

**OFFICIAL PLAN
FOR THE CORPORATION
OF THE
TOWNSHIP OF MORLEY**

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SECTION 1 – INTRODUCTION

1.1 BASIS

The Corporation of the Township of Morley is located within the Rainy River District, approximately 45 kilometres west of the Town of Fort Frances, between the Townships of Chapple to the east and Dawson to the west. A December, 2002 Order of the Ontario Municipal Board annexed the geographic townships of Dewart and Sifton to the existing Township of Morley, effective January 1st, 2004.

The Corporation of the Township of Morley is comprised primarily of rural activity relying largely on agriculture and natural resources. The Village of Stratton is centrally located within the geographic township of Morley, along Highway 11, and supports residential, commercial, institutional, industrial and recreational uses. The Village is, and will continue to be the development focus of the community. Approximately 125 people presently reside in the Village.

The remainder of the Township is primarily a rural area comprised of a mix of agriculture, agriculture related uses, forestry, and rural land uses including commercial, industrial and pockets of rural residential uses.

The 2006 Canada Census records the Township's population as being 492 persons, up from 447 persons in 2001 and 478 persons in 1996. The January 2004 annexation resulted in an upward adjustment to the population and is expected to moderate the general trend of a mild and slow decline.

Based upon the positive impact of tourism, residential overflow from development occurring within nearby municipalities, development of potential commercial and/or industrial lands in the Village and along Highway 11, and increased resource activity we could see expansion of the community's population to 600 persons. It should be noted that, due to the small size of the population of the Township any one factor i.e. mortality rate, birth rate, economic conditions, migration, etc. can have a significant impact on the population and will affect the population projections.

The 2006 Canada Census identifies a total of 180 occupied dwellings in the Township. Population expansion as described above would generate demand for an additional housing supply of approximately 25 dwelling units over the duration of this document. Planning policies within the plan seek to provide for and achieve this level of growth.

The Mennonite community in the Township comprises a significant proportion of the population. It is important to recognize the land use needs of population groups that may differ from the remainder of the population i.e. large farming families that live together; reliance on family members to work the farms; their own religious and educational facilities; etc, and policies contained in this plan are intended to document and reflect these unique cultural and land use differences. It is intended that Council will consider these differences in decision making.

The Township completed its first official plan in 1998. This document serves to update the initial official plan, and to expand it to include the new geographic townships that were annexed in 2004. Other objectives of the revision seek to bring the official plan into conformity with new Ontario land use policy statements, legislation, and planning related programs and initiatives; and to adopt the text of the current statement to more readily reflect the level of planning expertise and the extent of regular planning activity that is evident in the Township.

1.2 GOALS AND OBJECTIVES OF THE PLAN

The goals and objectives of this official plan form the foundation of planning principles to be used by the Township in the administration of their planning responsibilities. They are intended to guide public and private development actions within the Township, and shall form the basis for decision making with respect to zoning and the severance/subdivision of land as well as during consideration of municipal budgets, programs, and activities. The official plan is intended to:

- (a) Maintain a rural character and identity of the Township, and continue to facilitate the rural lifestyle and quality of life experienced by the residents of the Township;
- (b) Identify and implement a pattern of land use and development consistent with the settlement area and rural area concept as set out in the Provincial Policy Statement;
- (c) Ensure that development occurs in a manner that is cost effective and that facilitates the administration and logical expansion of necessary services with minimal impact upon the financial resources;
- (d) Recognize and preserve the historical and cultural fabric of the Township;
- (e) Ensure the Township's natural, cultural, and heritage resources are identified and protected, and that their use is rational and desirable;
- (f) Maintain existing economic activity and encourage growth and diversification of the local economic base;
- (g) Encourage and promote compatibility of land uses and present policies that guide land use and development towards compatibility with the natural environment.

1.3 COORDINATION WITHIN AND BETWEEN MUNICIPALITIES

A coordinated, integrated and comprehensive approach should be achieved when dealing with land use planning matters which cross municipal boundaries including:

- (a) Managing and/or promoting growth and development;
- (b) Managing natural heritage, water, agricultural, mineral and cultural and archaeological heritage resources;
- (c) Infrastructure, public service facilities and waste management systems;

- (d) Ecosystem, shoreline, and watershed related issues;
- (e) Shoreline, riverine, and natural and man-made hazards; and
- (f) Population, housing and employment projections, based on regional market areas.

A comprehensive, integrated and long-term approach to planning will be achieved within municipal boundaries when dealing with the matters as identified above.

The Township of Morley will identify and provide policy direction for matters which cross municipal boundaries.

1.4 EFFECT OF THIS PLAN

The Planning Act provides that no public work shall be undertaken; no by-law shall be enacted; and no planning approval shall be issued unless in accordance with this official plan.

Notwithstanding the above, Council may:

- (a) Investigate and consider public works that are not in conformity with this official plan, and including applications for review and/or other approvals incidental and necessary for the works, but not undertake the actual works until brought into conformity with this plan;
- (b) Adopt an amendment to this official plan, and thereafter enact a zoning by-law or other by-law that is not in conformity with this official plan, but that will be in conformity if and when the relevant amendment is finalized and comes into force and effect.

SECTION 2 – GENERAL PROVISIONS

2.1 GENERAL

- 2.1.1 The following land use policies apply to all lands within The Corporation of the Township of Morley unless specifically mentioned for exclusion.
- 2.1.2 Land uses serviced by individual well and septic systems shall be limited to dry uses only. Dry uses are those uses where only the disposal and treatment of domestic waste is permitted and daily waste water flow is no more than 4,500 litres.

2.2 SETTLEMENT AREA

- 2.2.1 In accordance with Ontario’s Provincial Policy Statement, lands contained within the Village of Stratton, as described on Schedules A and A-1, are designated as the settlement area.

2.3 COMMUNAL SERVICING

- 2.3.1 It is a basic premise of this plan that urban communal sewer and water services will not be required to service the settlement areas within the life of this plan. The need for such sewer and/or water service will be studied as a part of each five year legislative review.
- 2.3.2 The Township will not accept ownership or responsibility for, or serve as a signatory or default operator to the operation or maintenance of communal water and sewage systems.

2.4 LAND USE COMPATIBILITY

- 2.4.1 Land use conflicts should be avoided, or where necessary, off-set with appropriate mitigation measures. Buffering and separation distances in accordance with the Provincial Policy Statements may be incorporated when uses are proposed in proximity to existing uses to minimize potential adverse effects. The Ministry of Environment requires a 50 metre setback from provincial highways. Land uses proposed at less than this may be subject to the Ministry of Environment’s “Noise Assessment Criteria in Land Use Planning: Requirements, Procedures and Implementation”.
- 2.4.2 The encroachment of sensitive land uses and industrial uses such as waste management facilities, resource extraction activities, etc., on one another is discouraged. Buffering and separation distances, setbacks, fencing, or the use of earth berms may be required to comply with the Ministry of Environment guidelines. Ministry of Environment guidelines can be referenced to provide appropriate setbacks e.g. MOE noise criteria requiring feasibility studies for any properties within 100 metres of a Principal Main Railway line.

