

# TOWNSHIP OF BALDWIN OFFICIAL PLAN

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## **INTRODUCTION**

Implementation is key to the success of the objectives and policies found within this Official Plan. The Plan contains realistic and reasonable objectives and policies developed by Council and the Community. Similarly, the responsibility of implementing the Plan's vision of the future lies in the hands of Council and the residents of the Township of Baldwin. This Official Plan shall indicate Council's leadership in bringing about positive community development interests. This Plan is the result of a review and assessment of the assumptions, objectives and policies of the previous Official Plan. This review incorporated the changes in circumstances and conditions since the preparation of the original Plan in order to ensure the continuing relevance to the Township. The review also incorporated changes in legislation, regulations, policies and by-laws of other agencies.

Flexibility has been built into the policies in the Plan to allow some freedom of interpretation when making decisions on land use matters. This document shall be known as:

“The Official Plan of the Township of Baldwin”.

## **SECTION “A”**

### **PLANNING AREA AND COMPONENTS OF THE OFFICIAL PLAN**

- A.1** The Official Plan applies to the entire area within the Township of Baldwin Planning Area as defined by the Province of September 10, 1980. It comprises the whole of the Township of Baldwin.

- A.2** The following text and **Land Use Plan Schedule** constitutes the Official Plan for the Township of Baldwin. The Plan encompasses anticipated development over the next ten years.
- A.3** The review of all types of planning applications (e.g. official plan amendments, zoning by-law amendments, subdivisions, consents, minor variances) shall be consistent with the provisions and policies of this Plan and the Provincial Policy Statement. Sections of the Plan are cross referenced where they are to be used in conjunction with each other.

## **SECTION “B”**

### **PURPOSE AND BASIS OF THE OFFICIAL PLAN**

#### **PURPOSE**

- B.1** The purpose of the Official Plan is to provide a guide for the Township of Baldwin Council in the exercise of powers conferred upon them by the *Planning Act*, the *Municipal Act*, and other provincial statutes which relate to the development of the Municipality. This plan is the general outline intended to guide the development of the Municipality toward a more orderly, convenient and attractive place in which to live, work and play. Powers to control land development are available to the Municipality through subdivision control, site plan control, building permits, zoning by-laws and the construction of public works. The Official Plan is simply a guide to the exercise of those powers.
- B.2** The Official Plan is a framework within which the Planning Committee and Council will guide development in the planning process for the Municipality within the foreseeable future. The land use pattern and community structure which evolve will be governed by the Official Plan which will be amended as necessary to accommodate changing conditions.

**B.3** The purpose of the Plan is to assist development that will enhance the physical, financial, environmental and social well being of the residents in the Planning Area.

## **BASIS**

- B.4** The Township of Baldwin is a rural township municipality whose population has declined from 694 to 624 during the last census period (1996-2001). The settlement pattern consisting of 347 dwellings is concentrated in the hamlet of McKerrow and along the shoreline of Agnew Lake. A very important development node is located at the junction of Highways 17 and 6 where significant highway commercial development and redevelopment has occurred in the last five years.
- B.5** The basis of the Official Plan is to build on the existing settlement pattern by reinforcing the role of McKerrow and by encouraging development in the Highway 17/6 development node.
- B.6** The Plan will continue to have high regard for the protection of the area's natural resources and to this end, the plan makes provision for the conservation of natural heritage features and areas and mineral resources. Changes to the Land Use Plan are largely intended to recognize licensed extraction operations under the *Aggregate Resources Act*.
- B.7** The review of the Plan provided an opportunity to streamline some policies, update the names of agencies and terminology and to complete an edit to make the document more reader friendly.
- B.8** Council stresses that the policies adopted in the original Plan are, for the most part, still applicable and consequently the intent is to fine tune the existing document as part of a five year review. The Council held a meeting under Section 26 of the *Planning Act* in October 2002 to consider the need for revisions to the Plan.

## SECTION “C”

### ASSUMPTIONS OF THE OFFICIAL PLAN

- C.1** The Official Plan is based on the principle that the future of the Township of Baldwin lies within the destiny of the larger region within which it lies. The extent, rate and type of growth will be essentially functions of the growth pattern exhibited in the service commercial, forest, mining and tourist industries in the region.
- C.2** The Official Plan anticipates that the Township will play the role of an important service commercial and residential community along the Highway 17 corridor and that development within it is oriented towards the traveling public and tourist industries for which there is an existing base and a potential for future development.
- C.3** The Plan, originally based on the findings of the Background Planning Study (1980) was reviewed and updated in 1994 and in 2002-2003 following a meeting held under Section 26 of the *Planning Act*. This Official Plan replaces the original Plan and introduces changes in policy that are consistent with provincial interests and reflective of Council’s current goals and objectives.
- C.4** The distribution of land uses is governed by the principle that the main functions of the Planning Area are to provide employment and housing with the maximum of amenity, linked with an efficient traffic system and developed on an orderly and economical basis. Thus:
1. **Residential Areas** are to be arranged to provide a safe, convenient and healthy living environment. Development will be encouraged to take place in a compact manner.
  2. **Commercial Areas** are to be established in size commensurate with and locations most strategic to, the areas served.
  3. **Open Spaces and Parks** are to be set aside where the most suitable natural features are located to meet the need for public recreation space.
  4. **Employment Areas** are to be located where good transportation and power facilities are most readily available and where they will not detract from existing or potential residential development.
  5. **Rural Areas** are to be designated outside of the Hamlet of McKerrow. The general nature of the Official Plan requires that these land uses be grouped into a harmonious whole containing all the elements necessary for the function of the Planning Area as a unit.
- C.5** Consistent with recent patterns, the permanent population of the Township of Baldwin is not expected to increase substantially in the near future although the Official Plan will provide opportunities for future development.
- C.6** No major changes are anticipated in the structure of the regional economy that will significantly affect the Township of Baldwin.



## **SECTION “D”**

### **OBJECTIVES AND GENERAL POLICIES OF THE OFFICIAL PLAN**

#### **D.1 Objectives**

The following have been identified as major factors for proper growth of the community:

1. The need for a comprehensive and coordinated overall program for the use by Council as a framework to direct the orderly and consolidated growth of the Township;
2. The need to provide an adequate land supply for future residential, commercial and tourist development that includes consideration given to opportunities for intensification and redevelopment;
3. The need to expand the employment base;
4. The need for street pattern improvement and for consolidating the dispersed development pattern of the Hamlet of McKerrow;

5. The upgrading of the existing property conditions such as housing rehabilitation within the Township;
6. The need for severance policies for the rural area;
7. The need to provide for the stewardship of the natural resource base and the natural environment;
8. The need to ensure the compatibility of adjacent land uses and to minimize land use conflicts, for example, those arising from mineral aggregate operations.

## **D.2 General Policies**

### **D.2.1 Environmental Protection Areas**

It is the Council's intention to provide protection for natural heritage features and areas including significant wetlands, areas of natural and scientific interest, the habitat of threatened and endangered species, and fish or wildlife habitat. These sites are designated as Environmental Protection Areas in the Official Plan and zoned accordingly in the Zoning By-law. Natural Heritage Features and Areas are identified on **Schedule 'A', Land Use Plan** and reference shall be made to this schedule in considering the application of policies of this Plan.

#### ***Wetlands***

The Provincial Policy Statement is intended to ensure the protection of provincially significant wetlands and to encourage the conservation of locally significant wetlands. Wetland areas are lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface.

Wetland areas in Baldwin Township have not as yet been evaluated to distinguish those being provincially significant from those which may be considered to be locally significant. Unclassified wetland areas will be given interim protection until a proper evaluation can be conducted. As wetland areas are classified as provincially significant they shall be designated in the Official Plan and protected in accordance with the Provincial Policy Statement. Development and site alteration shall not be permitted in significant wetlands. Development and site alteration shall not be permitted on lands adjacent to significant wetlands unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. For the purposes of this policy, adjacent lands to wetlands include an area of 120 m (394 ft.).

## *Wildlife Habitat*

Development and site alteration may be permitted in the habitat area of wildlife or on their adjacent lands, only if it has been demonstrated through the preparation of an Impact Assessment, that there will be no negative impacts on the natural features or on the ecological functions for which the wildlife habitat area is identified. For the purposes of this policy, adjacent lands to wildlife habitat include an area of 50m (164 ft.) from the edge of the habitat.

## *Fish Habitat*

Particular regard will be given to the impact of development and land use activity adjacent to lakes and water courses and to road, bridge or culvert crossings in order to protect sensitive fisheries in creeks, streams and lakes within the municipality. Development and site alteration may be permitted in and adjacent to fish habitat on water bodies (*adjacent lands*) and their associated tributaries provided it has been demonstrated through the preparation of an Impact Assessment (IA), that there will be no negative impacts on the natural features or on the ecological functions for which the fish habitat area is identified. For the purposes of this policy, adjacent lands to fish habitat include an area of 30 m (98.2 ft.) or from an elevation of 263.7 m (865.3 ft.) from the edge of the habitat whichever is the greater.

## *Endangered and Threatened Species*

No development or site alteration shall be permitted in significant portions of the habitat of endangered or threatened species. Development or site alteration may be permitted on their adjacent lands, only if it has been demonstrated through the preparation of an Impact Assessment, that there will be no negative impacts on the natural features or on the ecological functions for which the habitat area is identified. For the purposes of this policy, adjacent lands to endangered and threatened species include an area of 50m (164 ft.) from the edge of the habitat area.

## *Impact Assessment*

Council will require an impact assessment for development and site alteration proposed in designated Natural Heritage Features and Areas and adjacent lands. An Impact Assessment (IA) will be prepared to support planning applications such as Official Plan amendments, zoning by-law amendments, plans of subdivision, consent etc., prior to the approval of the proposed development or site alteration. Where the impact of the development and/or site alteration cannot be mitigated, it will not be permitted.

An Impact Assessment (IA) is intended to provide for an assessment of the potential impact of a proposed development or site alteration on a particular natural heritage feature or area and shall be used to determine whether the proposed development, redevelopment or site alteration should or should not be permitted. The IA will be undertaken by the proponent of development and/or site alteration.

The components of the IA shall be tailored to the scale of development and may range from a simplified assessment (scoped assessment) to a full site assessment. For example, a single detached dwelling may only require a scoped assessment while a subdivision, multiple unit residential complex, major commercial or industrial development, golf course etc. will require a full site assessment. The following is intended to provide a guideline on the potential scope of an IA:

1. a description of the study area and landscape context;
2. description of the development proposal;
3. identification of those features and functions likely to be affected by the development proposal;
4. assessment of the potential impacts of the proposed development on key features and functions;
5. identification of mitigation requirements and monitoring requirements;
6. quantification of residual impacts (those that cannot be mitigated) if any; and

## 7. review and decision.

Council may undertake a peer review or may consult with a public authority to assist with the technical review and findings of an IA. Study costs will normally be recovered from the applicant of development.

### ***Development Setback From a Water Body***

All development will be set back a minimum of 30 m (98.4 ft.) from the high-water mark of all lakes, rivers and streams or 263.7 m (865.3 ft.) on Agnew Lake, whichever is the greater setback. Mature vegetation cover and the natural soil mantle within the setback areas will be left in an undisturbed natural state except for a pathway to provide access to the shoreline.

### ***Alteration of a Watercourse***

Alteration of any watercourse or shoreline area including filling or dredging, the construction of any structures, docking facilities or water crossing, and shoreline stabilization shall not be permitted without prior approval of the Province in the form of a Work Permit issued under the *Public Lands Act*.

Council shall consult the Province prior to the construction of new municipal or agricultural drains and prior to maintenance of existing drains.

Development proposals adjacent to significant and/or sensitive natural resource features will be circulated to the Province for review. In situations where the proposed development may result in a net loss or harmful alteration or degradation of the adjacent natural resource feature, the Council or Province may require that an appropriate mitigation to the satisfaction of the Province. Appropriate mitigation may include increased setbacks of no development and other types of protection including vegetation buffers, etc.

### ***Stormwater Management***

In considering approval of a plan of subdivision, Council shall require the provision of environmentally sound storm water drainage facilities in the Hamlet designation. A storm water management plan addressing potential effects on receiving water courses including flooding, erosion, sedimentation and pollution shall be prepared to the satisfaction of the Council. This plan will incorporate appropriate mitigation measures to ensure adverse impacts likely to result during and after construction are minimized.

New or expanding sensitive land uses should be buffered from existing and/or committed waste management facilities to avoid or satisfactorily mitigate adverse effects and risks to health and safety or migrating methane and other gases, leachate, noise, odour, dust, litter and other contaminants. Where the adverse effects from landfills and dumps cannot be satisfactorily mitigated, no sensitive land uses may be permitted.

### ***Waste Disposal Areas***

Existing active or new waste disposal sites (public or private) may only be operated, expanded or closed in accordance with current provincial environmental standards and approvals including a valid Certificate of Approval. New sites and sites for septage disposal, will require an amendment to this Plan and the zoning by-law and will require approval under the *Environmental Protection Act* before an amendment is considered.

New or expanding sensitive land uses should be buffered from existing and/or committed waste management facilities to avoid or satisfactorily mitigate adverse effects and risks to health and safety or

mitigating methane and other gases, leachate, noise, odour, dust, litter and other contaminants. Where the adverse effects from landfills and dumps cannot be satisfactorily mitigated, no sensitive land uses may be permitted.

Any proposal for development or the expansion of a current use within an influence area of 500 meters of the perimeter of the fill area of either an active or inactive waste disposal site will require studies in accordance with the Ministry of Environment & Energy Guideline D-4: Land Use on or Near Landfills and Dumps. The applicant should be able to demonstrate that the water supply of the proposed development will not be negatively impacted and that there are no other problems such as leachate, methane gas, rodents and vermin.

Development shall not be permitted on or within 30 meters of the boundary of the licensed fill area of a waste disposal area(s).

Re-use of land(s) used for waste disposal purposes within 25 years of the date waste was last deposited will require approval in accordance with Section 46 of the *Environmental Protection Act*, R.S.O., 1990.

