitted Uses

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

4.3.1.3 General Policies

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

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

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

4.3.1.4 Development Policies

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

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

4.3.2 Extractive Industrial

4.3.2.1 General Principles

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

4.3.2.2 Permitted Uses

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

4.3.2.3 General Policies

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

heritage resources and wildlife movement patterns.

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

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

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

4.3.2.4 Development Policies

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

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

4.4 AGRICULTURAL

4.4.1 General Principles

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

main criteria:

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

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

4.4.2 Permitted Uses

4.4.2.1 The permitted uses in the "Agricultural" designation shall be general and Developmentized agricultural uses including buildings and structures normally accessory to an agricultural use such as a dwelling, barns and sheds. Even if such lands are not being used for agricultural purposes at the present time, they shall be considered as good agricultural lands.

4.4.2.2 Subject to the policies of this Plan, generally one garden suite dwelling may be allowed on a farm property as an accessory residential use to the farm operation, in addition to the existing farm house

4.4.2.3 The retail sale of produce grown on the farm, supplemented by produce grown locally within the Township may be permitted.

4.4.2.4 Home occupations may be permitted, subject to the Home Occupation policies of Section 3.

4.4.2.5 The construction of a dwelling and accessory uses may be permitted on an existing vacant lot, which fronts on an existing public highway which is maintained year-round and is of a reasonable standard of construction.

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

4.4.3 General Policies

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

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

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

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

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

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

4.4.4 Development Policies

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

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

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

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

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

4.5 RURAL

4.5.1 General Principles

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

4.5.1.2 Areas of good agricultural land as defined in Section 4.4 may be present within the "Rural" designation. In such instances the policies of the "Agricultural" designation shall apply to these areas.

4.5.2 Permitted Uses

4.5.2.1 All uses permitted under Section "4.4 Agricultural", shall be allowed within the area designated "Rural" on the attached schedules. The policies of Section 4.4 pertaining to such permitted uses shall apply.

4.5.2.2 Commercial sod operations may be permitted.

4.5.2.3 Rural Commercial uses such as agricultural supply outlets, farm produce sales outlets, feed mills, saw mills, equestrian centres, nursery and garden centres, conference centres, tourist accommodation, veterinary clinic and tourist country retail uses or accessory retail uses may be permitted.

4.5.2.4 Accessory uses to the above including a single family dwelling may be permitted. The construction of a dwelling and accessory uses may be permitted on an existing vacant lot, which lot shall front on an existing public road which is maintained year-round and is of a reasonable standard of construction. A single family dwelling and accessory uses may be permitted.

4.5.2.5 Home occupations may be permitted subject to the Home Occupation policies outlined in Section 3.

4.5.3 General Policies

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

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

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

4.5.4 Development Policies

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

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

4.6 OPEN SPACE**4.6.1 General Principles**

4.6.1.1 The "Open Space" designation recognizes significant areas utilized for low intensity public, quasi-public, or private open space uses.

4.6.1.2 It is a policy of this Plan to provide an open space system which provides a range of leisure and recreational activities for all ages and interest groups, preserve certain natural features of the Township, maintain and enhance scenic vistas, conserve beaches, and other waterfront lands.

4.6.2 Permitted Uses

4.6.2.1 The "Open Space" designation shall mean that the main permitted uses will be public, quasi-public, and private open space uses for active and passive recreational and conservation uses. Uses may include public and private parks, fairgrounds, community centres, playing fields, golf courses, beaches, boat launches and docks, nature trails, and picnic areas.

4.6.2.2 The permitted uses in the "Open Space" designation may also include conservation of heritage resources, agriculture, nursery gardening, and forestry uses. Public and institutional uses may be permitted by amendment to the Zoning By-law.

4.6.2.3 Only buildings and structures incidental to the permitted uses shall be allowed.

4.6.3 General Policies

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

4.6.3.2 Where recreation, conservation or significant historical or archaeological areas are designed for public use, adequate automobile parking areas shall be established and access points to parking areas shall be designed in such a manner that they will minimize the danger of vehicular and pedestrian traffic.

4.6.3.3 The Township shall prepare and implement a Recreational Master Plan. The findings and recommendations of this Master Plan may be used in determining parkland needs within a specific development.