- 2.4.3 The Township acknowledges the importance of rail infrastructure and recognizes its critical role in long-term economic growth and the efficient and effective movement of goods. Council shall encourage the use of rail for the transport of goods and ensure the continued viability and ultimately capacity of the rail facilities is protected and shall identify and support strategic infrastructure improvements such as targeted grade separations.
- (a) All proposed development within 300 metres of a railway right-of-way may be required to undertake noise studies, to the satisfaction of the Township in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from noise that were identified.
 - (b) All proposed development within 75 metres of a railway right-of-way may be required to undertake vibration studies, to the satisfaction of the Township in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from vibration that were identified.
 - (c) All proposed development adjacent to the CN rail line shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided, to the satisfaction of the Township in consultation with CN.
 - (d) Implementation and maintenance of any required rail noise, vibration and safety impact mitigation measures, along with any required notices on title such as warning clauses and/or environment easements, will be secured through appropriate legal mechanisms, to the satisfaction of the Township and CN.
 - (e) Where applicable, the Township will ensure that sightline requirements of Transport Canada are addressed.
- 2.4.4 Commercial and Industrial uses which are located adjacent to provincial highways shall be visually screened or appropriately located, in such a way to provide a positive statement for the municipality, and not detract from the travelling public. To achieve this, building and site design will incorporate the following design standards:
- (a) Open storage shall be prohibited unless it can be landscaped and screened to shield the open storage areas from view and will not detract from the intended character of the area; and,
 - (b) Where it is essential for part of an industrial and commercial activity to be located outdoors, the use will be suitably set back, designed away from the Highway, screened and/or buffered from the Highway.
- 2.4.5 Natural features and areas shall be protected for the long term. The diversity and connectivity of natural features and their long-term ecological function and biodiversity should be maintained, restored, or improved, and linkages between natural heritage and surface and ground water features should be recognized.
- (a) Development and site alteration shall not be permitted in significant habitat of endangered species and threatened species, or significant coastal wetlands as defined in the Provincial Policy Statement and identified on mapping provided by the Ministry of Natural Resources.

- (b) Development and site alteration shall not be permitted in or adjacent to:
- significant wetlands;
 - significant wildlife habitat; or
 - significant areas of natural and scientific interest
- unless its ecological features and functions have been evaluated, and it has been demonstrated there is not negative impact to these functions or features. This evaluation shall be determined through an Environmental Impact Study (EIS) done in consultation with the Ministry of Natural Resources (MNR) in accordance with the MNR's Natural Heritage Reference Manual. Where impacts have been identified, recommendation to mitigate any negative impacts should be included in the assessment.
- (c) For the purposes of this Plan, the following constitute the adjacent lands for the respective feature or area:
- 120 m (393.7 ft) from the boundary of a provincially significant wetland or locally significant wetland;
 - 50 m (164 ft) from the identified boundary of the significant portions of the habitat of an endangered species or threatened species;
 - 30 m (98.4 ft) from the seasonal high water mark for fish habitat;
 - 50 m (164 ft) from significant wildlife habitat; or
 - 50 m (164 ft) from the boundary or limit of areas of natural and scientific interest (ANSI's).

2.5 HOUSING

- 2.5.1 Single detached residential dwellings are, and will continue to be the dominant form of residential accommodation in the community. Notwithstanding, Council will encourage a mix of housing form, type, tenure and cost.
- 2.5.2 Residential land use is encouraged to locate in defined settlement areas. New housing will also be permitted to occur in the Rural area, and will be encouraged to locate within or next to existing housing concentrations wherever possible.
- 2.5.3 New residential lots and/or dwellings may also be expected in association with farming activities in accordance with policies set out elsewhere in this plan.
- 2.5.4 Council will encourage affordable housing and barrier free housing that facilitates accommodation for the elderly and disabled persons.
- 2.5.5 Council specifically wishes to encourage retired residents of the community to remain within the Township and will encourage housing related alternatives or renovations intended to encourage such a purpose.
- 2.5.6 Council will use its approval powers to encourage and to establish an annual target supply of not less than 5 residential lots available for immediate use. Notwithstanding such inventory, Council realizes that most new lot creation is more likely to be directly related to family or farm requirements, and any such inventory shall not prevent the creation of additional severances or otherwise be construed as being adequate supply.

2.6 ARCHAEOLOGICAL AND CULTURAL HERITAGE RESOURCES

- 2.6.1 All new development permitted by the land-use policies and designations of this Plan shall have regard for cultural heritage resources and shall, wherever possible, incorporate these resources into any new development plans. In addition, all new development will be planned in a manner which preserves and enhances the context in which cultural heritage resources are situated. Cultural heritage resources include, but are not restricted to, archaeological sites, cemeteries and burials, buildings and structural remains of historical and architectural value, and human-made rural, village, and districts or cultural landscapes of historic interest.
- 2.6.2 The Ontario Heritage Act and its provisions will be considered the primary tool to conserve, protect and enhance cultural heritage resources of the Municipality, through the designation by by-law of individual heritage properties, conservation districts, cultural landscapes, and/or archaeological sites.
- 2.6.3 A Municipal Heritage Committee may be established pursuant to the Ontario Heritage Act to advise and assist Council on conservation matters related to heritage resources.
- 2.6.4 Council recognizes that areas of archaeological potential will be determined for individual development applications and building permits through the use of established provincial screening criteria, or qualified mapping developed based on the known archaeological record and physiographical features located within the Municipality. Provincial areas of archaeological potential criteria include close proximity to known archaeological sites, and close proximity to features such as water sources like lakes and rivers, current or ancient shorelines, rolling topography, unusual landforms, any locally known significant heritage areas such as portage routes or other places of past human settlement.
- 2.6.5 Council may undertake the preparation of an archaeological master plan by a qualified archaeological heritage professional. A master plan will identify and map known archaeological sites registered with the province, as well as areas within the municipality having archaeological potential. A master plan shall also outline detailed municipal plans review procedures, processes and strategies to ensure conservation of significant archaeological sites and resources.
- 2.6.6 The municipality shall require archaeological assessment by archaeologists licensed under the Ontario Heritage Act, in areas where there are known archaeological heritage resources and/or areas exhibiting archaeological potential within the municipal boundaries. Alterations to known archaeological sites must only be performed by licensed archaeologists as per Section 48(1) under the Ontario Heritage Act.
- 2.6.7 Any significant archaeological resource or site identified may be preserved on site, to ensure that the integrity of the resource is maintained, or it may be systematically removed through excavation by a licensed archaeologist in compliance to provincial archaeological assessment technical standards and guidelines.

- 2.6.8 The integrity of archaeological resources can be maintained by adopting municipal archaeological zoning by-laws under Section 34 of the Planning Act or other similar provisions, to prohibit any land use activities or the erection of buildings or structures on land which is a site of a significant archaeological resource.
- 2.6.9 The municipality shall ensure adequate archaeological assessment and consult appropriate government agencies, including the Ministry of Culture (MCL) and the Ministry of Government Services (MGS), when an identified historic human cemetery, marked or unmarked human burial is affected by land use development. The provisions under the Ontario Heritage Act and the Cemeteries Act shall apply.
- 2.6.10 The municipality shall have regard for the conservation of all significant cultural heritage resources during the undertaking of municipal public works or municipal class environmental assessment projects. When necessary, satisfactory measures and/or heritage impact assessments will be required to mitigate any adverse impact to significant resources as outlined by the heritage conservation policies contained within this plan.
- 2.6.11 A heritage impact assessment regarding built and/or landscape heritage resources prepared by a qualified heritage conservation professional, shall be required for any proposed alteration, construction or development directly impacting a heritage resource or when land development proposals are located adjacent to a protected heritage property. Mitigation measures and alternative development approaches may be required as part of the municipal approval process, to ensure that such heritage resources and its attributes are not adversely affected.
- 2.6.12 Council may consider the use of heritage conservation easements on properties with cultural heritage value or interest, to ensure preservation and protection of the heritage attributes of such properties in perpetuity.
- 2.6.13 Council shall ensure that heritage properties and/or sites owned by the municipality are preserved, maintained, and re-used in a manner which respects its cultural heritage value or interest and if applicable, complies with the provisions as set out in a heritage conservation easement.