### ***Noise and Vibration***

Residential areas and other land uses of similar sensitivity shall be protected from the adverse effects of undesirable air quality and excessive noise/vibration through good land use planning and site plan control. Noise feasibility studies should be required for development proposals within 100 m (328 ft.) of a freeway right-of-way. The feasibility study should determine if the recommended sound level limits can be achieved. Detailed noise studies will be required as a conditional development approval.

Railway vibration may be of significant concern when certain railway operations and sensitive land uses are located too close to one another. Assessment and recommendations pertaining to railway vibration will be undertaken on an individual basis in consultation with the Province.

### ***Contaminated Sites***

Where a change in land use is proposed on known or potentially contaminated lands, a soil sampling program must be conducted, by the proponent, to assess the suitability and feasibility of the proposed development in order to establish the principal of development.

The specific information requirements include: a) documentation of present and past uses of the site and surrounding lands; and b) a professional analysis of soil, and of ground and surface waters, documenting the presence, type(s) and concentration of contaminants. If results indicate a contamination problem, the site must be cleaned up according to the Ministry of the Environment's Guideline for Use at Contaminated Sites in Ontario.

Contaminated sites may be placed in a holding zone in the municipality's zoning by-law. Where a holding zone is used, the "H" may be removed when the site has been acceptably decommissioned or cleaned up to the satisfaction of the municipality and in accordance with a site remediation plan and subject further, to the submission to the municipality of a Ministry of the Environment acknowledged Record of Site Condition.

Structures existing at the time of passing of the original Official Plan on the 15<sup>th</sup> of February 1982, and now considered in the revised Official Plan to be in an Environmental Protection Area, shall be permitted to continue. Land uses and appropriate drainage provisions associated with these structures shall be maintained.

A stormwater management and construction-mitigation plan should also be prepared to the satisfaction of the Province. Specific approvals for any permanent stormwater features (i.e., detention ponds) may also be required under Section 53 of the *Ontario Water Resources Act* (OWRA).

### **D.2.2 Crown Lands**

Council recognizes that the use and development of Significant and Sensitive Crown Land will take place in accordance with the land use and management policies of the Province. Where a change in Crown Land is proposed that may directly affect the planning area and adjacent private or public properties, the Province must have regard for the policies of this plan. In this regard, the Province must consult with the municipality. The Province shall be contacted for input when development is proposed on properties adjacent to crown lands.

### **D.2.3 Trapping of Fur Bearing Animals**

Trapping of fur bearing animals shall be permitted throughout The Township of Baldwin in accordance with the Province license trapping boundaries and regulations.

### **D.2.4 Group Homes**

Group Homes, which are defined as a single housekeeping unit in a residential dwelling registered with the municipality and in which three to ten residents (excluding supervisory staff) live together under responsible supervision consistent with the requirements of its residents group living arrangement and which is licensed and/or approved under provincial statutes and is in compliance with municipal by-laws, shall be permitted in all Residential and Rural Areas of the Township of Baldwin. Once an implementing zoning by-law is in effect, the Township shall pass a by-law pursuant to Section 166 of the *Municipal Act*, requiring registration of group homes with the appropriate municipality.

In order to prevent an undue concentration of group homes in specific areas of the municipality, the implementing zoning by-law will incorporate standards requiring a minimum separation distance between these facilities.

### **D.2.5 New Development of Municipal Roads**

All new developments requiring construction of Municipal roads shall be required to conform to the guidelines of the Ontario Good Roads Association or an acceptable municipal standard with respect to road design. Road construction on Crown Land, must conform to the Province' "Environmental Guidelines for Access Roads and Water Crossing".

### **D.2.6 Water Supply, Sewage Disposal and Pollution Controls**

All new developments and/or changes to existing facilities shall conform to the requirements of the Province or delegated agency with respect to water supply, sewage disposal and pollution controls.

Developers proposing multi-lot development (more than 5 lots/units) will need to prepare a servicing options report to evaluate servicing alternatives (i.e. communal servicing or individual on-site services) for the review and approval of the Province. The report shall demonstrate potable groundwater quality, adequate groundwater yield, negligible groundwater quality interference, soil suitability, and sufficient available area for effluent treatment.

Where multi-lot/unit development is approved to proceed for more than five lots on individual wells and individual subsurface sewage treatment systems, a Water Supply Assessment and Groundwater Impact Assessment will be prepared by the applicant and submitted to the Province for approval, where required.

### ***Communal Systems***

It is the intent of Council to not support development that requires communal services.

However, where communal services are required for existing permanent residential freehold development (more than five residential lots/units), to resolve a public health concern, the Municipality shall assume ownership and operation of the communal services after the issuance of the appropriate Certificates of Approval by the Ministry of the Environment.

Where communal services are required for permanent residential development (more than five lots/units) such as condominiums, mobile home parks and park model trailer parks which serve as a primary residence, a responsibility agreement will be required between the Municipality having jurisdiction and the developer or applicant. The responsibility agreement will require the Municipality to assume ownership/operation of the communal water and/or sewage systems in the event of default. In addition, the responsibility agreement may set out the conditions and standards under which remedial actions may be taken if a default occurs, the provisions for financial security and cost recovery upon default, easements, registration on title and the right of entry and inspection by the Municipality and the legislative authority. Communal systems are also subject to the Municipal Class Environment Assessment Process and Ontario Regulation 345/93.

### ***Partial Services***

Development on partial services (i.e. the provision of municipal water services in the absence of municipal sewer services or vice versa) shall be discouraged except where it is necessary because of health reasons or where there are physical constraints that limit other servicing options or where existing services have failed.

Where a private system is proposed which will handle greater than 4,500 liters (989 gals.) per day of sewage effluent, such as a highway commercial operation or a tourist camp, a Reasonable Use Assessment will be required. This will be reviewed and approved by the Province.

The Plan has established that growth will be encouraged in the hamlet of McKerrow. The Provincial Policy Statement on Developing Strong Communities encourages municipalities to encourage growth within built up areas. This policy should also be reflected in this section to identify servicing as a factor in developing McKerrow.

### **D.2.7 Road Frontage**

All new lots created in the Township of Baldwin shall front on a Public Road which is maintained on a year round basis. However, lake front lots with public water access only and outpost camps are exempt. Seasonal Recreational lots shall have direct frontage onto a seasonally maintained public road. The Township does not anticipate providing Public Road access to seasonal recreational areas or outpost camps at any time.

### **D.2.8 Boat Houses and Boat Docks**

Boat houses with no habitable component and boat docks as accessory uses are permitted, provided approval is received from the Province and provided the proposed use does not interfere with the normal enjoyment of the adjacent properties.

## **D.2.9 Wayside Pits and Quarries and Portable Asphalt/Concrete Plants**

The municipality recognizes the need for temporary wayside pits and quarries to provide sand, gravel and other aggregate products for road construction, maintenance and other municipal or public projects.

Wayside pits and quarries are permitted anywhere in the municipality without amendment to this Plan or the local Zoning By-Law. However, Council will discourage the establishment of such operations in areas of existing residential development or in areas identified as environmentally sensitive.

Where wayside pits or quarries are established in any area of the Township, they shall be subject to a rehabilitation plan. In particular, where a wayside pit or quarry occurs on good agricultural lands, rehabilitation to restore substantially the same acreage and average soil capability shall be carried out upon completion of the project they were required for. Portable asphalt/concrete plants, used by a public road authority or their agent or contractor shall be permitted throughout the municipality without amendment to this plan or the Zoning By-Law, except in existing built up areas and in environmentally sensitive areas.

## **D.2.10 Reviewing of the Official Plan**

The Official Plan must be reviewed at least once every five years as required under Section 26 (1) of the *Planning Act* R.S.O. 1990.

Section 26 (1) and (2) apply. The Township council shall from time to time, and not less frequently than every five years, hold a special meeting of council open to the public, for the purpose of determining the need for a revision of the Official Plan. Notice of the above meeting shall be published at least once a week in each of two separate weeks. Such publication shall be completed not later than thirty days before the date of the meeting, and the council shall afford any person who attends the meeting an opportunity to be heard in respect of the need for a revision of the plan.

## **D.2.11 Cultural Heritage and Archeological Resources**

SEQ CHAPTER 11 It is a policy to manage heritage resources through the pro-active identification, recognition, documentation, protection, conservation and rescue of these resources and to conserve heritage resources when making development and infrastructure decisions which may affect those resources. Heritage resources shall include built heritage resources, cultural heritage landscapes and archeological resources which are important to the community or area in which they are located or are recognized for their significance at a regional, provincial or national level.

### **D.2.11.1 Development Applications and Infrastructure Works (Public Works)**

In reviewing an application for a zoning amendment, a consent for a commercial, industrial or institutional use or a multi-unit residential building; or subdivision; or in the undertaking of new infrastructure works (e.g. new road, road widening, communal water or sewer system, landfill site), consideration shall be given to the possible effects and impacts of such works on a known heritage resource or on an area of archeological potential. Along the lakeshores, waterways and their tributaries, archeological resources shall be considered where affected by a development proposal.

A 'known' heritage resource is one which has been designated under the *Ontario Heritage Act* by the municipality; is a site or building which has been identified or registered by the Ministry of Culture; identified by the municipality or community as being culturally and historically significant, is a site or building identified or registered by Parks Canada. A heritage impact assessment report shall generally be required for development on or adjacent to a known heritage resource (local, provincial or federal), or is an area of archeological potential e.g. site which is in close proximity to a water body [300 m (984 ft. or



200 m (656 ft.) from a secondary water body](current or ancient shorelines) or the confluence of major water courses. The report shall identify the characteristics and significance of the heritage resource(s), the development impacts and the measures or options for the conservation, mitigation or removal/rescue of the resource.

Where, through development, a site is identified to contain an unmarked burial site or new archeological features, Council shall contact the Ministry of Culture. The Ministry of Consumer and Business Relations shall also be contacted with respect to the discovery of burial sites and unmarked cemeteries and matters related to the *Cemeteries Act*.

Council recognizes that there may be a need for archeological preservation on site or rescue excavation of significant archeological resources, when such resources are identified through the development process. Council may consider archeological resource preservation on site, to ensure that the integrity of the resource is maintained.

#### **D.2.11.2 Inventories**

An inventory of all known heritage resources may be established and maintained by the Municipality to reflect identified resources and provide for their protection through the review of planning applications. This is expected to include the identification and mapping of areas of archeological potential. The identification and mapping of areas of archeological potential may occur incrementally (application-by-application basis) or through a comprehensive evaluation e.g. as part of the preparation of a heritage master plan.

#### **D.2.11.3 Heritage Master Plan**

Council may prepare a heritage master plan as a means to comprehensively identify, assess and protect or conserve heritage resources (buildings, landscapes, and areas of archeological potential) in the Municipality. The heritage master plan may include criteria for determining local and regional heritage significance, a strategy for designating buildings or sites or heritage conservation districts under the *Ontario Heritage Act* and approaches to protecting cultural heritage landscapes.

#### **D.2.11.4 Heritage Resources Designation**

Council may by by-law, designate properties (includes a building or structure) of historical or architectural value under *Part IV* of the *Ontario Heritage Act* or may designate a heritage conservation district under *Part V* of the *Ontario Heritage Act*.

#### **D.2.11.5 Zoning and Regulatory Controls**

Council may protect significant archeological resources and conserve cultural heritage resources through the passing of an archeological zoning by-law and by undertaking other measures under the *Planning Act*, the *Municipal Act*, the *Environmental Assessment Act* the *Aggregate Resources Act* or the *Public Lands Act*.

#### **D.2.11.6 Heritage Agencies**

Council may establish a Municipal Heritage Committee for the purposes of identifying and recommending the designation of property(ies) under *Part IV* or *Part V* of the *Ontario Heritage Act* and may consult with local historical societies.

#### **D.2.11.7 Heritage Conservation Incentives**

Where feasible and desirable, incentives may be provided to land developers in exchange for the preservation of significant cultural heritage resources. This can be accomplished by permitting increased densities, density transfers, tax incentives, assistance through a trust fund, heritage conservation easements and/or other means considered appropriate for heritage resource conservation

## SECTION “E”

### PLANNING POLICIES AND PROPOSED LAND USES

#### E.1 General

The following is to be read in conjunction with the Land Use Plan Schedule which forms part of this Official Plan. The Plan looks toward the future development of the Planning Area; it defines the special pattern and gives structural order for the development of the Township in land use terms. The Plan incorporates the realities of the existing built-up pattern, existing facilities and development potential.

##### E.1.1 Utilities

All existing public utility installations and the development of any new public utility installations, including, but not limited to, all works as defined in the *Power Corporation Act*, such as transmission lines, transformer stations and distributing stations, shall be permitted within all land use designations throughout the planning area provided that such development satisfies the provisions of the *Environmental Assessment Act*, including regulations made under the Act, and any other relevant statutes.

##### E.1.1.a Railway

The Township wished to minimize the danger posed by the possibility of derailment, collision or spillage. Accordingly, mile 38.65 to 42.0, a secondary main line, must have a 15.24 m (50 ft.) right-of-way on either side of the tracks, and in addition, a 30 m (98.4 ft.) set back beyond the right-of-way.

Furthermore, mile 42.0 to 43.8, a primary branch line, must have a 15.24 m (50 ft.) right-of-way on either side of the tracks, and a 15 m (49.2 ft.) set back beyond the right-of-way. New sensitive land uses should be separated or otherwise buffered, from existing and/or committed corridors to avoid or satisfactorily mitigate the adverse effects of noise. New or expanding railway corridors should be separated or buffered from existing and/or committed sensitive land uses to avoid or satisfactorily mitigate the adverse environmental effects of noise.

The developer must satisfy the approval authority that they sound levels for indoor and outdoor living areas satisfy the Province criteria after applying attenuation measures. Noise feasibility studies will be required for development proposals situated within 100 m (328 ft.) of a principle main line right-of-way or 50 m (164 ft.) of a secondary main line right-of-way. The feasibility study shall determine if the recommended levels can be achieved. Detailed noise studies, which are generally a result of conditional development approvals, are typically not required for developments farther than 500 m (1,640 ft.) from a railway right-of-way.