4.6.4 Development Policies

4.6.4.1 Acquisition of open space lands will be by direct purchase or by agreement or other means when the amount required is in excess of the amount obtained by dedication under the Planning Act.

4.6.4.2 It shall be a policy of this Plan to ensure an adequate ratio of public open space lands to population is maintained. This ratio shall generally be 4 hectares per 1000 population for the four main Settlement Areas of the Township.

4.6.4.3 It shall be the policy of the Township to encourage parkland dedication and in particular to obtain waterfront for public access and park purposes. Where development occurs within the Township, Council may require that a minimum of 50% of the parkland dedication be provided in the waterfront area and that this dedication be acceptable to Council both in size, topography, and shape. Generally this parkland dedication should be adjacent to existing parks or access points to the waterfront.

4.6.4.4 It is not necessary that the entire parkland dedication be provided in the form of land, but rather a portion in certain cases could be in the form of a cash equivalent. Funds received as part of the cash-in-lieu payment shall be kept in a separate account and used only to purchase other lands for park purposes, recreational equipment, or to upgrade existing open space facilities.

4.6.4.5 Lands possessing inherent physical hazards will not necessarily be considered as parkland dedication unless improvements are made to the satisfaction of the Municipality.

4.6.4.6 Public parks shall be provided for at an appropriate standard in accordance with the provisions of the Planning Act. Any public parks operated by Government authorities other than the Township of Tay may be included in this standard where such lands are of an appropriate nature and location.

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

- 4.6.4.11.1** In addition to the preparation of the detailed Environmental Impact Assessment (EIA):
- a) Site Plan Control shall be used to ensure that the golf course is designed and developed in a manner that will not cause adverse impacts on the surface water, ground water or the natural environment in accordance with an approved Golf Course Management Plan and Edge Management Plan;
 - b) The Open Space designation abuts the Environmental Protection One designation along Hogg Creek. The Environmental Protection One designation is intended to recognize the riparian constraint area and meander belt having a minimum width of 30 metres from the top of the bank associated with the Hogg Creek. This area shall be protected from the golf course before, during and after construction and development. Further, additional native plantings shall be required in within the Environmental Protection One and Open Space designations in order to improve the integrity of Hogg Creek to the satisfaction of the Township and the Severn Sound Environmental Association;
 - c) Compensation for the loss of interior forest habitat will be required through the planting of trees that contribute to interior forest cover on and/or off the subject property, as part of ongoing restoration initiatives for Hogg Creek to the satisfaction of the Township and the Severn Sound Environmental Association;
 - d) The present terrain, drainage and cover of the site shall be maintained to the satisfaction of the Township and the Severn Sound Environmental Association and that radical changes in terrain would not be permitted in the development of the proposed golf course;
 - e) Irrigation water for the golf course shall be obtained primarily from collection of storm water and from Georgian Bay in accordance with an approved Ministry of the Environment Permit to Take Water;
 - f) A Stage Two Archeological Investigation shall be completed prior to any alteration of the lands; and,

4.7 INSTITUTIONAL

4.7.1 General Principles

- 4.7.1.1 The “Institutional” designation recognizes existing institutional and public uses, but does not designate new sites for future institutional uses.

4.7.1.2 It is a policy of this Plan to encourage the shared use of community and educational facilities in a complimentary manner with the other land uses, direct health related and educational uses to locate within the Settlement Areas and to increase the adequacy of such services in the Township, and to integrate institutional uses in residential and commercial areas.

4.7.2 Permitted Uses

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

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

4.7.3 General Policies

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

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

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

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

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

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

4.7.4 Development Policies

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

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

or redevelopment Council may require a study which may include but is not limited to one or more of the following areas:

1. Traffic.
 2. Drainage.
 3. Hydrogeology.
 4. Servicing.
 5. Sewage.
- (f) Council in considering applications for development on lands adjacent to the Martyr's Shrine shall have regard to the effect such development may have on the religious, historical, or heritage of the Shrine particularly on the papal field. Council need not approve any development which in their opinion would have an adverse impact on the religious, historical or heritage value of the Shrine.