2.7 ACCESSORY USES

- 2.7.1 Where a use is permitted in a land use designation, it is intended that uses, buildings, structures, or other features normally incidental, accessory and directly related and secondary to the main use will also be permitted.
- 2.7.2 New or proposed expansions of guest cabins and accessory dwellings above a boat house are not a permitted accessory unless reviewed and approved by the Ministry of Natural Resources.
- 2.7.3 Garden suites shall be permitted pursuant to the Planning Act, and in accordance with a temporary use by-law as outlined in Section 5.7. An agreement may also be required between the homeowner and the Township with the following provisions:
- (a) The garden suite shall not be permitted to separate by consent from the main residential dwelling on the lot;

- (b) The design, mass and location of the garden suite should complement the main residential dwelling and streetscape;
 - (c) The garden suite should utilize and connect to the services used by the main dwelling provided clearance from the Northwestern Health Unit is obtained to permit the garden suite to connect to the septic system servicing the main dwelling;
 - (d) The name and relationship of the person who is living in the garden suite; and,
 - (e) When the garden suite will be removed.
- 2.7.4 Bed and breakfast establishments may be permitted in areas where permanent residential use is permitted, based upon the following criteria:
- (a) A bed and breakfast establishment shall have sufficient site area to accommodate an on-site outdoor amenity area, adequate on-site parking and to provide adequate buffering for any adjacent use;
 - (b) A bed and breakfast establishment, offering overnight accommodation, with or without meals provided to clients to a maximum of five bedrooms shall be located in an existing residential dwelling, which shall contain at least one bedroom in addition to the number of bedrooms that are committed to bed and breakfast use;
 - (c) Should external expansion be involved to the existing dwelling to accommodate the proposed bed and breakfast establishment, the character of the residential dwelling should be maintained; and,
 - (d) A non-illuminated identification sign, not greater than 1.0 square metres in size is permitted for identification purposes.

2.8 DRAINAGE

- 2.8.1 The management and removal of storm water is the responsibility of the property owner.
- 2.8.2 No development shall be permitted which would interfere with or reduce the drainage capacity of any natural watercourse or where the watercourse represents a hazard to the proposed development, or where such development would cause storm water to negatively impact abutting properties or wetlands and fisheries.
- 2.8.3 A storm water drainage report or other water quality assessment which demonstrates that the function and quality of existing watercourses and the quantity and quality of ground water resources is not adversely affected may be required prior to approving development which impacts on these resources.
- 2.8.4 Where adverse impacts are anticipated, mitigation measures during and after construction to control sedimentation, erosion and flooding will be required.
- 2.8.5 Any development which involves the channelization, diversion, damming, walling and dredging of a natural watercourse, or the installation of a culvert, causeway or dock in a natural watercourse, is subject to the approval of the Federal Department of Fisheries and Oceans under the Fisheries Act.
- 2.8.6 Provisions for storm water management should be consistent with the Nutrient Management Act and approval may be required under the Ontario Water Resources Act.

2.9 HOME INDUSTRIES AND HOME OCCUPATIONS

- 2.9.1 Generally, home occupations shall include occupations or professions which are conducted entirely within a dwelling unit, while home industries are conducted primarily within an accessory building.
- 2.9.2 Neither home industries nor home occupations shall be offensive or create a nuisance as a result of noise, odour, traffic generation or other means.
- 2.9.3 The home industry or home occupation shall be secondary to the main use of the property and not generate adverse or land use conflicts with the main use or adjacent uses.
- 2.9.4 The severance of a dwelling unit from a home industry may be considered appropriate if adequate buffering is available between the dwelling and the home industry to provide protection to the residential use and to surrounding land uses.
- 2.9.5 Except in the case of crafts and craft sales, home occupations will not typically involve inventory of raw materials or of product.
- 2.9.6 A non-illuminated sign, not greater than 1.0 square metres in size shall be permitted for identification purposes.
- 2.9.7 Entrances serving home occupations, industry or businesses located adjacent to provincial highways require the approval of the Ministry of Transportation. Typically, the Ministry of Transportation will require that the property owner obtain an entrance permit and a sign permit if necessary. As a condition of these permits, the Ministry of Transportation requires the property owner to acknowledge that the use of their existing entrance cannot be converted to a commercial entrance in the future, and that an additional entrance will not be permitted to accommodate the home occupations, industry or business. In addition, the Ministry of Transportation would not support a future severance that would result in a separate entrance to a business and one for the retained parcel.

2.10 GROUP HOMES

- 2.10.1 For the purposes of this section, group homes are defined as a single housekeeping unit in a residential dwelling in which three to ten persons (excluding supervisory staff or the receiving family) live as a family under responsible supervision consistent with the particular requirements of its residents. The home is licensed and/or approved for funding under provincial statutes and in compliance with the comprehensive zoning by-law.
- 2.10.2 Group homes are permitted in all zoned areas that permit residential uses, except in the Agricultural designation, as specified on Schedule A-1, provided that:
 - (a) A separation distance of not less than 100 metres exists between group homes in the settlement area;
 - (b) A separation distance of not less than 500 metres exists between group homes in non settlement areas.

2.11 MOBILE HOME PARKS

2.11.1 Mobile home parks shall not be permitted.

2.12 CROWN LANDS

2.12.1 Council acknowledges that it does not have jurisdiction over Crown Lands, and that such lands are administered on behalf of Ontario by the Ministry of Natural Resources.

2.12.2 The Ministry of Natural Resources is encouraged to have regard for the policies and schedules of this Plan and to consult with The Corporation of the Township of Morley with respect to the use and disposition of Crown Lands within the municipality.

2.13 PROVINCIAL HIGHWAYS

2.13.1 The primary purpose of provincial highways is to move people and goods between major centres, and through the municipality. Access to provincial highways is restricted to allow them to fulfill that primary purpose. The legal basis for highway access control is established in the provisions of the Public Transportation and Highway Improvement Act.

2.13.2 In addition to all the applicable municipal requirements, all proposed development located adjacent to, and in the vicinity of, a provincial highway within Ministry of Transportation's (MTO) permit control area under the Public Transportation and Highway Improvement Act (PTHIA) will also be subject to MTO approval. Early consultation with the MTO is encouraged to ensure the integration of municipal planning initiatives with provincial transportation planning. Any new areas in the municipality identified for future development that are located adjacent to, or in the vicinity, of a provincial highway or interchange/intersection within MTO's permit control area will be subject to MTO's policies, standards and requirements. Direct access will be discouraged and often prohibited.

2.13.3 Where the Ministry of Transportation applies setbacks and frontage provisions relative to the Highway, and where such provisions are larger than the equivalent municipal standards, the Ministry provisions supersede those of the Township.

2.13.4 A drainage/stormwater management report/plan shall be prepared by the proponent and reviewed and approved by the Ministry of Transportation for those developments located adjacent to, or in the vicinity of, a provincial highway whose drainage would impact the highway and/or downstream properties.

2.13.5 Direct access onto a provincial highway will be restricted. Development is encouraged to use local roads and service roads wherever possible. Where access is a possibility, it will only be considered to those properties that meet the minimum safety and geometric design requirements of the Ministry of Transportation.