#### E.2 Land Use Categories

The Municipality is divided into 8 land use designations, which are as follows:

1. Hamlet
2. Seasonal Residential and Waterfront Development
3. Hamlet Centre Commercial
4. Highway Commercial
5. Rural
6. Hazard Lands
7. Industrial Extractive
8. Environmental Protection Areas

### **E.3 The Hamlet**

The Hamlet designation identifies the historical settlement known as McKerrow where the largest residential concentration in the Township occurs. It consists essentially of single unit residences centered around a general commercial area. The general boundaries of the hamlet are: Concession 1, Lot 6, & 7, South boundary being Highway 17 – East Boundary being the Eastern limit of Lot 6 – North Boundary being Southern most Hydro Transmission Line – West Boundary being the western most limit of Lot 7, Concession 1. These designations permit the most viable land uses. The municipal park called Snoopy's Landing is located off Short Street and bound on the North by Breit Lane and on the South by Highway 17.

#### **E.3.1 Objectives**

1. To promote the integrity and development of the Hamlet in its role as community focus oriented to Highway 17 West.
2. To provide for orderly growth and expansion in the Hamlet.
3. To upgrade the quality of the Hamlet through such measures as rehabilitation, redevelopment and development programs as well as a property standards by-law.

Installation of a Municipal Water and Sewer System is not anticipated.

#### **E.3.2 Policies**

##### **E.3.2.1 Permitted Uses**

The Hamlet consists of predominantly residential dwellings. For the purposes of this Plan, residential areas shall provide for single detached dwellings, semi-detached dwellings, duplexes, apartments containing a maximum of three units, and affordable housing, including non-profit housing.

Other land uses which can contribute positively to the Hamlet shall include home occupations, schools, playgrounds, parks, churches, nursing homes, garden suites, public utilities, group homes and local neighbourhood commercial uses such as convenience stores, repair shops, etc.

##### **E.3.2.2 Non Permitted Uses**

Mobile homes are not permitted in the areas of Concession 1, Lots 6, & 7. Mobile homes located in the Hamlet on the day of passing of the original Official Plan on February 15, 1982, will be considered existing non-conforming.

##### **E.3.2.3 Infilling**

Development on existing lots of record may be permitted provided that an adequate supply of potable water can be provided and that a subsurface sewage disposal system has been approved by the appropriate approval authority .

In addition to the above, development on existing lots of record may be permitted provided that the lot fronts onto a publicly owned and year round maintained road.

##### **E.3.2.4 Plans of Subdivision**

Plans of subdivision must comply with this Official Plan and the implementing zoning by-law. New Plans of subdivision will be considered when a majority of the current lots have been developed and housing built on the lots within the subdivision .

#### **E.3.2.4.1 Expansion of Hamlet Boundary**

Expansion of Hamlet boundaries shall only be considered through an Official Plan amendment. The amendment must provide justification for the expansion based on population projections, land consumption, municipal growth projections, servicing needs, housing needs/densities, transportation needs and opportunity for development within the existing boundaries.

#### **E.3.2.4.2 Lot Size, Water Supply and Sewage Disposal**

The lot size shall be adequate for the proposed use, including building setbacks, off-street parking, servicing and safe access. Where the use is a non-residential use, the lot size shall be adequate for landscaping or buffering, signage, loading facilities and storage so as to ensure that the use will be compatible with any abutting residential land uses.

The lot/use of land for any new development, shall be capable of being adequately serviced with a water supply and sewage disposal system.

*(Reference should also be made to the Ministry of the Environment's Guidelines D-5-4, Water Quality Impact Assessment and D-5-5, Water Supply Assessment for multiple lot creation or the creation of one lot in an existing cluster of more than five lots.)*

#### **E.3.2.5 Neighbourhood Commercial Uses**

Existing commercial uses in the Hamlet shall be recognized as permitted uses in the implementing zoning by-law.

Neighbourhood commercial uses as convenience stores and repair shops are permitted by means of a zoning by-law amendment after taking into account the following:

1. That it can be demonstrated that the proposed facility is purely local in character;
2. That the proposed use is warranted in the location proposed; and
3. That the proposed use is located to minimize any adverse effect upon adjacent residential uses.

Neighbourhood commercial uses may be subject to site plan control.

#### **E.3.2.6 Garden Suites**

Garden Suites refer to a temporary, movable, detached dwelling unit for occupancy and situated on the lot of the host household.

The Township wishes to demonstrate an innovative market housing alternative for independent seniors or handicapped persons. The occupant of the garden suite and the host household must be prepared to enter into a contract, similar to that of a sub-lease, which specifies the following:

1. the allocation of costs associated with occupying the unit;
2. indicating their full understanding of the temporary nature of the unit;

3. indicating their understanding that they must not sub-let to another occupant,
4. clarifying any non-economic responsibilities which ensue;
5. specifying a maximum ceiling above which expenses must not rise,
6. describing the conditions under which the lease may be broken.

The occupant of the garden suite and/or the occupant of the host household must be able to pay the full rent established for the unit, and must undertake to do so for the duration of the occupancy. The occupant of the garden suite must be capable of independent living in the community. In the event that conventional support systems are required, e.g. meals on wheels and/or Home Support, the host household must ensure that these services can be made available.

It will be the responsibility of the host household to provide connection of heat, hydro, water and sanitation services which will be connected to the existing systems of the host household. For this reason, rent charged must include all utilities. The provision for garden suites will be set out in the implementing zoning by-laws through a temporary use by-law. The unit must be removed after the temporary use zoning by-law expires.

Garden suites will be permitted uses in all residential zoning designations. The lot shall be of adequate size to support the requirements for sewage disposal systems and potable water systems to service the host dwelling and the garden suite.

#### **E.3.2.7 Affordable Housing**

Council shall establish and implement minimum targets for the provision of affordable housing in locations with appropriate infrastructure and public service facilities. The realization of these targets will help to ensure that the social, health and well-being requirements of all Baldwin residents are met.

#### **E.4 Seasonal Residential and Waterfront Development**

Potential for new seasonal residential and waterfront development is identified only in general, on lands owned by the Crown, within 300 m of the shoreline of Agnew Lake. At present, these lands are leased but are not surveyed into Seasonal Residential lot sizes. The 1:100 year flood criteria established the flood elevation at contour 263.74 meters (865.3 feet) A.S.L. Except as provided in Section E.12.2.5., no building or structures other than those necessary for erosion or flood control shall be permitted below that elevation.

No publicly maintained road access is available at present. Water access is thus the only access available. This situation underscores the importance and therefore the need to protect and enhance the recreational area on Espanola Bay. It is the only public recreational area on Agnew Lake, the single access point for the Province Hinterland operations, and the only public water access to Agnew Lake for existing and future seasonal residences. (See also Policies on Hazard Lands).

Council recognizes that the shoreline of this water body has a special aesthetic appeal for the development of future waterfront uses and that it is vital to protect this amenity in its natural state to the greatest extent possible.

## E.4.1 Objectives

1. to encourage recreational development, seasonal residences, lodges, marinas and related recreational activities as means of increasing the recreational opportunities and expanding the economy of the community.
2. to assure orderly growth and rational pattern of development.
3. to ensure that the degree and nature of development is compatible with the capacity of the land and adjacent water bodies.
4. To provide in the future for the limited orderly conversion of seasonal residential to permanent residential uses while meeting appropriate standards for water access and shoreline setbacks and sewage disposal.
5. To ensure that water quality is maintained.

## E.4.2 Policies

### E.4.2.1 Permitted Uses

Permitted uses allowable in the Seasonal Residential and Waterfront Development designations shall include seasonal residences, lodges, marinas, limited commercial development related to the tourist industry, conservation and forestry uses. Existing permanent residential uses will be permitted in the implementing zoning by-law. New permanent residential uses will not be permitted. Seasonal residential dwellings are defined as detached dwellings used primarily for recreation purposes on a part time or seasonal basis.

Conversions of seasonal residential to permanent residential uses and the construction of new waterfront residential uses may be permitted on a controlled basis after the requirements are met.

### E.4.2.2 Land Severance

Consent to sever a seasonal lot may be granted in accordance with the following:

1. no more than 2 new lots (2 severed and 1 retained) shall be created from a parcel of land in existence on February 15, 1982;
2. the lot shall have direct frontage onto an existing publicly owned and year round or seasonally maintained road or have water access by way of a publicly owned water access facility that provides overnight parking and docking;
3. where lot creation with private sewage systems is proposed on water bodies, approval of the development will be subject to a scientific environmental impact study. The Province will assess the effects of the proposal on the water body, and development will be limited to that level which results in no change to the trophic category of the lake;
4. the size of the severed lot shall be large enough to provide for an adequate water supply and sewage disposal system (see also the requirements **under Section D.2.6 Water Supply, Sewage Disposal and Pollution Controls**) ;
5. all severances shall conform to the Official Plan and seasonal lots shall be placed in a zone category that prohibits permanent residential uses, i.e. zoned for the seasonal use only unless

rezoned in accordance with the provisions for conversion of a seasonal residential use to a permanent residential use;

6. severances that do not result in the creation of a new lot, i.e. lot addition, boundary adjustments, etc. shall not be included as a severance under part 1) of this section.

#### **E.4.2.3 Seasonal Residential Conversions**

Council may permit the limited conversion of seasonal residential uses to permanent residential uses subject to the following criteria (see Definitions for Seasonal residence and Permanent Residential Use);

1. That the development will not lead to a reduction in the trophic status of the lake as demonstrated through a scientific environmental impact study;
2. That the sewage disposal system incorporates the best technology for phosphorus removal, meets the requirements of the Building Code and is set back at least 30 m (98.4 ft.) from the shoreline or flood plain elevation of 263.7 m (865.3 ft.) whichever is the greater;
3. That a vegetation buffer is retained and/or enhanced along the shoreline to a depth of 15 m (49.2 ft.) to be interrupted only to provide a pathway to the lake;
4. That the proponent enters into a site plan control agreement with the municipality. The site plan agreement and associated site plan shall address the details of development including but not limited to: the siting of the sewage disposal system, the siting of any on-site drilled or dug well, proposed drainage, the siting of all buildings and structures, the protection of the shoreline vegetation buffer, a water access pathway, docking facilities and site grading.
5. All lots shall front and have direct access to a public road maintained on a year round basis and services such as school busing and emergency services are already provided.
6. Conversions shall only be permitted by a zoning by-law amendment subject to meeting the development criteria above. In this regard, Council may create a new zoning category for waterfront (residential) development.

Note: See also Section G.4.2 (4) with respect to the provisions for seasonally maintained and private roads.

#### **E.4.2.4 Access**

It shall be the policy of Council to permit seasonal residential development in the designated areas provided that a public access point with adequate docking and parking facilities exists for water access only situations or public road access maintained by the Township on a seasonal basis is available, as well as adequate off street parking and boat docking facilities where water access is proposed. For the purposes of this plan, seasonal maintenance shall be from June 01 to October 15 inclusive, as weather permits.

#### **E.4.2.5 Municipal Services**

No municipal services shall be provided to seasonal residential development, except fire protection where road conditions permit.

#### **E.4.2.6 Private Sewage Disposal Systems**

It must be demonstrated to the Province or its delegated agent, that the proposed lot has soil conditions suitable for the installation of a private sewage disposal system and meets the regulations of the Province regarding private sewage disposal systems.

Sewage disposal systems should be located as far as possible from the lake front to minimize the potential for pollution but, in no case, shall be closer than 30 m (98.4 ft.) from the shoreline of any water body or from the flood elevation of 263.7 m (865.3 ft.) whichever is the greater



## **E.5 Commercial**

The commercial designations shall consist of the ‘Hamlet Centre Designation’ and ‘Highway Commercial Designation’. Certain commercial uses may also be permitted in the “Rural” designation pursuant to Section E.8 and the “Hamlet” designation pursuant to Section E.3.2.5. Commercial uses may be subject to site plan control.

### **E.5.1 The Hamlet Centre Commercial**

The Hamlet Centre Commercial identifies the area of the Township in which the main bulk of commercial buildings are located. Presently there is a mixture of commercial and residential buildings and dwellings within this concentrated area. This designation shall only be located within the boundaries of the Hamlet designation.

### **E.5.2 Objectives**

1. To promote and maintain the Hamlet Centre Commercial as the focal point and commercial mode of the Township and to promote the role the Hamlet Centre Commercial can play in tourism development;
2. To facilitate the needs of the residents of the Township of Baldwin and the surrounding areas by providing a range of commercial goods, services and facilities; and
3. To encourage efficient traffic flows and the provision of adequate parking and pedestrian access and safety.

### **E.5.3 Policies**

#### **E.5.3.1 Permitted Uses**

The permitted uses of the Hamlet Centre Commercial shall include a range of commercial and mixed uses including retail facilities, professional and business shops, service shops, places of entertainment, tavern & restaurant, municipal and administrative buildings and other institutional and community service buildings.

#### **E.5.3.2 Non Commercial Uses**

The existing core of the Hamlet Centre Commercial consists of a mixture of commercial and residential uses. It is not the intention of this Plan to discourage the continued use of some of the designated lands for non commercial uses. The expansion of the existing non commercial uses, or the development of new non commercial uses, shall be permitted, provided the uses are compatible and strengthen the primary commercial function of the Hamlet Centre Commercial area.

#### **E.5.3.3 Lot Size, Water Supply and Sewage Disposal**

The lot size, for all development, shall be adequate for the proposed use, including building setbacks, off-street parking, servicing and safe access. Where the use is a commercial or a public service use, the lot size shall be adequate for landscaping or buffering, signage, loading facilities and storage so as to ensure that the use will be compatible with any abutting residential land uses.

The lot/use of land, for all development, shall be capable of being adequately serviced with a water supply and sewage disposal system.

*(Reference should also be made to the Ministry of the Environment's Guidelines D-5-4, Water Quality Impact Assessment and D-5-5, Water Supply Assessment for multiple lot creation or the creation of one lot in an existing cluster of more than five lots.)*

## **E.6 Highway Commercial**

There are two areas designated as Highway Commercial as shown on the Land Use "Schedule A".