4.8 ENVIRONMENTAL PROTECTION

4.8.1 Basis and Objectives

4.8.1.1 The Township, located on the southern shore of Severn Sound, is blessed with a unique and diverse natural environment. From the broad rolling uplands of Faints Hill in the south, to the flat valley of Hogg Creek, from the teeming Port McNicoll Marsh to the mature hardwood forests of the Sturgeon River, Tay has a rich and valuable natural setting. Within this setting, the Township supports a diverse wildlife population, a rich variety of bird species (including provincially and regionally significant varieties), waterfowl production and staging areas, and significant fish spawning and nursery areas. Managing land use change and activities in order to sustain a healthy environment and to maintain and improve this precious natural setting is a main goal of this Plan.

4.8.1.2 Utilizing the functional assessment approach, a Natural Heritage System has been identified and delineated for the Township in the Gartner Lee Limited report "Natural Heritage Strategy Study – Township of Tay, November 1995" and on Schedule A to this Plan. The key environmental features were examined and each assessed to determine the function they perform, the attributes they possess, and how each is linked to each other. This analysis identified four main natural heritage units; Wye River, Hogg Creek, Sturgeon River, and the Severn Sound Shoreline.

(a) Wye River Natural Heritage Unit

The Wye River watershed occupies the northwest portion of the Township and is dominated by the Provincially significant Wye Marsh wetland. The Wye River unit also

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

Table 1

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

(b) Hogg Creek Natural Heritage Unit

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

Table 2

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

(c) Sturgeon River Natural Heritage Unit

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

Table 3

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

(d) Severn Sound Shoreline Natural Heritage Unit

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

Table 4

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

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

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

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

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

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

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

4.8.2 Environmental Protection Policy Area 1

4.8.2.1 General Principles

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

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

4.8.2.2 Permitted Uses

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

4.8.2.3 General Policies

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

“Environmental Protection Policy Area 1”, shall be deemed to be adjacent lands.

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

4.8.2.4 Development Policies

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

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

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

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

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

4.8.3 Environmental Protection Policy Area 2

4.8.3.1 General Principles

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

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

- (b) Small woodlands on the edges of “Environmental Protection Policy Area 1” lands;
- (c) Younger forest stands with a sparse canopy cover comprising of successional, second growth species; and
- (d) Areas of steep slopes that generally lack forest cover.

4.8.3.1.2 The intent of the “Environmental Protection Policy Area 2” overlay designation is to protect these areas, as much as possible, in order to minimize the loss and fragmentation of woodlands and protect significant wildlife habitat.

4.8.3.2 Permitted Uses

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

4.8.3.3 General Policies

4.8.3.3.1 Uses permitted by the underlying land use designation shall not be subject to the policies and/or requirements of this Section. However, new development on land in or adjacent to the “Environmental Protection Policy Area 2” overlay designation is discouraged and development is encouraged to locate outside the natural heritage system designation.

4.8.3.3.2 Development in or adjacent to the “Environmental Protection Policy Area 2” overlay designation which requires either an Amendment to this Plan, or the General Zoning By-law, or an application for consent, shall be subject to the requirement for the preparation and submission of an EIA in accordance with this Section. It shall be a policy of this plan that all lands within 50 metres of the “Environmental Protection Policy Area 2” overlay designation shall be deemed to be adjacent lands.

4.8.3.4 Development Policies

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

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

4.8.4.1.1 The “Environmental Protection Policy Area 3” overlay designation recognizes areas within the Township which form part of the natural heritage system but where some form of development rights and/or permissions have already been granted. Generally, these lands have received Official Plan approval but still require plan of subdivision, plan of condominium, Secondary Plan, or site plan approval.

4.8.4.1.2 The intent of the “Environmental Protection Policy Area 3” overlay designation is to maintain, to the greatest extent possible, the important features, functions and linkages of these areas by integrating the development with the natural environment through sensitive design.

4.8.4.2 Permitted Uses

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

4.8.4.3 General Policies

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

4.8.4.4 Development Policies

4.8.4.4.1 The scoped EIA required by this Section shall have as its primary objective the integration of the permitted development with the natural heritage system through sensitive design. The scoped EIA shall also protect, to the greatest extent possible, the important features, functions, and linkages of the natural heritage system while still permitting the proposed development in accordance with this Plan.

4.8.4.4.2 The scoped EIA required by the “Environmental Protection Policy Area 3” overlay designation will not be required to identify and assess the impacts of the development on the natural heritage system but shall address matters of design and mitigation. The scoped EIA should include:

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

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