- 2.13.6 A transportation study may be required to address both the impact of any new development upon the provincial highway system, as well as any associated highway improvements that are required prior to the approval of the development.
- 2.13.7 The Ministry of Transportation's policy is one highway entrance for one lot of record. Back lot development cannot use another entrance for access to a provincial highway.
- 2.13.8 Any new proposed access connection (ie. public road or signalized intersection) onto a provincial highway will be in accordance with the access management practices and principles of the Ministry of Transportation.
- 2.13.9 Any proposals for snowmobiles or trail crossings of provincial highways will require the prior approval of the Ministry of Transportation. Trails running along the right-of-way of a provincial highway are not permitted.
- 2.13.10 Wind turbines located adjacent to a provincial highway will be set back a minimum distance measured from the limit of the highway property line equal to the distance of the height of the wind turbine structure plus the length of one blade.

2.14 WAYSIDE PITS AND QUARRIES

- 2.14.1 In keeping with the Provincial Policy Statement, wayside pits and quarries used on public authority contracts will be permitted, without the need for an official plan amendment, rezoning, or development permit under the Planning Act, in all areas except in defined settlement areas, within 120 metres of an existing residential dwelling, or within areas designated Hazard Lands or Sensitive Lands.
- 2.14.2 Wayside pits or quarries associated with a specific road or public works contract and use shall, at the completion of such contract, be terminated.
- 2.14.3 Wayside pits and quarries used for its purposes shall be rehabilitated in consultation with the municipality.

2.15 PORTABLE ASPHALT OR CONCRETE PLANTS

- 2.15.1 In keeping with the Provincial Policy Statement, portable asphalt plants and portable concrete plants used on public authority contracts will be permitted without the need for an official plan amendment, rezoning, or development permit under the Planning Act, in all areas except in defined settlement areas, within 300 metres of an existing residential dwelling, or within areas designated Hazard Lands or Sensitive Lands.
- 2.15.2 Portable asphalt or concrete plants shall be removed from the site upon completion of the project and the site shall be rehabilitated to its former condition.

2.16 AGGREGATE RESOURCE AREAS

- 2.16.1 Local sources of aggregate material exist within the Township, however these known occurrences are not considered to contain significant or large deposits of aggregate.
- 2.16.2 The Township may undertake aggregate resource inventory studies to further understand the extent of aggregate available within the Township.
- 2.16.3 Such local aggregate sources may be site specifically zoned to allow regular and ongoing extraction operation or may be allowed to function as a wayside pit as a generally permitted use in the Rural area, with extraction limited to specific road or public works contracts.
- 2.16.4 Development adjacent to existing aggregate operations may be permitted provided that the development does not restrict access to the mineral aggregate resource. If access to the mineral aggregate resource is restricted as a result of the development, the development may be permitted only if:
 - (a) The use of the resource is not feasible; or,
 - (b) The development or use serves a greater long term public interest; and,
 - (c) Issues of public health, safety and environmental impact are addressed through use of setbacks, landscaping, earth berms, or other such mitigation features; and,
 - (d) A minimum 300 metre setback, with a potential influence area of 1000 metres in accordance with the Ministry of Environment's (MOE) D-Series Guideline (D-6) is maintained from any residential dwelling, and a minimum separation distance of not less than 50 metres from a road allowance.
- 2.16.5 Rehabilitation of exhausted pits and quarries is required and may be implemented through a site rehabilitation plan prepared to the satisfaction of the municipality.
- 2.16.6 The provisions of the Aggregate Resources Act apply to all property of the Crown; to private lands designated under this Act; and to all land under water.
- 2.16.7 Aggregate operations will be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing aggregate operations will be permitted to continue without the need for official plan amendment, rezoning or development permit. When a license for extraction or operation ceases to exist, section 2.16.8 continues to apply.
- 2.16.8 In areas adjacent to or in known deposits of aggregate resources, development and activities which would preclude or hinder the establishment of new operations or access to the resources will only be permitted if:
 - (a) resource use would not be feasible; or
 - (b) the proposed land uses or development serves a greater long term public interest; and
 - (c) issues of public health, public safety and environmental impact are addressed.

2.17 MINERAL RESOURCE AREAS

- 2.17.1 Areas of mineral resource potential shall be determined in consultation with the Ministry of Northern Development and Mines and Forestry. The development of land adjacent to or in the areas of known mineral resource potential will be permitted provided that future access to the resource is not restricted. If access to the resource is restricted as a result of the development, the development may be permitted provided it can be demonstrated to the satisfaction of the Township that:
- (a) The use of the resource is not feasible; or
 - (b) The development or use serves a greater long term public interest; and,
 - (c) Issues of public health, safety and environmental impact are addressed through use of setbacks, landscaping, earth berms, or other such mitigation features.
- 2.17.2 Sites containing a significant known mineral resource occurrence have been identified on Schedule “C – Mineral Deposits Inventory Values and Bedrock Geology”.
- 2.17.3 Mineral exploration activities are encouraged and future mineral mining operations will be protected from incompatible land uses.
- 2.17.4 All mining operations (including advanced exploration) require closure plans as per the Mining Act. Rehabilitation of mineral resource lands will be required after extraction and other related activities have ceased to the satisfaction of the Province and the Township.

2.18 FORESTRY

- 2.18.1 Forest resources provide a significant economic, social and environmental benefit in the form of income from forest products; recreation; education; soil and water conservation; wildlife habitat; buffers between land uses; and, natural amenities.
- 2.18.2 The maintenance of forest cover along river and stream banks is encouraged and reforestation in areas where forest resources have been depleted is encouraged.
- 2.18.3 Certain areas of the Township are highly susceptible to damage caused by forest, brush and/or grass fires. Forest fire prevention and hazard reduction activities are desirable for environmental, economic and social reasons.
- 2.18.4 Development of land adjacent to or within high fire risk areas should incorporate design measures and construction techniques which will minimize damage resulting from a forest, brush or grass fire. Such measures may include identifying access and escape routes, layout of fire breaks, use of fire resistant construction materials and building and property maintenance.

2.19 WASTE DISPOSAL SITES AND CONTAMINATED SITES

- 2.19.1 Waste disposal sites are considered as an industrial land use.
- 2.19.2 An influence area surrounding any active or inactive waste management facility will be set out in a zoning by-law. No development will be permitted on or within 30 metres of the licensed fill area. Development proposed beyond the 30 metres

but within 500 metres of an active or inactive waste disposal site shall be accompanied by an environmental impact statement and a hydrogeological study that demonstrates that the proposed development will not be negatively impacted by the facility e.g. leachate, methane gas, rodents, vermin, odours, fires or other contaminants present in the soils or ground water supply. Where recommended by the studies, measures to mitigate any adverse impacts will be required as a condition of development.

(a) Any application for development on lands used for waste disposal under Section 46 of the Environmental Protection Act must be accompanied by appropriate studies sufficient to ensure the municipality and the Ministry of the Environment that the proposal contains adequate measures for the protection of public health and safety due to such matters as methane gas generation and leachate.

2.19.3 Development will not occur on sites that may have been contaminated by previous uses unless a Ministry of Environment, Record of Site Condition, has been received by the municipality prior to development.

2.20 DOCKS AND WATERFRONT STRUCTURES

2.20.1 Docks, and waterfront structures shall:

- (a) Obtain necessary permits from senior levels of government, such as the Ministry of Natural Resources and Fisheries and Oceans Canada (DFO), as required;
- (b) Be located so as to not obstruct navigation or the operation of navigation aids;
- (c) Be capable of withstanding storms, high water and ice conditions or be capable of being seasonally removed; and,
- (d) Not contain sanitary facilities or living accommodations.

2.20.2 Waterfront structures shall meet applicable provincial guidelines such as “Fill Quality Guidelines for Lakefilling in Ontario”.