### **E.6.1 Objectives**

1. To encourage the development of facilities which will attract the tourist trade and provide a sufficient range of services for both the tourist and the local population;
2. To ensure that development will not impede traffic flows, nor have a Detrimental visual impact, a circle route shall be permitted at the developer's Expense;
3. To protect and enhance the Highway Commercial uses for which a continued key role in the future is identified;
4. To concentrate Highway Commercial uses to the designated areas.

### **E.6.2 Policies**

#### **E.6.2.1 Permitted Uses**

Highway Commercial shall mean the use of land for automobile and service commercial oriented services such as: tourist information and attractions, entertainment facilities, service stations, garages, car washes eating and accommodation establishments, flea markets and similar uses. This designation acknowledges such existing uses as storage yards, contractor and school bus yards with some area available for new development and potential for conversion of existing non-highway commercial uses. Care should be exercised to protect and improve the visual aspects and avoid conflicts with adjacent land uses.

All land uses requiring large quantities of water in the process (such as car washes, eating and sleeping establishments) are considered wet industries. These types of uses will have to rely on private septic systems which is not permitted unless a Reasonable Use Assessment has been approved by the Province. Dry commercial uses are preferred activities on private septic systems.

No expansion or new designation of the 'Highway Commercial' designation shall be considered unless on majority of all existing lands in that designation are developed. Any future expansion or new designation shall require an Official Plan amendment with appropriate justification and opportunities for development in existing vacant 'Highway Commercial' lands. In considering an amendment for new highway commercial development other criteria shall include the type of uses, the land area (supply) required to accommodate development including the future expansion of new and existing uses, transportation impacts on provincial highways and municipal roads, servicing requirements for water, sewage and stormwater systems and utilities, the layout of lots/blocks, phasing of development, alternative site locations, and employment forecasts.

#### **E.6.2.2 Parking, Loading and Landscaping**

Adequate provisions shall be made for off street parking, loading and landscaping.

### **E.6.2.3 Water and Sewage Disposal Systems**

New development shall be permitted only if an adequate supply of potable water can be provided and if a subsurface sewage disposal system has been approved by the approval authority. Such development should meet the requirements of the Province with respect to emissions to air, water and land.

Developments proposing greater than 5 lots/units on individual on-site sewage and water services will only be permitted if a servicing options study has been completed, including development on communal systems. Where the use of public communal services is not feasible, and where site conditions permit, development may be serviced by individual on-site systems. A terrain analysis and hydrogeological report must be completed in accordance with the Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment, and the Technical Guideline for Private Wells: Water Supply Assessment.

*(Reference should also be made to the Ministry of the Environment's Guidelines D-5-4, Water Quality Impact Assessment and D-5-5, Water Supply Assessment for multiple lot creation or the creation of one lot in an existing cluster of more than five lots.)*

## **E.7 Parks and Playgrounds**

The existing Municipal Park in McKerrow is located on the east side of Hardwood Road off Short Street. As new parkland is provided, it should extend throughout the Hamlet to form a continuous system evenly distributed and within close proximity of the residents. The Hamlet is already well provided with a playground and park which are capable of serving the existing population. New parkland and playgrounds shall be provided as new residential development occurs in the Hamlet.

### **E.7.1 Objectives**

1. To provide a convenient and accessible common area to the local residents and to establish a village life atmosphere with plenty of green and usable open space;
2. To ensure that the quality of natural resources and the environment are protected;
3. To ensure that the design and location of parks and playgrounds are such that they are accessible to the residents of the Township;
4. To promote the physical and cultural resources of the Township of Baldwin.

### **E.7.2 Permitted Uses**

The permitted uses in the Parks and Playground will be for open air recreational purposes, cultural facilities and leisure activities.

#### **E.7.2.1 Maintenance**

Council shall pursue the maintenance and acquisition of open and landscaped areas within the Hamlet as a visual amenity and to provide land for active and passive recreational pursuits.

### **E.7.2.2 Size and Location**

Appropriate size and suitable location of local parks and playgrounds must be provided for the residents of the Township of Baldwin.

### **E.7.2.3 Plans of Subdivision and Severances**

In new plans of subdivision or severances, 5% of land or cash in lieu in the case of residential development or 2 % in the case of commercial or industrial development, shall be dedicated for park purposes. However, a natural severance created by:

1. a municipal road
2. Trans Canada Highway
3. railway
4. navigable water

does not require a dedication for park purposes provided the severance has a separate parcel number and is so registered with Land and Title Office.

### **E.7.2.4 Cash in Lieu**

The decision of whether to accept a parkland dedication or the alternative cash in lieu shall be based on the need to acquire as much parkland as required in the area to meet a variety of needs. Generally, cash in lieu of parkland shall be accepted when suitable land to meet the parkland guidelines is not available or when the land is not needed. These funds must then be placed in a park reserve fund to be applied toward the purchase of other parkland or to improve and maintain existing parks or to provide for other public recreational services.

### **E.7.2.5 Characteristics of Parks and Playgrounds**

1. The parcel should be usable for either passive or active recreational uses and if the parcel is too small, adjacent parcels shall be purchased by the Township or acquired through other means to create a park or playground of acceptable size;
2. The parcel should be well drained and not subjected to periodic flooding if it is to be used for more active forms of recreation;
3. Attempts shall be made to prevent the unnecessary removal of trees in the development of playgrounds; and
4. Lands used for parks and playgrounds should be able to meet a variety of needs in which they can offer both passive and active forms of recreation for the residents of the Township.

## **E.8 Rural**

This land use designation accounts for the largest portion of the area within the Township boundaries as shown on "Schedule A". Approximately one third of the land base in this designation is under public ownership.

## E.8.1 Objectives

1. The use of land in the Rural area will be regulated in a manner that preserves its rural character and prevents the location of land uses which are incompatible with the resources activities which predominate in the area;
2. The protection of the natural environment shall be a major concern in the evaluation of all development proposals.

## E.8.2 Policies

### E.8.2.1 Permitted Uses

A variety of uses that will be permitted to exist, hobby farms and rural activities, which use large tracts of land for outdoor recreation, forestry, logging, sawmills, trapping and various types of agricultural uses depending on the generally difficult nature of the land.

Mineral and mineral aggregate exploration, forest management, and commercial fur harvesting shall be permitted in those areas designated Rural subject to the policies contained in this Official Plan. The Township will also consider applications for churches and cemeteries. This Official Plan supports the continued use of the rural lands for these types of activities.

It is the intent of this Plan to minimize the impact of industrial uses on surrounding sensitive land uses (i.e. residences, etc.):

1. dry industrial uses (less than 4,500 L/day (989 gals./day) and domestic sewage only) may be permitted provided that the scale and design of the proposed development is compatible with that of the existing development and with the rural setting in general;
2. where industrial uses abut residential or other sensitive land uses, buffering and/or a recommended separation distance shall be required in accordance with the Provincial guidelines. This shall also include the establishment of a potential influence area surrounding any Class of industrial use (as defined by the Ministry of the Environment). In the absence of specific substantiating information (normally obtained through technical studies), the influence area for a Class I Industry shall be 70 m (230 ft.), for a Class II Industry shall be 300 m (984 ft.) and for a Class III industry 1,000 m (3,280 ft.). (*Reference should also be made to the Ministry of the Environment's Guideline D-1 for Land Use Compatibility and Guideline D-6 on Compatibility Between Industrial Facilities and Sensitive Land Uses.*)

Development of a sensitive land use may be permitted in an influence area where any ***adverse effects*** (as defined in the *Environmental Protection Act*) are satisfactorily mitigated so as to be considered a trivial impact based on technical studies. Minimum separation distances between industrial uses and other land uses shall be established in the implementing zoning by-law.

3. development of the industrial use or area shall comply with the applicable standards of the regulatory agencies regarding emissions and noise;
4. industrial development within the Rural designation shall comply in accordance with the policies of this Plan under Section D.2.6 Water Supply, Sewage Disposal and Pollution Controls.
5. Industrial development will be subject to site plan control.

### E.8.2.2 Severances

Given the nature of the land and the virtual absence of road access in the rural area, few land severances are expected during the development period encompassed by the Official Plan.

However, any severance application that may be reviewed shall be reviewed in accordance to the following:

1. no more than 2 new lots (2 severed and 1 retained) shall be created from a parcel of land in existence on February 15, 1982;
2. the lot shall have direct frontage onto a publicly owned and year round maintained road;
3. the size of the severed lot shall be large enough to provide for an adequate water supply and sewage disposal system (see also the requirements **under Section D.2.6 Water Supply, Sewage Disposal and Pollution Controls**) ;
4. The proposed use of any lot shall be a use permitted in the underlying land use;
5. The lot to be severed and to be retained shall meet the requirements of the zoning by-law;
6. The proposed lot shall meet the influence area or distance separation requirements where the intended use of the lot is intended for a sensitive land use;
7. The access or entrance to any lot should not create a traffic hazard;
8. all severances shall conform to the Official Plan;
9. severances that do not result in the creation of a new lot, i.e. lot addition, boundary adjustments, etc., shall not be included as a severance under part 1) of this section.

### **E.8.2.3 Home Occupations**

Given the rural character of the area and the dispersed nature of the population, a broad range of home occupation uses may be permitted in the areas designated Rural subject to the implementing zoning by-law. For those lands adjacent to Provincial highways, home occupations should be limited to those uses that will not generate a significant amount of traffic.

### **E.8.2.4 Agriculture**

The intent of the Plan is to recognize the potential for agriculture to the local economy by protecting existing agricultural activities and providing for their expansion or for new agricultural uses. For the purposes of this Plan, agricultural uses means the growing of crops, including nursery and horticultural crops, the raising of livestock and other animals for food, or fur, including poultry and fish, aquaculture, agro-forestry, maple syrup production and associated on-farm buildings and structures.

Agriculture and related uses will be permitted in the **Rural** land use designation, the Industrial-Extractive designation and in the **Environmental Protection** area subject to the respective policies of those areas. New non-farm development locating in the area of livestock operations or facilities will comply with the Minimum Distance Separation Formulae 1 of the Ministry of Agriculture and Food, as amended from time to time. Similarly, new livestock facilities will comply with the Minimum Distance Separation Formulae 11 of the Ministry of Agriculture and Food, as amended from time to time and any requirements under the *Nutrient Management Act*, 2002.

### **E.8.3 Rural Commercial**

Commercial uses shall be permitted in the Rural areas by means of Zoning By-Law amendments. These uses shall be compatible with existing uses in the surrounding area. Any rural commercial use must be resource based and related to the uses permitted under E.8.2.1.

The lot size for commercial development shall be adequate for the proposed use, including building setbacks, off-street parking, servicing, safe access, landscaping or buffering, signage, loading facilities and storage so as to ensure that the use will be compatible with any abutting residential land uses.

The lot/use of land for any commercial land use, shall be capable of being adequately serviced with a water supply and sewage disposal system in compliance with Section 6.2.3 of this Plan. Commercial development may be subject to site plan control.

*(Reference should also be made to the Ministry of the Environment's Guidelines D-5-4, Water Quality Impact Assessment and D-5-5, Water Supply Assessment for multiple lot creation or the creation of one lot in an existing cluster of more than five lots.)*

## **E.9 Rural Residential**

Limited rural residential development shall be primarily for single residential dwelling units. The minimum lot size for rural residential lots shall be based on servicing requirements and at a scale that will maintain the rural character. Rural residential lots may be created by consent (policy E.8.2.2). All rural residential lots must have direct frontage onto a publicly owned and maintained road. The creation of new lots in rural areas shall not be permitted in locations where they would create strip or nodule development. Mobile homes may be permitted as a form of residential development and meet the same standards established for all rural residential development.

### **E.9.1 Objectives**

1. To provide for alternative rural life styles for the residents;
2. To encourage the use of the rural area for uses supportive of the already established tourist industry and complementary economic role to that of dormitory community; and
3. To encourage development in the form of clusters of lots to protect the existing major rural road for efficient movement of traffic by minimizing property access all along the right-of-way.

### **E.9.2 Policies**

#### **E.9.2.1 Permitted Uses**

Permitted rural residential uses shall be detached and semi-detached dwellings, duplexes, non-profit housing, and mobile homes. Notwithstanding any other provision in this Section, one single detached dwelling will be permitted on an existing lot of record created on or before the date of adoption of the original Official Plan by Council on February 15, 1982.

#### **E.9.2.2 Home Occupations**

Home occupations will be permitted uses subject to the implementing zoning by-law.

#### **E.9.2. Water and Sewage Disposal Systems**

All dwellings including mobile homes, must be serviced by a satisfactory supply of water and a sewage disposal system that meets the requirements of the appropriate approval authority.

Development proposing greater than 5 lots/units on individual on-site sewage and water services will only be permitted if a servicing options study has been completed, including development on communal systems for review and approval. Where the use of public communal services is not feasible, and where site conditions permit, development may be serviced by individual on-site systems. A terrain analysis and hydrogeological report must be completed in accordance with the Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment, and the Technical Guideline for Private Wells: Water Supply Assessment. An assimilation capacity study must be completed in accordance with the requirements of the *Environmental Protection Act* and *Ontario Water Resources Act* to demonstrate that the proposal will not have an adverse effect upon the environment or public health.

#### **E.9.2.4 Plans of Subdivisions**

All proposals which have the effect of creating more than three new lots, for the purpose of the *Planning Act*, Section 50 (3) and Section 50 (5) R.S.O. 1990, must be considered applications for a plan of subdivision, unless in Council's opinion, a plan of subdivision is not necessary for the proper development of the area. Proposals which would create less than four new lots shall be considered as applications for consent.

In reviewing a proposal for a new plan of subdivision, Council must take into consideration such factors as its ability to support this type of development, i.e. the impact on the existing level of municipal services as well as on the community social structure.

However, any future plans of subdivision are conditional and contingent upon preceding plans being built-up to at least 75% of their capacity. Development shall be encouraged to take place by a plan of subdivision with a maximum of 20 lots in the form of clusters.

However, if a developer proposes a new plan of subdivision and guarantees to erect dwellings on 50% or more of the lots in the new subdivision, within the time limit agreed to by council, then council shall consider such a proposal and the above paragraph shall not apply. Moreover, one or more adjoining lots owned by the same person or group of people, shall, for the purposes of percentage considerations, be deemed to constitute one lot.

No more than any two clusters, each of a maximum of 20 lots, will be permitted adjacent to each other in any given location. Each such pair of clusters must be at least 1 km apart, measured at the outermost edge of the cluster. Rural Residential development by Plan of Subdivision shall be permitted by rezoning.

#### **E.9.2.5 Road Frontage**

All lots, whether individual lots or part of a plan of subdivision must have frontage on a public road which is maintained year round. The access point from the Clusters or Subdivision must front on a publicly maintained road.

### **E.10 Industrial-Extractive Designation**

#### **E.10.1 Objectives**

1. To assist in meeting the demands for mineral aggregate in both the local and regional markets while ensuring the orderly extraction and optimum use of resource.



2. To oversee the long-term social interest of the area by protecting legally existing extraction operations and to protect potential sources of aggregate resources from potential incompatible land uses, to ensure a sustainable supply of resources.
3. To permit new operations provided that negative environmental, financial and social impacts on the municipality and our residents are minimized.
4. To ensure rehabilitation of pits and quarries is carried out.
5. It is the intent of Council to provide for the protection of aggregates as a resource and to use a consistent approach in the land use designation of private land aggregate resource lands since mineral aggregates are regulated by the *Aggregate Resources Act*.

### **E.10.2 Policies**

1. **Scope of Uses:** The municipality recognizes that legally existing pits and quarries may continue operations. Legally existing pits and quarries and aggregate reserves are designated Industrial-Extractive on Schedule “A”, Land Use Schedule. The predominant uses of land in this designation shall include the extraction of gravel, sand and stone and other aggregate products, and the crushing, screening, washing and stockpiling of aggregate products, as well as associated buildings as may be required. Related industrial uses, such as asphalt plants, concrete batch plants and aggregate recycling operations shall also be permitted without amendment to this plan except in existing built up areas and in environmentally sensitive areas.

Existing uses shall be permitted to continue.

Agriculture and non-intensive farm-related uses and the management of natural resources (such as forestry, fish and wildlife), or uses which would not preclude the future utilization of the aggregate resource shall also be permitted.

#### ***Influence Area***

The concept of an influence area is recognized as a means of protecting against incompatible land uses in the vicinity of Industrial-Extractive designations. It is a policy of Council to discourage incompatible land uses in areas surrounding Industrial-Extractive designations. For the purposes of this plan the influence area shall be considered to be 1,000 meters (3,280 ft.) for quarries and 300 meters (984 ft.) for pits. The extent of the influence area may be modified in accordance with the Ministry of the Environment’s Guideline D-1 on Land Use Compatibility and Guideline D-6 on Compatibility between Industrial Facilities and Sensitive Land Uses, without amendment to this plan.

Incompatible land uses, such as residential uses are not supported within the influence area. Mitigative measures may be necessary to buffer the sensitive land uses from the aggregate operations.

2. **Wayside Pits and Quarries, Portable Asphalt/Concrete Plants:** The municipality recognizes the need for temporary wayside pits and quarries to provide sand, gravel and other aggregate products for road construction and maintenance and other municipal or public projects.

Wayside pits and quarries are permitted anywhere in the municipality without amendment to this Plan or the local Zoning By-Law. However, Council will discourage the establishment of such operations in areas of existing residential development or in areas identified as environmentally sensitive.

Where wayside pits or quarries are established in any area of the Township, they shall be subject to a rehabilitation plan. In particular, where a wayside pit or quarry occurs on good agriculture lands, rehabilitation to restore substantially the same acreage an average soil capability shall be carried out, upon completion of the project they were required for.

Portable asphalt/concrete plants used by a public road authority or their agent or contractor, shall be permitted through the municipality without amendment to this Plan or the Zoning By-Law, except in existing built up areas and in environmentally sensitive areas.

3. Development Criteria: The establishment or licensing of a new pit or quarry operation or expansion of an existing operation, in the Industrial –Extractive designation as shown on Schedule “A”, will not require an amendment to this plan but will require an amendment to the Zoning By-Law to address the locational aspects of the operation. Regulations of the Province will apply.

New operations or expansions of existing pits or quarries or wayside pits or quarries shall be permitted subject to the requirements of the *Aggregate Resources Act* and provided aggregate resource operators appropriately mitigate impacts of noise, dust, drainage and alterations to groundwater, if any.

In the preparation of site plans for the establishment or expansion of pits and quarries, consideration should be given to increased berming or screening to visually obscure operations or enhance noise attenuation, increased setbacks from the perimeter of the property to the area of excavation and the preparation of on-site operational plans to minimize noise, dust or visual impacts.

Site plans showing the above can be requested by Council. However, if the pit is subject to site plan control only the buildings on the site can be regulated by this planning tool.

The information required and to be considered by Council for amendment of the Zoning By-Law for the establishment of a new pit or quarry operation, or expansion of an existing operation in the Industrial-Extractive designation is as follows:

(See definition of expansion for existing pits and quarries)

4. In considering applications for amendment to this Plan for resource extraction, the municipality shall, in consultation with the Province, consider the following:
  - i) the effect of the operation on the environment and natural resource features;
  - ii) the effect of the operation on nearby communities;
  - iii) the suitability of the proposed after-use and the adequacy of the progressive and final rehabilitation plans for the site;
  - iv) possible effects on ground and surface water and agricultural resources;
  - v) planning and land use considerations;
  - vi) the main haulage routes and proposed truck traffic to and from the site; and,
  - vii) such other matters as Council deems appropriate.
5. The Township of Baldwin shall ensure that adequate aggregate supplies are identified and reserved for its own use.
6. In addition to legally existing pits and quarries, Aggregate Resource Areas have been designated Industrial-Extractive on Schedule “A”, Land Use Schedule. These areas have been identified as

having deposits of aggregates, with the potential for future extraction. It shall be a policy of this plan that such areas are to be, wherever possible, protected and preserved for future extractive use.

Uses such as fish and wildlife uses shall be permitted on such areas provided that these uses do not preclude the option of future extraction. Existing uses may be permitted to expand agriculture and farm related uses, conservation, forestry, or develop only where they will not hinder the future extraction of the aggregate.

7. Non-extractive land uses or development within the Industrial-Extractive designation or aggregate resource areas may be considered by the municipality, in consultation with the Province, where it can be shown that:
  - i) extraction would not be feasible; or,
  - ii) the proposed land use or development serves a greater long-term interest of the general public than does extraction; or,
  - iii) that the proposed land use or development would not significantly preclude or hinder future extraction, either on site, or in the area; or,
  - iv) that all safety concerns related to the site have been considered (i.e. unrehabilitated aggregate extraction sites).
8. The municipality will encourage progressive and ultimate rehabilitation by considering land uses other than those presently specified on Schedule "A" for ultimate rehabilitation plans. An amendment to this Plan is required to allow an ultimate use that is not presently permitted by the designation, as shown on Schedule "A".

The municipality shall encourage, by means of cooperation with owners, appropriate local authorities and provincial authorities the rehabilitation of existing and/or abandoned pits and quarries with a view to reducing or eliminating dangerous or hazardous conditions and returning the pit or quarry site to a useful land use.

### **E.10.3 Existing Residential Uses**

Permitted uses will include those uses in accordance with the above policies under Industrial-Extractive and will also include legally existing residential uses.

### **E.10.4 Wayside Pits and Quarries**

The Industrial-Extractive designation does not apply to wayside pits (See Section D.2.9).

### **E.10.5 Implementation**

The program for implementing policies in the Industrial Extractive designations consists of the following actions:

1. Plans submitted by the applicants for new pit and quarry operations or the expansion of an existing operation will be reviewed with the appropriate provincial agencies for conformity to land use policies and provincial policies, including when applicable under the *Aggregates Resources Act*. As part of the review, Council may solicit input from the public.
2. Existing operating pits and quarries and those areas identified by the Province as critical and significant aggregate areas shall be zoned in the implementing Comprehensive Zoning By-Law.

3. Council will ensure that when considering applications for redesignation, rezoning in Industrial-Extractive designations or redesignation, rezoning or land severance within influence areas surrounding Industrial-Extractive designations, that there will be consultation with the Province.

## **E.11 Mining**

While the Township has been identified as part of a larger mineralization area, there is no indication, under current and foreseeable market conditions, of the likelihood of mining development to occur during the Official Plan period or prior to a major review. Except for mineral exploration, the opening of a mine, therefore, shall only be considered by amendment to the Official Plan when specific proposals are submitted.

In contemplating an amendment to the Official Plan, Council must take into consideration such aspects as the following:

1. Impact on the physical and social environment;
2. Social cost and benefits;
3. The short and long term benefits on the community and the larger region.
4. The nature of whatever measures the Province might exercise on mining operations, with a view not simply to meet the needs established by the market but also be the need to stimulate the economic development of the larger region upon which the economic well being of the Township directly depends.

### **E.11.1 Mineral Potential**

The Township of Baldwin lies within a belt richly endowed with minerals that stretched from Sault Ste. Marie to Sudbury and on to Cobalt. Several world class mining operations lie within this belt. Companies and individuals have examined prospects for copper, nickel, gold, silver, zinc, cobalt, uranium, thorium and dimension stone.

### **E.11.2 Areas of Past Mining Activity**

Areas of past mining activity are areas where work has been conducted which includes advanced exploration, mining or mine production, as well as directly associated metallurgical operations as described in Part VII of the *Mining Act* and in definitions from the *Mining Act*.

One such area exists in Baldwin Township. Located on the north shore of Agnew Lake, this was known as the Spanish River Mine. Any development proposed in this site must be done in consultation with the Province.

### **E.11.3 Objectives**

The Official Plan of the Township of Baldwin recognizes mineral exploration and development as legitimate activities outside of settlement areas on Crown land and private land designated "Rural Area". Council recognizes that mining related activities can stimulate the economy by creating employment opportunities for local residents and revenues for the municipality and the Province. It shall be policy under this Official Plan for Council to protect lands identified as having mineral potential. All mining related activities are subject to provincially legislated controls and rehabilitation of sites when mines close.

New mine development shall require amendments to the Official Plan and zoning by-law. However, the establishment of buildings on private lands, are subject to the policies of this Plan and the zoning by-law.

Other temporary uses which are compatible to mineral extraction shall be permitted. Compatible uses are considered agriculture, forestry, recreation and aggregate extraction.

#### **E.11.4 Mine Hazards**

Lands shown by a symbol on the **Land Use Plan Schedule** have been identified as a mine hazard. Development on, abutting or adjacent lands (1,000 m/3,280 ft.) of former mineral resource operations will be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are under way or have been completed. The Province shall be consulted when development is proposed in the vicinity of a known mine hazard.

#### **E.12 Hazard Lands**

Hazard Lands are those areas having inherent physical characteristics such as susceptibility to flooding, erosion, unstable soils, slippery slopes, etc. These lands are not suitable for development because the hazards are severe enough to pose a potential risk of property damage and/or loss of life. The Hazard Land Designation is shown on Schedule "A".

No formal municipal or provincially supported study has been conducted for the delineation of hazard lands in the Township. The boundaries shown on the schedule, are generalized and based on air photography interpretation. The limits of the Hazard

Land designation surrounding Agnew Lake, correspond with the 263.74 meters (865.3 feet) A.S.L. contour, which is the highest 1:100 year flood elevation west of the Township of Agnew Lake.

##### **E.12.1 Objectives**

To protect human life, reduce property damage, and social disruption by controlling development on lands having certain natural environmental hazards.

##### **E.12.2 Policies**

###### **E.12.2.1 Permitted Uses**

Lands designated as Hazard Lands, are susceptible to potential natural hazards. Therefore, habitable developments should be avoided on this land when possible in order to protect public health and safety. Uses and activities such as forestry, agriculture, outdoor recreation, nursery gardening, conservation of soil, golf courses, fish and wildlife habitat programs may be permitted in accordance with municipal safety and environmental policies.

Most of the hazard lands delineated can be considered to represent wetland areas. Such wetland areas are often associated with permanent watercourses. The Province shall be contacted prior to any development or construction in designated hazard lands. Authorization in form of a Work Permit may be required. Although wetland areas in Baldwin Township have not been evaluated for provincial significance, the protection of wetland values will be of primary importance.

No building or structure, nor the placing or removal of fill, shall be permitted in areas designated as Hazard Land except for use in flood control, erosion control, water course protection works or bank stabilization projects. Proposals for land uses and activities other than those listed above, will be reviewed by Council in consultation with the Province. Such uses may be approved and would require a zoning by-law amendment. Any such development must only proceed by way of rezoning and is subject

to an engineering appraisal of the hazard . Buildings and structures required for approved marina uses shall be permitted in areas designated as Hazard Land. No such building or structure, however, must be used for human habitation. Any new marina facility will be required to proceed through rezoning.

#### **E.12.2.2 Building Set Backs**

Building setbacks shall be imposed from the margins of a Hazard Land designation in the implementing zoning by-law. The extent of the setback shall be related to the nature and severity of the hazard.

#### **E.12.2.3 Existing Non-Conforming Uses**

Notwithstanding the existing uses and the provisions of this Plan, the Municipal Council shall discourage the expansion of any existing non conforming uses in areas designated to be Hazard Lands.

#### **E.12.2.4 Hazard Land Designation**

Hazard Lands shall be zoned in a separate classification in the implementing zoning by-law. In the absence of more detailed hazard land mapping, the boundaries of the lands designated as Hazard Land on the Land Use Schedule shall be used as guides for the delineation of limits of this zone.

An amendment to this plan will not be required for the changes to the Hazard Land boundaries which are deemed to be suitable by Council after consultation with the Province. Where such changes occur, the appropriate abutting land use designation shall apply and the zoning by-law must be amended accordingly.