2.21 WATER

2.21.1 The municipality will provide for a comprehensive, integrated and long-term approach for the protection, improvement or restoration of the quality and quantity of water by:

- (a) utilizing the watershed as the ecologically meaningful scale for planning;
- (b) addressing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;
- (c) identifying surface and ground water features, hydrologic functions and natural heritage features and areas necessary for the ecological and hydrological integrity of the watershed;

- (d) identifying restrictions on development and site alteration;
 - 1. to protect all drinking water supplies;
 - 2. to protect, improve or restore sensitive surface and ground water features and their hydrologic functions;
 - (e) maintaining linkages and related functions among surface and ground water features, hydrologic functions and natural heritage features and areas;
 - (f) promoting efficient and sustainable use of water resources, including practices for water conservation and sustaining water quality; and
 - (g) ensuring stormwater management practices which minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.
- 2.21.2 Development and site alteration will be restricted in or near sensitive surface groundwater features and sensitive groundwater features such that these features and their related hydrological functions will be protected, improved or restored.
- (a) Where required, an Impact Assessment shall be prepared by a qualified environmental specialist, and shall include:
 - a description of the existing natural environment, including natural features and ecological functions, that may be affected by the proposed development;
 - a description of the potential impacts of the proposed development on the natural environment;
 - suggested development alternatives that would avoid these impacts, or, if impacts cannot be avoided, recommended mitigation measures, including proposed implementation methods; and
 - recommended monitoring activities.
 - (b) Where required, no planning approval will be granted until an Impact Assessment has been completed to the satisfaction of Council. Where necessary, other agencies or individuals with environmental expertise may be consulted to assist in the review of Impact Assessments.

SECTION 3 -- LAND USE POLICIES

3.1 GENERAL

- 3.1.1 Land use designations have been established for The Corporation of the Township of Morley. These land use designations have related functions and do not ordinarily conflict with one another. The Land Use Designation as detailed on Schedules “A” , “A-1” and “B” illustrate the land use designations. Schedules “A”, “A-1” and “B” should be read together in conjunction with the policies of Section 3.
- 3.1.2 The intent of this section of the Plan is to promote the optimum land use function by minimizing land use conflicts and providing an attractive development pattern consistent with existing land uses and economic development of the Township.

- 3.1.3 Proposals for the development of industrial or commercial uses that require water in the manufacturing or commercial process will be accompanied by appropriate hydro-geological studies and/or water supply assessment reports prepared by qualified professionals. The reports must demonstrate the suitability of the soil for sewage disposal and an adequate water supply (quantity and quality) and that there will be no interference from the sewage disposal system on the aquifer and no significant draw down of the water table. When considering such development the developer will consult the Ministry of the Environment.

3.2 SETTLEMENT AREAS

- 3.2.1 The Village is comprised of that area identified as the Village on Schedule “A-1”. It is the objective of this Plan to:
- (a) Ensure that an adequate supply of land to accommodate residential growth and the demands for residential development in the Village for at least ten (10) years is provided;
 - (b) Ensure that new residential development or redevelopment is physically compatible with the surrounding area and land use conflicts are minimized;
 - (c) Ensure, wherever possible, in the design of residential developments, the protection and enhancement of the natural environment and amenities;
 - (d) Encourage residential development to locate in the designated Village area;
 - (e) Encourage the provision of commercial, institutional, and industrial land within the Village;
 - (f) Ensure that commercial, institutional and industrial development does not have negative impacts on adjacent sensitive land uses, particularly residential uses.
- 3.2.2 Infill of existing concentrations of development is encouraged.

Permitted Uses

- 3.2.3 The permitted uses in the Village include:
- (a) Residential uses, including single detached dwellings, semi-detached or duplex dwellings, rooming, boarding and lodging houses including bed and breakfast establishments, garden suites, group homes, home occupations and home industries;
 - (b) Community recreational facilities, churches, nursery schools and day care and senior citizen centres, medical centres, elementary and secondary schools, other public and private institutional uses may be permitted provided that there is no adverse or negative impact on the surrounding residential uses with respect to noise, traffic, parking, etc.
 - (c) Local convenience commercial uses, retail business uses, offices, personal services, restaurants, hotels, and automotive and equipment sales, service and retail uses may be permitted.

- (d) Industrial uses may be permitted which are not noxious or offensive in nature or would create a nuisance and would include manufacturing, processing, assembling, fabricating, servicing and storage of goods and raw materials, warehousing and wholesaling and service sector industries including transportation and communications. Special attention to layout and design of such activities and the lots intended to support them should be given during planning approval processes to ensure compatibility with abutting sensitive land uses. Industrial uses which store substances that can pollute the groundwater are prohibited. Studies shall be required, as outlined in the MOE D-6 Guideline, where sensitive uses are to be established within the influence areas for class I, II and III industrial uses or where such industrial uses are to be established which may impact on sensitive land uses.

Residential Development in Settlement Areas

- 3.2.4 The following standards of residential amenity shall be provided for with any residential development or redevelopment:
 - (a) Provision of adequate access, on site vehicular movement, and parking for the development;
 - (b) Provision of on-site landscaping, parks and amenity areas; and
 - (c) Provision of adequate separation distances and the placement of buffer features between residential uses and different types of land uses.
- 3.2.5 New lots for residential uses in the Village area should be of an appropriate size and configuration in accordance with the MOE “D-5-4 Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment” to permit the installation of a private water supply and private sewage disposal system approved by the Northwestern Health Unit or other relevant approval authority.
- 3.2.6 The Township may require appropriate measures, i.e. fencing, berming, etc. to reduce the effects of noise, dust, visual intrusion, vibration, and other undesirable impacts of new residential development or redevelopment adjacent to Highways and the CN Rail line and other environmentally incompatible land uses.

Institutional Uses in Settlement Areas

- 3.2.7 Institutional uses that provide local public services may be permitted in the Village area in accordance with the following:
 - (a) Adequate access, on site vehicular movement, and parking for the development;
 - (b) Adequate buffering is provided;
 - (c) Soil and ground water conditions are suitable for the provision of a potable water supply and private sewage disposal system.

Recreation/Open Space Uses in Settlement Areas

- 3.2.8 The Township shall encourage accessibility for the physically challenged in the design and development of parks, open space areas and recreation facilities.

Commercial Uses in Settlement Areas

- 3.2.9 When considering an application to establish a commercial use or uses, the Township shall have regard for the following:

- (a) Compatibility of the proposed use with the surrounding area;
- (b) The ability to provide adequate setbacks and appropriate landscaping and buffering provisions to adjacent residential and institutional uses;
- (c) Physical suitability of the site for the proposed use;
- (d) Adequacy of the road system to accommodate access;
- (e) Suitability of the site to accommodate parking and loading facilities;
- (f) Convenience and accessibility of the site for both pedestrian and vehicular traffic;
- (g) Suitability of the soil and ground water conditions regarding the provision of a potable water supply and private sewage disposal system;
- (h) Possible impact of the development upon surrounding private water systems;
- (i) Adequacy of utilities to service the proposed use(s).
- (j) All uses shall be of a dry nature. Dry uses are those in which only the disposal of domestic waste of employees is permitted and treated. High water demand uses such as laundromats and car washes shall not be permitted on individual private services.

- 3.2.10 The municipality may require a groundwater impact assessment for commercial proposals on private services to determine the ability of the land to treat sewage effluent to meet acceptable standards and to determine the susceptibility of groundwater to contamination from sewage effluent. A hydrogeological study may also be needed to assess the risk that an individual sewage system will cause concentrations of nitrate-nitrogen in excess of Ontario Drinking Water Objectives.

- 3.2.11 The Township may consider accepting cash-in-lieu for parking spaces from new commercial developments or commercial redevelopments if adequate parking exists in the vicinity of the proposed development.