Council shall amend the Official Plan and implementing zoning by-law to incorporate more detailed hazard land mapping when it becomes available.

#### **E.12.2.5 Flood Elevation**

Notwithstanding the provisions of E.12.2.1 above, the maximum flood elevation for the portion of Agnew Lake which lies within the planning area is 263.74 meters (865.3 feet) A.S.L., and no buildings or structures shall be permitted below this elevation.

However, development in accordance with the abutting land use designation shall be permitted by site specific amendment to the zoning by-law if any engineering study proves, to be satisfaction of Council and the Province, that a lower flood elevation applies.

In addition, the development of non-habitable boat houses and boat docks below the elevation shall be permitted subject to the approval of the Province.

#### **E.12.2.6 Rezoning and Classification of Hazard Lands**

When an application is received for the rezoning of Hazard Lands, the council must take into account:

1. the existing environmental and/or physical hazards;
2. the potential impacts of these hazards; and
3. the methods by which these impacts shall be overcome in a manner consistent with accepted engineering practices.

It should not be construed that, where an existing or potential hazard would be difficult or costly to overcome, there is any obligation on the part of the public to purchase or reclassify such lands.

### **E.12.2.7 Park Land Dedication**

Hazard Lands shall not necessarily be acceptable as part of the parkland dedication as required under the *Planning Act* for new development. All park lands dedicated to the Township must be conveyed in a physical condition satisfactory to the Municipality.

### **E.12.2.8 Development Plans**

The Province should be consulted in the review process of any development plans in those lands suspected to be Hazard Lands or, if in the opinion of the proponent of the development, to show, through a site specific engineering study, that the subject lands are not hazard lands or to indicate methods by which any problems shall be corrected.

## **E.13 Community Improvement**

### **E.13.1 Objectives**

1. To establish a unified approach to community development which reflects the problems, priorities and financial resources of the Township;
2. To integrate community improvement policies into the planning process; and
3. To encourage and facilitate improvements in the quality of the living environment of the Township.
4. The long range goals are to encourage commercial enterprises within the designated commercial areas. Council aims to facilitate this endeavour by the elimination of development charges and maintaining the commercial tax base as provided by Section 70 of the *Assessment Act*.

### **E.13.2 Policies**

Community improvement areas shall be defined by Council for the Purpose of carrying out improvements as identified under Section 28 of the *Planning Act*. The following criteria are to be used as a basis of selecting Community Improvement areas:

1. Residential areas with significant and widespread deteriorated housing conditions;
2. Residential areas which contain incompatible land use;
3. Commercial areas with physical deterioration or vacancy of stores and offices;
4. Areas with inadequate, substandard or non existent recreational or cultural facilities; and
5. Any area with deficient or non existent services such as street lighting, sidewalks, paved roads, park land or similar facilities.

## **E.14 Property Standards By-Law**

The Council of the Township of Baldwin may develop a Property Standards By-law in accordance with Section, 15.1 of the *Building Code Act* regarding minimum standards for the following:

1. The physical condition of buildings and structures;
2. The physical condition of lands;
3. The inadequacy of sanitation; and
4. The fitness of buildings and structures for occupancy.

The by-law shall require that substandard properties be repaired and maintained to comply with the standards, prohibit use of substandard property, and require the demolition and clearing of such property which the owner does not intend to repair and maintain.

Upon passing a Property Standards By-law, Council shall appoint a Property Standards Officer who will be responsible for administering and enforcing the By-law. Council shall also appoint a Property Standards Committee, in accordance with Subsection 15.6 of the *Building Code Act* for the purpose of hearing appeals against an Order issued by the Property Standards Officer.

At present, the Township of Baldwin has a Property Standards By-Law No. 626, passed on November 12, 2002. The Township may also be governed by Bill 211, "An Act to Revise the *Rental Housing Protection Act*, 1989" and the accompanying "Rental Housing Maintenance Standards". Application of the Standard means that if the Residential Rental Standards Board receives a written tenant complaint, it will perform its own inspections. In this way, The Township of Baldwin will receive help in retaining rental housing in an acceptable condition.

### **E.15 Non Conforming Uses**

Non conforming uses, existing before adoption of the Original Official Plan on February 15, 1982 and By-Law #354 to Regulate Land Use passed on May 9, 1983, shall continue, but where the opportunity exists, the Township will encourage the phasing out of such uses so that the affected land will change to a use which is in conformity with the goals of the Official Plan and the Zoning By-law. In some instances, it shall be necessary and practical to allow expansion. Regard must be had for the following principles:

1. Whether the proposed extension or enlargement shall be treated as minor in nature;
2. The characteristic of the existing use in relation to noise, vibration, fumes, dust, smoke, odours, lighting and traffic generation and the degree to which any of these factors shall be increased by the extension; and
3. The possibilities of reducing these nuisances through buffering, building setbacks, landscaping, sign control, and other means to improve the existing situation as well as minimize the problems from extension.

### **E.16 Fire Hazard**

To minimize the potential for property damage, loss of life, environmental degradation and social disruption from forest fires, Council will consider incorporating mitigating measures in the overall pattern of municipal land use in the design of new development proposals.

Certain areas within the municipality are highly susceptible to damage caused by forest fires. The Province will be consulted to determine the location of high risk areas and how forest fire risk can be minimized.

Council recognizes that fire prevention and hazard reduction activities are desirable for environmental, economic and social reasons. When considering the development of lands adjacent to or within high forest fire hazard areas, the Province shall be consulted to consider the incorporation of the following design measures to minimize the forest fire risk:

1. safe access/escape routes,
2. suppression resources,



3. layout-design,
4. land use pattern,
5. building separation distances,
6. fuel breaks,
7. fire safety features for building and property,
8. building and property maintenance,
9. fire permit system or by-laws.

Council recognizes the need to provide forest fire suppression capability as stated in the fire agreement. The Province may be contacted for advice and support in assessing and developing required forest fire suppression capability.

### **E.17 Temporary Use Zoning By-law**

Temporary uses may be authorized for a specific time period of up to 10 years for garden suites and a specific period of up to 3 years for any other uses, where it is considered inappropriate by the Township to permit the proposed use to operate on a permanent or continuing basis and where alternatives such as relocation are not practical.

The Township shall pass temporary use by-laws permitting temporary accommodation facilities, garden suites, tourist uses and facilities, parking lots, events and display areas. Subsequent by-laws granting one extension of up to three years shall be passed. However, once the by-law has lapsed, the use must cease.

#### **E.17.1 Criteria**

Prior to the approval of a Temporary Zoning By-law, Council must be satisfied that the following principles and criteria have been set:

1. The proposed use shall be of the temporary nature and shall not entail any major construction or investment on the part of the owner in reverting to the original use upon the termination of the temporary use provisions;
2. The proposed use shall not be incompatible with adjacent land uses and the character of the surrounding areas;
3. The proposed use shall not require the extension or expansion of existing municipal services;
4. The proposed use shall not create any traffic circulation problems;
5. Parking facilities shall be located entirely on site; and
6. The proposed use shall generally be beneficial to the area as a whole.

The temporary use zoning by-law must be in keeping with the general intent of the Official Plan.

### **E.18 Interim Control By-law**

Where Council has, by by-law or resolution, decided that a review of the study be undertaken with respect to land use policies for any lands in the Township, Council shall pass an Interim Control By-Law prohibiting the use of land, buildings or structures except for those purposes stated in the by-law for a period of one year or less.

These interim provisions must conform to the Official Plan.

### **E.18.1 Extension of By-Law**

If the review or study is not completed within one year, the Interim Control By-law must be amended by Council to extend the time period to a maximum of two years. Once an Interim Control By-law ceases to be in effect on specific lands, Council must not pass a further Interim Control By-law on those same lands for a period of three years.

### **E.19 Site Plan Control**

Under Section 41 of the *Planning Act* Site Plan Control can be imposed, as a condition for development or re-development of lands and buildings, in the Township by Council and involves the establishment of a site plan agreement between the developer or landowner and the Township.

Industrial, commercial, institutional and multiple residential units uses shall fall under site plan control. Site plan control may also be applied to development adjacent to a water body or natural heritage feature or area where protection of the natural environment or protection against a flooding hazard may be required. The Township recognizes the variety of uses in the Township and wishes to use site control in order to realize certain objectives of this Plan related to access, parking, loading, lighting, drainage and grading, water and sewage disposal, landscaping and site design.

Council may, as a condition of site plan approval, require the dedication of land for the widening of any street. The conveyance to the municipality shall not exceed more than one-half of the deficiency of the width or 5 m (16.4 ft.) whichever is the lesser. The conveyance shall apply to the full frontage of the property wherever the deficiency exists.

### **E.20 Official Plan Amendments**

Notice of a public meeting for the purpose of informing the public in respect of a proposed Official Plan Amendment shall be given in accordance with the *Planning Act* and Ontario Regulation 198/96 as amended:

The notice shall have at least twenty days notice of the public meeting.

### **E.21 Zoning By-law Amendments**

Notice under Section 34 (12) of *Planning Act*, 1990 of a public meeting for the purpose of informing the public in respect to a proposed Zoning By-law Amendment shall be given in accordance with the *Planning Act* and Ontario Regulation 199/96 as amended:

The meeting shall be held not sooner than twenty (20) days after the requirements of the given notice.

### **E.22 Fees**

A fee shall be required for any planning applications (e.g. zoning by-law amendment, official plan amendment, site plan control application, subdivision application, etc.).

## **E.23 Energy, Air Quality and Sustainability**

### **E 23.1 Scopes**

The Municipality recognizes the importance of its air quality as a resource in maintaining the quality of life of residents as well as moving towards a more sustainable community. Council also intends to examine different approaches to reach environmental sustainability by encouraging the development of new sources of 'green energy' into the community.

### **E23.2 Planning Principles**

1. The intent of this Plan is to provide appropriate measures for the assessment and possible implementation of alternative sources of energy i.e. renewable resources (wind, water, solar, etc.) in conjunction with ensuring that measures are taken to improve air quality.
2. Renewable energy sources may include but are not limited to:
  - Active solar energy: The sun can be used directly to heat water for pools, homes and industry, to provide space heating and to generate electricity. The sun's energy can also be used to distill water and cook food.
  - Biomass energy: The sun's energy is stored in organic materials such as wood, grains and peat. Wood and peat are both burned to provide heat. Grains can be fermented into ethanol and used as a liquid fuel.
  - Geothermal energy: Heat from the earth's core can be used to generate electricity. It can also be used directly (with heat pumps) to heat and cool buildings.
  - Passive solar energy: Passive solar energy is incorporated into energy efficient building and landscape design, e.g. window placement to heat retaining walls and floors.
  - Small hydro: Small hydro projects will generate power by using falling water at an average capacity of 20 megawatts or less. A 'run-of-the-river' project also uses falling water by directing water to the turbine using pipes, rather than dams.
  - Wind Energy: The energy from the wind can be harnessed by wind turbines and windmills to generate electricity and also to pump water.
3. Any proposal for new energy sources shall require proper Ministry (and other agencies) approval(s) as well as documentation supporting/justifying the proposed use. The report shall include information, depending on the source proposed, which indicates possible impacts on surrounding land uses, the environment, and what measures are required to ensure public health and safety and to provide for implementation. The tools available to Council include but are not limited to: Zoning, Site Plan Control, buffering, and Minimum Separation Distances.

4. Proposals or the construction of a new power source may require an amendment to this Plan.
5. It also the intent of Council to attract new industries which can utilize the resources of the community, rather than relying on imports i.e. value-added forest products, production of local produce, increasing the amount of service based industries i.e. adequate number of hotels/restaurants to supply the increase in the tourism industry.
6. Council, in conserving energy, may encourage energy audits and implementation measures to retrofit the existing stock i.e. upgrading of windows, fixtures, energy efficient furnaces, etc.
7. It is a policy of Council to inform the public and make applications, where deemed appropriate, to the Provincial or Federal Government in achieving a more energy efficient community.
8. It is a policy of Council to encourage non-vehicular movement (pedestrian) within the community.
9. It is the intent of Council to encourage the installation of: energy efficient solid fuel burning appliances; proper, energy efficient insulation; water conserving fixtures, etc. This may be enforced through a property standards by-law.
10. Council may amend the zoning by-law to introduce standards for ‘green energy’ facilities i.e. wind turbines.

## **SECTION “F”**

### **PUBLIC FACILITIES**

#### **F.1 General**

These facilities are of a public and recreational nature. Given the existing and future size of the community, many of the required public and semi-public facilities are provided in outside geographic areas by higher levels of government or other jurisdictions.

#### **F.2 Public Facilities**

Public facilities are those of a municipal or governmental nature required to service the residents. The existing uses within the community include the Community Hall in the Hamlet Centre and the Ontario Provincial Police station near the intersection of Highway 17 and Highway 6.

In addition, the existing landfill site and liquid waste disposal site are considered to be a public facility. However, new landfill sites and liquid waste disposal sites will be permitted, after the completion of the appropriate studies, by re-zoning.

The intent of Council is to ensure that there is sufficient waste disposal available for all development.

### **F.2.1 Objectives**

1. To enhance and integrate existing facilities with the existing and newly designated land uses.
2. To augment existing community facilities to provide a higher level of services to keep up with current standards as may be feasible in the future.

### **F.2.2 Policies**

Council shall endeavour to consult and act together with area municipalities and approach higher levels of government agencies for the required facilities to be jointly used by the area municipalities in such spheres as education, fire, and police protection, recreational and cultural facilities.

### **F.3 Recreational Facilities**

Recreational facilities existing in the Municipality consist of the municipal park off Short Street and the Province Crown Land off Espanola Bay, in Agnew Lake.

#### **F.3.1 Objectives**

To augment the number and types of recreational facilities in the community for the use of residents as well as for visitors and seasonal population.

#### **F.3.2 Policies**

1. Council shall encourage further recreational development in general, and in particular the further development of the picnic grounds on Crown Lands off Espanola Bay, in Agnew Lake.
2. Council shall promote and encourage provision of additional park land and outdoor recreational uses within the Hamlet in accordance with other policies of the Plan and the financial capabilities of the Municipality.

## **SECTION "G"**

### **ROADS**

#### **G.1 General**

The roads within the Township fall into two broad categories: Provincial Highways and Municipal Roads. The Provincial Highways existing and proposed are classified according to the Ministry of Transportation of Ontario long range plan (beyond five year period).

Future highway realignment of the proposed Freeway (Highway 17) and the extension of the major Highway (Highway 6) both have Controlled Access and are anticipated to be built in the long term.

For purposes of the Official Plan, the Special Controlled Access (existing Highway 17), the Major Highway (Highway 6) the Community road, and local Roads are considered.

## **G.2 Provincial Highway**

The Provincial Highways (Highway 17 and Highway 6) are under the jurisdiction of the Ministry of Transportation. Their main function is to carry through traffic at a relatively high speed. Accordingly, access to the provincial highways is limited.

Only those land uses that are compatible with the operation of a patrol yard will be permitted to locate adjacent to the patrol yard located on Lot 5, Concession 1.

In addition to all the applicable municipal requirements, all development adjacent to Provincial Highways is also subject to the requirements and permits of the Ministry of Transportation.

## **G.3 The Community Road**

The Hardwood Road is a major road that links together the various parts of the Community; the seasonal residential, the rural residential and other rural uses to the Hamlet and the Highway.

### **G.3.1 Objectives**

To provide access to major highways and local roads.

### **G.3.2 Policies**

It shall be the policy of Council to keep, to a minimum, property access along the Major Road.

## **G.4 Local Roads**

The function of local roads is defined primarily as providing access and frontage to existing and future development of abutting property and crown access roads to seasonal residences, etc.

### **G.4.1 Objective**

1. To provide access to abutting property.
2. To discourage through traffic from crossing residential areas.
3. To feed local traffic onto the Community Road.

### **G.4.2 Policies**

1. It is the policy of Council to achieve a functional and efficient street pattern within the Hamlet and achieve a coherent road network properly relating the various land use facilities.
2. Council, before approving a by-law for the closure or otherwise alteration of a public road within the Hamlet, shall be satisfied that it is done further to a street pattern analysis assessing the overall traffic pattern implications for the Hamlet. In reviewing a proposal for a change to any public road allowance, Council must ensure that either access to abutting property would not be cut off or that satisfactory alternate arrangements including compensation are made.

Before approving the by-law, Council will also review and consult with agencies that might be affected and give public notice as provided for in the *Municipal Act*.

3. Road design and construction standards must be in accordance with the general practice and authorities having jurisdiction. Standards for new road construction of local roads will include a minimum of 20 m (66 ft.) right-of-way engineered design and layout, appropriate drainage and construction. Roads on lands under plan of subdivision may be assumed by a municipality provided the standards for road construction have been satisfactorily met.

#### **4. Seasonally Maintained and Private Roads**

All public roads which the township is currently maintaining on a year round basis, will continue to be maintained accordingly. Those roads which are seasonally maintained will continue as such.

In the case of new development in areas serviced by seasonally maintained roads, the upgrading costs to year round maintenance shall be born by the developer, and agreed to by council and the developer.

Roads which have not been maintained since January 1, 2002 shall be considered abandoned and will receive no further maintenance and/or service.

There is no obligation by Council to convert a seasonally maintained road to a year-round maintained road or to assume a private road (see Definitions). Council may, however, undertake or request a cost-benefit analysis to determine the impact of such a conversion or assumption. Where Council is satisfied based on a study that conversion or assumption is justifiable, the status of the road may be changed. As a condition of the change of status, Council may require one or more applicants to share the cost of improving the road to the standard required by Council. The status of the road may be changed without an amendment to this Plan.

#### **5. Unassumed Roads**

Council is under no obligation to assume a road dedicated as a public road within a plan of subdivision until the terms of the agreement for the construction have been satisfactorily met and only after a by-law has been passed to assume the road.

#### **6. Transportation Studies**

Council may require a transportation study to be undertaken by the proponent of development where it is anticipated that additional traffic will have an impact on the safety and efficiency of a road.

#### **7. Culverts and Entrance Permits**

A properly installed culvert and/or entrance permit will be required, where applicable, for any new access to a local road or at the intersection of a private road and a local road. The installation or replacement of culverts will be to acceptable standards for drainage and installed to the satisfaction of the municipality at the owner's cost.

#### **8. Safe Access**

New entrances or intersections with local roads will only be permitted where sight lines are adequate. Generally, new entrances will not be permitted on curves or hills where safety may be compromised. Council may require the use of shared entrances as a means to provide for a safe entrance

#### **9. Road Widening and Conveyance**

As a condition of development or redevelopment or site plan control (see **Section E.19 - Site Plan Control**) Council may require the dedication or conveyance of land for a road widening to meet municipal right-of-way widths of 20 m (656.6 ft.). Such conveyances will generally be equal to one-half the required deficiency to a maximum of 5 m (16.4 ft.) along the entire property frontage where the deficiency exists. (*For example: an existing ROW is 16 m (52.4 ft.). The deficiency is 4 m (13.1 ft.) across the entire frontage of a property. The applicant on the side of the road where the development is proposed would be required to convey 2 m (6.56 ft.) to the Municipality. This represents one-half the deficiency.*)

## **SECTION “H”**

### **IMPLEMENTATION**

#### **H.1 Future Planning**

The Municipality will consider the passing of By-laws and pursue the preparation of studies as subsequent steps in the planning process as follows:

1. Passing a by-law to regulate extraction operations pursuant the *Municipal Act*, R.S.O. 1990 as amended;
2. Pursuant to Section 41 of the *Planning Act*, Council, where deemed appropriate, may establish a site plan control policy and designate part or whole of the Township as a site plan control area by an amendment to the Official Plan.
3. Pursuant to Section 28 of the *Planning Act*, Council may pass a by-law to designate an area as a community improvement project area.

#### **H.2 Authority for Implementation**

The Plan is to be implemented by powers conferred upon Council by the *Planning Act* and the *Municipal Act*; namely, Site Control, Site Plan Control, Public Works, Zoning, Standards of Maintenance and Occupancy, Urban Renewal and Extractive Operation Control.

Development Control and Site Plan Control are the media through which the Township will guide private capital employed in the development of the Municipality.

#### **H.3 Subdivision Control**

Development within the Planning Area shall be carried out by comprehensively designed Registered Plans of Subdivision approved under Section 50 of the *Planning Act*.

Limited development, however, shall be permitted by consent pursuant to Section 53 of the *Planning Act* only when it is clearly established that a Plan of Subdivision is not required in the public interest and in accordance with the provisions of other Sections of this Plan.

Application(s) shall be required to enter into the Subdivision Agreement with the Township (to be registered against title of the subject lands). The Subdivision Agreement shall contain requirements for the installation of service, roads, street lighting, facilities, payment of levies, and dedication of lands for roads and other public uses.



## **H.4 Consent Policies**

Consent applications may be granted for permitted uses in the Official Plan. No more than two new lots may be permitted for each land-holding existing at the time of adoption of the original Plan on February 15, 1982, shall be considered in Consent applications.

No development shall be approved unless it can be serviced with private, individual water and sewer services, unless there is direct frontage onto a public road and unless it conforms to the other policies of this Plan.

Natural severances which are created by:

1. municipal roads
2. Trans Canada Highway
3. railway
4. navigable water

do not require municipal approval and are governed by the *Land Titles Act* and *Land Registry Act*. They must have a separate parcel number and be registered with Land and Title. The uses permitted on the severances are governed by the Official Plan and Zoning By-Law.

See also Section E.8.2.2

### **H.4.1 Consent Recommendations**

Notwithstanding the above, consents shall also be recommended for the following purposes:

1. To correct lot boundaries;
2. To dispose of surplus dwellings that existed on the date of the adoption of the original Official Plan on February 15, 1982, provided it is consistent with the policies of this Plan.
3. Severances which do not have the effect of creating an additional building lot; and
4. Severances for municipal or government purposes.

## **H.5 Public Works and Financial Programs**

No public works shall be undertaken and no By-law shall be passed for any purpose unless in conformity with the provisions of this Official Plan. The Township of Baldwin shall impose levies on private land developments for public works, recreation and parks, administration and technical assistance in reviewing proposals and other items deemed appropriate in regard to the implementation of this Official Plan.

## **H.6 Zoning**

Following the adoption of this Plan, the township's Zoning By-laws will be revised and will contain detailed regulations for implementing the policies of the Official Plan. It will cover the entire Planning Area.

## **H.7 The Environmental Assessment Act**

The *Environmental Assessment Act* provides for the protection, conservation and wise management of the environment in Ontario by establishing a responsible and accountable process of decision making. The E.A. is subject to public, government and agency review before a decision on the approval of the undertaking can occur. Proponents are prohibited from proceeding with the undertaking and obtaining approval under other legislation, until approval under the *E.A. Act* is granted. If a private sector developer is the proponent of a project, that developer is responsible for reviewing the criteria set out in the O. Reg. 345/93 to determine if the proposed project is subject to any E.A. requirements. It is the responsibility of the private sector developer and the municipality to determine proponency.

Examples of such projects include: Municipal Landfill Sites, Roads, Bridges, Water and Sewage Treatment Plants, etc. Projects carried out by other Municipalities, public authorities and the Provincial Government and certain private sector projects shall also require approval under the *Environment Assessment Act*. The Municipality is required to prepare an environmental document for such projects when it proposes to carry them out. An Environmental Assessment includes:

1. A description of the rationale for the undertaking;
2. Alternatives to and for implementing it;
3. Environmental mitigation measures for the environment affected; and
4. An evaluation of the advantages and disadvantages of the undertaking and the alternatives to it, on the social, economic and natural environment.

The Ministry of Environment and Energy shall approve, with or without terms or conditions, or reject the undertaking after a formal review has been performed. Where a project, which is subject to the Act, is proposed by someone other than the Municipality and requests for any Municipal approvals are made, the request should contain advice to the Municipality specifying how the *Environmental Assessment Act* is being complied with. In this way it will not violate the *Environmental Assessment Act* by giving a license, permit or other approval to an undertaking not approved.

## **SECTION "I"**

### **INTERPRETATION**

## **I.1**

The spirit behind the preparation of this Plan is consistency in the long range policies affecting the development of the Municipality as a whole, and flexibility in short range programs and detailed designing to implement various parts of the Plan.

## **I.2**

The boundaries between categories of land use shown on the Official Plan Map are general only and are not intended to define the exact limits of each category. It is intended, therefore, that minor adjustments shall be made to these boundaries without the necessity of a formal amendment provided that the general intent and purpose of the Plan are maintained.

## **I.3**

Any change in a statement of policy or principle or the deletion of a statement of policy or principle or change in land use designation shall require an amendment to the Plan.

## **I.4**

Notwithstanding other policies of this Plan, if consultation with government agencies (as the Province, etc.) is required for development applications under the *Planning Act*, where the Township has not been delegated the approval authority, pursuant to this Plan's policies as per the One Window Provincial Planning Service, the Township shall consult with the Ministry of Municipal Affairs and Housing.

## **DEFINITIONS**

### **Accessory Apartments**

Shall mean self-contained apartments created through converting part of or adding on to existing homes (single detached, semi-detached, duplexes, triplexes, row houses, etc.)

### **Accessory Use, Building or Structure**

Shall mean a use, building or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building or structure.

### **Affordable**

Shall mean annual housing costs (gross rent, or mortgage principal and interest (amortized over 25 years and assuming a 25% down payment) and taxes) which do not exceed 30% of gross annual household income.

### **Affordable Housing**

Shall mean housing which would have a market price or rent that would be affordable to households of low and moderate income. Households of low and moderate income are defined as households with the lowest 60% of the income distribution for the Housing Region. Affordable Housing could also include any government assisted housing recognized, from time to time, as Affordable Housing by the Minister of Housing.

### **Alterations or Altered**

Shall mean a change or modification to existing building, structure or use.

### **Automobile Sales and Garage**

Shall mean a lot, building or part of a building other than a private used for storage, care, repair, servicing or equipping of motor vehicles where such vehicles are kept for remuneration, hire, sale or display, but shall not include the storage or derelict motor vehicles.

### **Automobile Service Station**

Shall mean a building or portion thereof and land used for supplying fuel oil, minor accessories and making minor running repairs essential to the actual operation of motor vehicles at retail, direct to the customer.

### **Apartment**

Shall mean a room or set of rooms fitted especially with housekeeping facilities and usually leased as a dwelling and contained within a building containing several individual apartments.

### **A.S.L.**

Shall mean Above Sea Level.

### **Basement**

Shall mean that portion of the building located partly underground but having more than 20 percent of the clear floor to ceiling height above the finished grade.

### **Boarding and/or Lodging House**

Shall mean a building or portion thereof, other than a hotel, in which lodging with or without meals is supplied for gain of three (3) or more persons, other than the owner, lessee, or tenant of the building and members of their household.

### **Boat House**

Shall mean an accessory building or structure intended for use to house, shelter or protect a boat or other form of water transportation but not used for human habitation.

### **Buffer Zone**

Shall mean a neutral area separating conflicting forces; an area designed to separate.

### **Building**

Shall mean a structure used for the shelter or accommodation of persons, animals, goods or chattels.

### **Building Line**

Shall mean the average distance from the street line to the main wall of existing buildings in any block where more than half of the lots have been built upon.

### **Building Permit**

A building permit is required for all buildings 100 square feet or over. Additions to any building must share a common main wall. No building permits, for permanent year round residential units will be issued unless the lot fronts on a public or seasonally maintained road.

### **Cellar**

Shall mean that portion of a building located partly or wholly underground and having 20 percent or less of its clear floor to ceiling height above finished grade.

### **Commercial Use**

Shall mean the use of any land, structure, or building for the purpose of offices or retail buying or selling of goods, and/or commodities, and/or services but shall not include use for warehousing, wholesaling, manufacturing or assembling of goods or products other than that which is clearly incidental and essential to such commercial use.

### **Condominium Ownership**

Shall mean individual ownership of a unit in a multi-unit structure (e.g. an apartment building) or on land owned in common (e.g. a town house complex).