- 3.2.12 Residential uses may be permitted above or behind commercial uses subject to the following criteria:

- (a) The residential use shall not detract from the prime function of the commercial use;
- (b) Where a primary commercial operation has ceased to function, any previously associated residential use shall continue to be permitted, and shall not be caused to be terminated due to the closure of the commercial operation;
- (c) Amenity areas shall be provided for the residential use and shall be separate from any public amenity area provided in conjunction with the commercial use; and,

- (d) Parking shall be provided for the residential use in conjunction with the requirements for the commercial use.
- 3.2.13 Development of seasonal tourist trailer campsites shall require a minimum lot area of five hectares. The ability of the sewage system to support the density of trailers shall be considered at the time of application. Storage of trailers in the off-season may be permitted as part of the campground operation, and accessory uses may include administrative area; local convenience store; Laundromat and similar activities targeting the client group of the park.

Industrial Uses in Settlement Areas

- 3.2.14 Industrial uses are intended to promote development through the expansion of the existing industrial base and stimulation of new industrial growth.
- 3.2.15 Industrial uses shall have regard for the proximity of residential uses, exposure to major roadways and Highways and the degree to which the industrial uses affect the physical and aesthetic characteristics of the natural environment.
- 3.2.16 Wherever industrial uses abut residential, institutional, recreational or other similar uses, adequate buffering will be required by measures such as landscaping, planting, fencing, and separation distances, as prescribed by the Ministry of the Environment, in order to minimize the impact of the industrial activity including visual appearance.
- 3.2.17 Special attention to layout and design of industrial activities and the lots intended to support them should be given during planning approval processes to ensure compatibility with abutting sensitive land uses within the Village.
- 3.2.18 Studies shall be required where sensitive uses are to be established within the influence areas for class I, II and III industrial uses or where such industrial uses are to be established which may impact on sensitive land use.
- 3.2.19 The municipality may require a groundwater impact assessment for industrial proposals on private services to determine the ability of the land to treat sewage effluent to meet acceptable standards and to determine the susceptibility of groundwater to contamination from sewage effluent. A hydrogeological study may also be needed to assess the risk that an individual sewage system will cause concentrations of nitrate-nitrogen in excess of Ontario Drinking Water Objectives.

3.3 RURAL AREA

- 3.3.1 It is the intent of this Plan to protect the rural character and environment of the Rural area of the Township. The Township is capable of supporting development that is resource and non-resource based. It is not realistic to attempt to precisely define where these uses may best occur. Rather, a general Rural land use designation in which these uses can be accommodated in accordance with specific policies of this Plan, would allow flexibility in determining the appropriate use of land.

- 3.3.2 While land in the Rural designation may be developed for a variety of uses, regard shall be given to ensure development is compatible with surrounding land uses and appropriate for the site before development approval is given. Development within the Rural area shall not conflict with existing livestock facilities and will comply with the Minimum Distance Separation I criteria, as amended from time to time. In addition, new and/or expansions to existing livestock facilities will comply with the Minimum Distance Separation II criteria as amended from time to time.

Permitted Uses

- 3.3.3 Permitted uses in the Rural area include rural residential dwellings, farm related residential dwellings, agriculture, greenhouses, horticulture, recreational uses, institutional uses, commercial uses, and industrial uses including extraction and processing of peat for horticulture or fuel purposes, waste disposal sites, wayside and regular pits and quarries. It is also the intent of the Rural designation to permit and encourage such rural uses as forestry, mining and mineral exploration, resource management and conservation uses.
- (a) Heavy industrial uses or uses that are considered to be noxious or could impact the surrounding community due to noise, odour, vibration, traffic, etc., shall be permitted only through site specific rezoning.
 - (b) Recreational uses, institutional uses and other industrial uses shall be permitted only through a site specific rezoning.

Rural Residential Uses in the Rural Area

- 3.3.4 Rural residential uses shall be permitted in the Rural designation provided that:
- (a) New rural residential uses should not conflict with existing agricultural facilities and will comply with the Minimum Distance Separation I criteria, as amended from time to time;
 - (b) New lots for rural residential use should be an appropriate configuration and minimum area necessary for the use permitted and the installation of a private water supply and sanitary sewage disposal system approved by the Northwestern Health Unit. New rural residential lots should be not less than 1.2 hectares (3 acres). However, where rural residential development on less than 1.2 hectares (3 acres) is considered, particularly along the Rainy River Shoreline, 0.8 hectares (2.0 acre) lots may be permitted provided that it can be demonstrated to the satisfaction of the Township and in accordance with the MOE D-5-4 Guideline that the area is not hydrogeologically sensitive and that adequate area is available to permit the installation of a private septic system and potable water supply in accordance with Northwestern Health Unit requirements;

- (c) Rural residential development shall be of a scale and density that is appropriate for the Rural area and not result in a concentration of development that may lead to the demand for services over and above what the Township typically provides to the Rural area;
- (d) Infill of existing concentrations of development is encouraged.

Agricultural Uses in the Rural Area

- 3.3.5 Agricultural parcels and farm operations shall be maintained in units which are large enough to maintain flexibility to adapt to changing economic conditions of the agricultural industry.
- 3.3.6 Permanent or portable farm help houses may be permitted for farm help where the size and/or nature of the farming operation makes the employment of such help necessary and where these additional dwellings do not have significant negative effect on the tillable area of the farm or its viability. Farm help houses shall be constructed/erected in close proximity to the principal farm buildings so that the farm help house is considered to be an integral part of the farm operation. The farm help house may share services with the principle residence provided clearance is obtained from the Northwestern Health Unit that the septic system serving the principal residence has adequate capacity to accommodate the farm help house. A farm help house shall not be constructed/erected with the intention of severing it from the farming operation in the future.

Institutional Uses in the Rural Area

Schools, public buildings, and churches may be permitted in the Rural area in accordance with the following:

- (a) Adequate parking is provided;
- (b) Adequate buffering is provided where necessary;
- (c) The soil and ground water conditions are suitable for the provision of a potable water supply and private sewage disposal system.

Recreation/Open Space Uses in the Rural Area

- 3.3.8 Lands used for public or private recreational purposes may be permitted in the Rural area in accordance with the following provisions:
 - (a) Development shall only take place in areas suitable for the use taking in to consideration the location, surrounding uses, water quality, drainage, soil conditions and traffic generation; and,
 - (b) Adequate provisions for on-site parking; for ingress and egress; and for on-site movement of vehicular traffic are provided for.

Commercial and Industrial Uses in the Rural Area

- 3.3.9 Commercial and industrial uses providing personal, professional or retail services, or relating to agriculture or a natural resource, and recreational commercial uses may be permitted in the Rural area provided that:
- (a) Only dry uses are permitted on lots serviced by private individual sewage and water services. Dry uses are considered to be uses which use consumed water for domestic purposes only and which result in the production of domestic sewage. Domestic sewage includes sewage originating from human body waste, toilet waste, waste from showers and tubs, liquid and waterborne kitchen and sink water and laundry waste. Domestic waste does not include plant or chemical effluent used in a manufacturing process.
 - (b) The use is located on a provincial highway or on an open road maintained year round by the Township;
 - (c) Buffering to the satisfaction of the Township may be required where a commercial or industrial use is located adjacent to a residential or recreational use. Ministry of the Environment guidelines recommending minimum separation distances based on the classification of a particular industrial activity are to be followed;
 - (d) There is no adverse impact on the amenity and character of the rural environment;
 - (e) Adequate parking and loading facilities are provided;
 - (f) Noxious uses or heavy industrial uses shall only be allowed through a site specific rezoning.
- 3.3.10 Studies shall be required where sensitive uses are to be established within the influence areas for class I, II and III industrial uses or where such industrial use are to be established which may impact on sensitive land use.
- 3.3.11 The municipality may require a groundwater impact assessment for industrial and commercial proposals on private services to determine the ability of the land to treat sewage effluent to meet acceptable standards and to determine the susceptibility of groundwater to contamination from sewage effluent. A hydrogeological study may be needed to assess the risk that an individual sewage system will cause concentrations of nitrate-nitrogen in excess of Ontario Drinking Water Objectives.

Aggregate Extraction Uses in the Rural Area

Aggregate extraction operations shall be permitted in the Rural area provided that:

- (a) The operation is compatible with surrounding land uses;
- (b) Adequate buffering is provided;
- (c) An agreement with the Township may be required in order to address the following matters, but not be limited to:
 - i) Days and/or hours of operation;
 - ii) Location of proposed buildings, machinery and equipment;

- iii) Setbacks, landscaping and buffering;
 - iv) Storm water management;
 - v) Existing and anticipated final grades of excavation;
 - vi) Access/egress;
 - vii) Haulage routes;
 - viii) Improvements/maintenance to Township roads as a result of increased truck traffic on existing roads; and
 - ix) Site rehabilitation.
- (d) The municipality is satisfied with respect to the disposal of liquid wastes, pumping operations and the control of air and noise pollution, among other matters;
- (e) No building, equipment, machinery or stockpiling of material is allowed:
- i) Within 45 metres of a lot line of an adjacent lot used for residential, recreational, institutional or commercial purposes;
 - ii) Within 120 metres of the defined settlement area;
 - iii) Within 50 metres of a road or road allowance.
 - iv) Separation distances shall be incorporated in accordance with MOE minimum guidelines when developing industrial facilities adjacent to sensitive land uses.
- (f) No excavation of material is allowed:
- i) Within 60 metres of a lot line of an adjacent lot used for residential, recreational, institutional or commercial purposes;
 - ii) Within 120 metres of the defined settlement area;
 - iii) Within 50 metres of a road or road allowance.
 - iv) Separation distances shall be incorporated in accordance with MOE minimum guidelines when developing industrial facilities adjacent to sensitive land uses.
- (g) A quarry with blasting operations is to be set back a minimum of 450 metres from a residential building. Separation distances shall be incorporated in accordance with MOE minimum guidelines when developing industrial facilities adjacent to sensitive land uses.

3.3.13 Aggregate processing operations, such as crushing, screening, and washing of aggregate products are considered an accessory use to an aggregate extraction operation and may be permitted provided that crushing, screening, and washing activities are not located closer than 120 metres from a residential property or from the boundary of the settlement area. Crushing and screening plants may require Certificates of Approval.

Forestry Use in the Rural Area

3.3.14 Lands used for forestry purposes as defined by the Forestry Act includes the production of wood and wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, recreation and protection and production of water supplies. The processing of forest products is considered an industrial use.

- 3.3.15 Small scale processing of forest products, such as portable sawmill operations, are considered an industrial use and may be permitted subject, to an amendment to a zoning By-Law, provided that no equipment or machinery is located:
- (a) Within 60 metres of a residential lot or a lot used for recreational, institutional, or commercial uses; and,
 - (b) Within 30 metres of any road or road allowance.

Exploration and Mining Use in the Rural area

- 3.3.16 Mineral exploration activities are encouraged and permitted in the Rural area.
- 3.3.17 Mineral mining operations are considered to be an industrial use.

3.4 AGRICULTURAL LANDS

- 3.4.1 It is the objective of the Agricultural area to:
- (a) Encourage the preservation of prime agricultural lands for agricultural purposes;
 - (b) Generally direct non-farm uses to defined settlement area or more appropriate rural areas;
 - (c) Minimize the impact of non-farm uses on agricultural operations;
 - (d) Protect and enhance the natural amenities, character and lifestyle of the agricultural area; and,
 - (e) Encourage the growth of the agribusiness industry.
- 3.4.2 Agricultural parcels and farm operations shall be maintained in units which are large enough to maintain flexibility to adapt to changing economic conditions of the agricultural industry.

Permitted Uses

- 3.4.3 Permitted uses in the Rural Agricultural area include:
- (a) Agricultural uses such as the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food; fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time labour when the size and nature of the operation requires additional employment.
 - (b) Secondary agricultural uses secondary to farming operations such as farm dwellings, home occupations, home industries and uses that produce value added agricultural products from the farm operation;
 - (c) Agriculture related uses such as farm related commercial and farm related industrial uses that are small in scale, directly related to the farm operation and required in close proximity to the farming operation. Other compatible

uses such as forestry, conservation, wildlife management uses and mineral exploration are permitted in the Agricultural area;

- (d) Mining activities and mineral extraction are permitted in Agricultural areas provided the site is rehabilitated so that relatively the same area and the same average soil quality for agriculture is restored;
- (e) Aggregate Extraction is also permitted in the Agricultural areas in accordance with the provisions of Section 3.3.13 and provided the site is rehabilitated so that relatively the same area and the same average soil quality for agriculture is restored.
- (f) Agri-business uses such as abattoirs, livestock marketing or sales yard, and a seed cleaning that serve surrounding agricultural operations are permitted provided that there are no reasonable alternative locations which avoid Agricultural designated lands; and there are no reasonable alternative locations within the Agricultural designation with a lower priority agricultural land.

3.4.4 Permitted uses and activities in the Prime Agricultural areas are:

- (a) Agricultural uses; secondary uses; and agriculture-related uses. Proposed new secondary uses and agriculture-related uses will be compatible with, and will not hinder, surrounding agricultural operations.
- (b) In prime agricultural areas, agricultural uses and normal farm practices will be promoted and protected.
- (c) New land uses, including the creation of lots, and new or expanding livestock facilities will comply with the minimum distance separation formulae.

Agriculture activity within the Agricultural Area

3.4.5 Development within the Agricultural areas shall not conflict with existing livestock operations and must comply with the Provincial Minimum Distance Separation Formulae, as amended from time to time. New and/or expansions to existing livestock operations shall comply with the Provincial Minimum Distance Separation II criteria, as amended from time to time.

3.4.6 Permanent or portable farm help houses may be permitted for full-time farm help where the size and/or nature of the farming operation makes the employment of such help necessary and where these additional dwellings do not have significant negative effect on the tillable area of the farm or its viability. Farm help houses shall be constructed/erected in close proximity to the principal farm buildings so that the farm help house is considered to be an integral part of the farm operation. The farm help house may share services with the principle residence provided clearance is obtained from the Northwestern Health Unit that the septic system serving the principal residence has adequate capacity and an adequate quantity and quality of water to service the farm help house. A farm help house shall not be constructed/erected with the intention of severing it from the farming operation in the future.

- 3.4.7 Consents involving Agricultural designated lands are generally not encouraged, but may be permitted provided:
- (a) The severed and retained lots are intended for agricultural use and are a minimum size of forty (40) hectares in order to maintain flexibility for future changes in the type or size of agricultural operations.
 - (b) The consent is for an agricultural related use provided that any new lot will be limited to a minimum size needed to accommodate the use and an appropriate sewage and water system;
 - (c) The consent is for a infrastructure, where the facility cannot be accommodated through the use of easements or rights-of-way; and
 - (d) The consent is for legal or technical reasons.
- 3.4.8 Residential infilling in the Rural Agricultural area shall be permitted between two existing non-farm residences on separate lots which are situated on the same side of the road and be in acceptance with the Provincial Minimum Distance Separation Formulae. The creation of lots through residential infilling in the Rural Agricultural area shall not interfere with or have negative impacts on the normal farming practices of surrounding agricultural operations. Residential infilling is not permitted in Agricultural areas.
- 3.4.9 Local lots created for residential uses in the Rural Agricultural area shall be of a size large enough to accommodate the residence, plus on-site individual water and septic disposal systems and should be located in such a way to avoid the most productive portion of the farm and be in accordance with the Minimum Distance Separation I criteria. New residential lots should be not less than 1.2 hectares (3 acres).