### **Council**

Shall mean the Council of the Corporation of The Township of Baldwin.

### **Crown Access Road**

Shall mean a road located on Crown Land and not owned by the municipality and not dedicated to and accepted by the Corporation of the Township.

**Detached House**

Shall mean a house standing by itself; separate; unconnected; not sharing any wall with another building.

**Duplex**

Shall mean a two unit house, each having rooms on one floor (e.g. main floor for unit “A” and second floor for unit “B”) with separate entrances.

**Dwelling Unit**

Shall mean any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals.

**Dwelling, Single**

Shall mean a detached building consisting of one dwelling, and occupied or intended to be occupied as a permanent home or one household.

**Dwelling, Two-Units including Duplex and Semi-Detached Dwelling**

Shall mean a building consisting of two separate dwelling units.

**Dwelling, Multiple Units**

Shall mean a building containing three or more separate dwelling units, each for the exclusive use by one household.

**Erect**

Shall mean to build, alter, construct or re-construct, and remove any structure from one lot and relocate it on another lot, and any physical operation, such as excavation, filling or draining, preparatory to building, construction or reconstruction.

**Floor Area**

Shall mean the total area of all floors contained within the exterior dimensions of the outside walls, excluding in the case of dwellings, any private garage, porch, verandah, sun room, basement, unfinished attic, and any portion of the floor that has not a clear vertical height to the ceiling of a least 2.40 m.

**Forestry**

Shall mean the general raising and harvesting of wood, and without limiting the generality of the foregoing, shall include the raising and cutting of fuel wood, pulpwood, lumber, Christmas trees, and other forest products.

**Freehold Ownership**

Shall mean a tenure (right) of real property by which an estate of inheritance in fee simple, or fee tail, or for life is held.

## **Finished Grade**

Shall mean:

1. when used in reference to a wall of a building, the average elevation of the finished surface of the ground adjoining the base of such wall;
2. when used in reference to a building, the finished grade of the main wall of such buildings or, where there are two or more main walls of equal length, the average of the finished grades of all such walls
3. when used in reference to any structure other than a building, the average elevation of the finished surface of the ground at the base of such structures, exclusive of any artificial embankments or terraces or any wells providing light or ventilation to basement or cellar areas.

## **Garage, Private**

Shall mean an accessory building or part of a building used, or intended to be used, for the storage of motor vehicles and having a capacity or not more than two vehicle spaces for each dwelling unit to which the garage is accessory.

## **Garden Suites**

Shall mean a temporary, movable detached dwelling unit for occupancy by an elderly parent of the hose household, and situated on the lot of the hose household.

## **Group Homes**

Shall mean a residence that is licensed or funded under an Act of the Parliament of Canada of the Province for the accommodation of three to ten persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being. The home is licensed or approved under provincial statutes and in compliance with the Township of Baldwin by-laws.

## **Habitable Room**

Shall mean any room used or intended to be used for living, sleeping, cooking, or eating purposes.

## **Hazard Land**

Shall mean lands having inherent environmental hazards such as susceptibility to flooding and/or erosion, unstable soils, slippery slopes. These lands are not suitable for certain development because the hazards are severe enough to pose a potential risk of property damage and/or loss of life.

## **Height**

Shall mean, when used with reference to a building, the vertical distance between the average elevation of the finished surface of the ground at the front of the building and,

1. in the case of a flat roof, the highest point of the roof, surface, or the parapet, whichever is the greater.

2. in the case of a mansard roof (a roof having two slopes on all sides with the lower slope steeper than the upper one), the deck roof line.
3. in the case of a gable, hip, or gambrel roof (a curb roof with a lower steeper slope and an upper flatter one on each of its two sides), the mean height between the eaves and ridge, exclusive of any roof construction used only as an ornament such as a penthouse, chimney, tower, or steeple.

### **Hobby Farm**

Shall mean supplement (Secondary source of income).

### **Home Occupation**

“Work in the Home” shall mean the doing of any work in the manufacture, preparation, improvement, repair, alteration, assembly, or completion of any article, or thing, or any part thereof, by a person for wages in premises occupied primarily as living accommodation.

### **Household**

Shall mean a single dwelling unit used by one or more individuals who reside therein, provided that there is no program, person or agency requiring supervision of such individuals.

### **Housing Region**

Shall mean the area defined by the Province in an annual Information Bulletin for the purpose of identifying the 60<sup>th</sup> percentile of household incomes to be used by each municipality in the Housing Region, for the purposes of defining Affordable Housing.

### **Infill**

Shall mean the development of vacant lots or underdeveloped lots in a developed area to create additional New Residential Units.

### **Institution**

Shall mean any land, building, or part thereof, used for a non-commercial purpose by any organization, group or association for the promotion of charitable, educational or benevolent objectives but excluding a private club, mental hospital or any place of detention or correction.

### **Lot**

Shall mean a parcel of land of at least sufficient size to meet minimum zoning requirement for use, coverage and area, and to provide such yards and other open spaces as are required by this by-law. Such lots shall have frontage on a publicly maintained road, and in the case of water frontage lots shall have public access to the lake or river, and shall consist of:

1. lot described in a deed or other documents legally capable of conveying lands, or
2. a lot shown as a lot or block on a registered plan of subdivision, which has not been deemed pursuant to Section 29 of the *Planning Act*.



**Lot, Corner**

Shall mean a lot located at the intersection of two or more streets. A lot abutting in a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines, to the foremost point of the lot, meet at the interior angle of less than 135 degrees.

**Lot Coverage**

Shall mean the combined areas of all building or structures on the lot measured at ground level and expressed as a percentage of the lot area.

**Lot Frontage**

Shall mean the horizontal distance between the side lot lines, such distance being measured perpendicular to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines and at a point distant 8 m. from the front lot line.

**Lot, Interior**

Shall mean a lot other than a corner lot with frontage on a street.

**Lot Line**

Shall mean the boundary of a lot.

**Lot Line, Front**

Shall mean the lot line abutting a street. In the case of a corner lot, the shorter line that abuts a street shall be deemed the front lot line and the longer lot line that so abuts shall be termed the exterior side of the lot.

**Lot Line, Rear**

Shall mean the lot line furthest from and opposite to the front lot line.

**Lot Line, Side**

Shall mean the lot line other than a front or rear lot line.

**Lot, Through**

Shall mean a lot, other than a corner lot, with frontage on more than one street. On a through lot, both street lines shall be deemed front lot lines.

**Lot, Waterfront**

Shall mean a lot with public access to the lake or river.

**Lot, Wedge**

Shall mean a lot having a lot frontage shorter than the rear lot line.

**Main Building**

Shall mean the building in which the principal use of the lot is conducted.

### **Marina**

Shall mean a building, structure, or place, containing docking facilities and located on a navigable waterway, where boats and boat accessories are stored, rented, or hired, sold, serviced, repaired or refueled, and where facilities for the sale of marine craft accessories or refreshments may be provided.

### **Mine Hazards**

Shall mean and feature of a mine as defined under the *Mining Act* or any related disturbance of the ground that has not been rehabilitated.

### **Mobile Home**

Shall mean any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer otherwise designed. A mobile home shall be considered as such, even if mounted on blocks, wood, or similar foundation with the axles removed with no intention of relocating. (*Planning Act*, 1990 Section 46 (1))

### **Motel, Hotel or Motor Hotel**

Shall mean a building or part of a building, or a group of buildings, made up of a series of units, used primarily for the purpose of providing overnight guest room accommodations to the traveling public, with or without an accessory dining room or refreshment room.

### **Municipally Defined Planning Area**

Shall mean an area or district identified within the Official Plan for the purposes of providing for future density of development, land uses and services or facilities.

### **Municipal Road**

Shall mean a road dedicated to and accepted by the Corporation of the Township. (Refer to the *Municipal Act*).

### **New Residential Development**

Shall mean the creation of New Residential Units on vacant land, where development has not previously taken place.

### **New Residential Units**

Shall mean residential units constructed primarily for use as a principal residence.

### **New Residential Development**

Shall mean the creation of new residential units on vacant land, where development has not previously taken place.

## **Non-Profit Housing**

Shall mean not conducted or maintained for the purpose of making a profit.

## **Official Plan**

Shall contain goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality or part of it; and may contain a description of the measures and procedures proposed to attain the objectives of the plan and a description of the measures for informing and obtaining the views of the public in respect of a proposed amendment to the official plan or in respect of a proposed zoning by-law.

## **Parcel of Land**

Shall mean a lot or block within a registered plan of subdivision or any land that may be legally conveyed under the exemption provided in clause 50 (3) (b) or clause 50 (5) (a) (*Planning Act*, 1990, Section 46 (b))

## **Parking Lot**

Shall mean an open area, other than a street, used for temporary parking of more than one motor vehicle and available for public use whether free, for compensation, or as and accommodation for clients and customers.

## **Parking Space**

Shall mean a space for the parking of one motor vehicle (6.00 m. by 3.00 m.) in an area exclusive of areas for driveways, entrances, and exits.

## **Permanent Residential Use**

Shall mean a dwelling unit designed under the *Building Code Act* for year-round occupancy and which is used and occupied as the principle residence of the owner or occupier thereof.

## **Person**

Shall include and individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent and the heirs, executors, or other legal representatives of a person to whom the same can apply according to law.

## **Pit**

Shall mean land from which consolidated aggregate is being or has been excavated, and that has not been rehabilitated but does not include a wayside pit. **Expansion of existing pit** is defined as operations expanded past licensed operating limits under the *Aggregate Resources Act* where applicable or beyond limits as zoned and identified in the Zoning By-law. **Expansion of New Pits** is defined as any pits proposed on property that is not licensed or zoned and identified for aggregate extraction in the Zoning By-law.

## **Portable Asphalt Plant**

Portable asphalt plant means a facility: (1) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; (2) which is not of permanent construction, but is designed to be dismantled at the completion of the construction project.

### **Portable Concrete Plant**

Portable concrete plant means a building or structure used for the manufacturing of concrete in a form suitable for the immediate use in the construction of buildings, structures, roads or driveways.

### **Private**

Shall mean a building or part of a building used as a meeting place for members of an organization not operated for profit, or of an athletic, social, or recreational club not operated for profit.

### **Private Road**

A private road is defined as a road under private ownership which serves two or more legally conveyable lots and may include a right-of-way registered on title. A driveway, by contrast, provides access to and is located on only one property or legally conveyable lot, despite the length of the driveway. A driveway also includes a shared driveway between two abutting properties.

### **Quarry**

Shall mean land from which unconsolidated aggregate is being or has been excavated, and that has not been rehabilitated but does not include a wayside quarry. **Expansion of existing quarry** is defined as operations expanded past licensed operating limits under the *Aggregate Resources Act* where applicable or beyond limits as zoned and identified in the Zoning By-law. A new quarry is defined as any quarry proposed on private property that is not licensed under the *Aggregate Resources Act* or proposed on land not zoned and identified for aggregate extraction in the Zoning By-law.

### **Redevelopment**

Shall mean the creation of New Residential Units on land previously used for residential or non-residential purposes in existing communities, where demolition of the previous structures is to take place, or has taken place.

### **Residential Infill**

Shall mean development of vacant lots or underdeveloped lots in a developed area to create additional residential units.

### **Residential Intensification**

Shall mean the creation of New Residential Units or accommodation in existing buildings or on previously developed, serviced land generally including:

1. creation of rooming, boarding and lodging houses
2. creation of accessory apartments
3. conversion of non-residential structures to residential use
4. infill
5. redevelopment

**Residential Property**

Shall mean a building that contains one or more dwelling units, but does not include subordinate or accessory buildings, the use of which is incidental to the use of the main building (*Planning Act*, 1990, Section 33 (1)).

**Seasonal Residence**

Shall mean a dwelling intended for occasional, temporary, or seasonal occupancy, not intended for year-round occupancy or as the principal residence of the owner or occupant.

**Semi-Detached**

Shall mean forming one of a pair of residences joined into one building by a common sidewall.

**Service Shop**

Shall mean a barber shop, beauty parlour, a dry cleaning or wash laundry collection station, automatic coin operated self-serve wash laundry and automatic coin operated self-serve dry cleaning establishment.

**Severance**

Shall mean to remove (as a part) by or as if by cutting to become separated.

**Sleep Camp**

Shall mean an accessory building for sleeping purposes with no facilities for bathroom or kitchen.

**Structure**

Shall mean anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground.

**Tavern**

Shall mean a building or part of a building that is operated with a dining lounge or lounge license, as defined by the Liquor License Board of Ontario, without providing overnight guestroom accommodations to the traveling public.

**Temporary Use**

Shall mean the use of land, building or structure for a limited time. Temporary use shall apply to a garden suite, construction office, tool shed, or for the storage of scaffolds, equipment and material which is incidental to and necessary for construction work in progress for so long as the same are necessary for the construction work which has neither been finished or abandoned.

**Town House ( also called Row House)**

Shall mean usually a single unit house of two or sometimes three stories that is usually connected to a similar house by a common sidewall.

**Usable Floor Area**

Shall mean that floor area specifically devoted to the use for which the building or structure is primarily designated but shall not include the following: stairwells, boiler rooms, elevator shafts, lavatories, halls or hall ways, locker rooms and cloak rooms.

**Utility Service Building**

Shall mean a building used in connection with the supplying of local utility services including a water or sewage pumping station, a water storage reservoir, a gas regulator building, a hydrosub-station, a telephone building for exchange, long distance or repeater purposes.

**Wayside Pit or Quarry**

A wayside pit or quarry means a temporary pit or quarry opened and used by a public road authority or their agent, solely for the purpose of a particular project or contract of road construction or maintenance.

**Wetlands**

Shall mean lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. The 4 major types of wetlands are swamps, marshes, bogs and fens. Council shall consider placing these wetlands in an environmental protection designation, as they are of local significance.

**Working Farm**

Shall mean the sole livelihood of the Owner.

**Zoning Standards**

Shall mean the provisions currently found in zoning by-laws such as (but not limited to): lot size, setbacks, lot coverage, parking requirements, density, etc.