3.5 LANDS WITH LAND USE LIMITATIONS

Hazard Lands

- 3.5.1 For lands shown as Hazard Lands on the Restraints Schedule, permitted uses shall be shoreline protection works, floodplain protection works, fisheries management, wildlife management, waterfowl protection, forestry, agriculture, mining and mineral exploration and public or parklands provided that erosion protection is provided and flood flows according to these uses are not affected.
- 3.5.2 Any development which involves the channelization, diversion, damming, walling and dredging of a natural watercourse or the installation of a culvert, causeway or dock in the Hazard Land area, is subject to the approval of the Ministry of Natural Resources and/or Department of Fisheries and Oceans (DFO) as well as the Fisheries Act.
- 3.5.3 Development on, or adjacent to lands affected by man-made hazards, including mine hazards or mineral resource operations, and/or on areas that are subject to flooding or ground instability will only be permitted where rehabilitation or restoration measures to address and mitigate the hazard have been included in the development, and there is no adverse effect. If necessary, an engineering report, environmental assessment, or decommissioning report will be undertaken and a

- site restoration plan prepared and implemented by a qualified consultant in accordance with the Province's guidelines and in consultation with the Township prior to development approval being granted.
- 3.5.4 A minimum 30 metre setback shall be implemented from the top of the river bank. Additional distance may be implemented where determined to be required.
- 3.5.5 Existing uses shall be recognized despite the natural hazardous characteristics of the land. Site alteration to such uses will be discouraged.
- 3.5.6 Any applications to re-designate Hazard Lands will be carefully reviewed and shall not adversely impact on the natural environment. The Township shall require the proponent of an application to submit a study prepared by a qualified environmental specialist to address the following considerations:
- (a) A description of the natural environmental and existing physical characteristics, including a statement of environmental quality;
 - (b) A description of the proposed development and potential effect on the natural environment;
 - (c) A description of the costs and benefits in terms of economic, social and environmental terms of any engineering works and/or resource management practices needed to mitigate the potential effects; and,
 - (d) An evaluation of alternatives including other locations for the proposal.
- 3.5.7 Hazard Lands may not be considered acceptable as part of a parkland dedication.

Sensitive Lands

- 3.5.8 Sensitive areas are natural areas that may be impacted by development and have been identified for natural and ecological functions and include such areas as wetlands, wildlife and fish habitat areas, sites with rare plant species and areas that have life science or earth science values related to protection, scientific study or education, and in particular significant habitat of endangered or threatened species. Such lands are identified on the Schedule "B" Restraints and Schedule "D" Values Map.
- 3.5.9 Development (as defined in the Provincial Policy Statement) and site alteration will not be permitted in sensitive areas or adjacent to sensitive areas unless it has been demonstrated to the satisfaction of the Township that there will be no negative impact on the nature feature or ecological function of the natural feature. An Environmental Impact Assessment by a qualified person may be required as a means of analysing, documenting and demonstrating that negative impact will not occur. Possible mitigation measures that may be required to protect against negative impacts are subject to the approval of the Township. No development will be permitted in significant portions of the habitat of endangered or threatened species.
- 3.5.10 Council may employ a sensitive land designation to identify and protect areas of sensitive surface water, areas of ground water recharge, and natural hydrological relationships and functions. Provincially significant wetlands are shown on Schedule "D" Values Map.

Human-made Hazards

- 3.5.11 Development on, abutting or adjacent to lands affected by mine hazards; oil, gas and salt hazards; or 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.
- 3.5.12 Contaminated sites will be remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect.

SECTION 4 - COMMUNITY SERVICES AND FACILITIES

4.1 GENERAL

- 4.1.1 The intent of this Plan is to maintain a level of public service that is appropriate for the rural character and environment of The Corporation of the Township of Morley.
- 4.1.2 A significant objective of this section of the plan is to provide policies that will ensure adequate services are provided that recognize the Township's modest financial capabilities and do not place undue strain on the Township's financial resources.
- 4.1.3 The use of alternative development standards may be considered for new development and redevelopment, provided that the standard of development allows for flexibility and adaptability in design and enhances the liveability of the proposal, provides cost efficiency in the delivery of services and supports the principles of environmental sustainability.

4.2 ROADS

- 4.2.1 Safe and efficient movement of people and goods within the Township and to and from adjacent municipalities is an objective of this Plan. The Road system should safely serve the Township but should not be developed to a standard or extended beyond which would result in a burden to the residents and taxpayers of the Township.
- 4.2.2 The classification of roads in the Township are as follows:
 - (a) Provincial Highways – the primary purpose of provincial highways is to move people and goods between major centres, and through the Township. Access to provincial highways is restricted to allow them to fulfill that primary purpose. The legal basis for highway access control is established in the provisions of the Public Transportation and Highway Improvement Act. In addition to all the applicable municipal requirements, all development adjacent to provincial highways is also subject to the safety and geometric requirements and permits of the Ministry of Transportation.

(b) Township Roads – this system of roads applies to all roads under the jurisdiction of The Corporation of the Township of Morley. The Township is responsible for the maintenance of all roads within its jurisdiction. The primary purpose of Township roads is to facilitate local traffic and areas for development. Direct access to Township roads is normally permitted from any abutting lot provided there are adequate sight lines, suitable grades and that the access will not cause traffic hazard.

(c) Private Roads – the municipality may consider limited development of an infill nature where the proposed development is located between two (2) existing dwellings on existing private roads with a registered right of way generally not greater than 1000 metres to a publicly maintained road. The municipality shall monitor this policy and conduct a study of the planning, financial, and legal implications of this policy at an appropriate time during the life of this policy. It is the policy of the Township that the Township will not consider acceptance of a private road into the Township’s public road network until such time as the road was determined to be at a standard acceptable to the Township for inclusion, and the Township shall be the sole decision making body in this respect.

New lots which would require the construction of new private roads or rights of way or the extension of existing private roads or rights of way, whether on Crown or private lands, will not be permitted. Lots for hunt camps, fishing camps or similar seasonal uses may be permitted on seasonally maintained municipal road allowances or on existing lots of record on private rights of way to publicly maintained roads provided that appropriate agreements are in place to ensure that the Municipality has no liability with respect to the use of these roads. Creation of new lots on existing private roads or rights of way will generally be discouraged. The municipality may consider the creation of new lots for seasonal uses as outlined in this section on a case by case basis on existing private roads or rights of way provided that the appropriate agreements noted above are in place.

4.2.3 Should the construction of a new public road or extension of existing public road be warranted, the road shall be designed and constructed to meet approved standards and the road shall be suitable for assumption into the Township road system. Where such road is to be constructed upon public road allowance, appropriate insurance shall also be provided to protect the Township from third part liability during construction and any period of ongoing private maintenance.

4.2.4 The Township is not responsible for the costs associated with the design and construction of new roads or the extension of existing roads or the costs of providing entrances from existing or new roads. These costs are the direct responsibility of the proponent for the new road, road extension, or entrance.

4.2.5 Unless it clearly in the public interest, private roads will not be assumed by the Township into the Township road system.

4.2.6 Year-round maintenance will be provided on all Township Roads (excluding seasonal roads) under the jurisdiction of the Township as per the Township’s Roadway Service Standard.

- 4.2.7 The right of way width of Township roads shall generally be a minimum of 20 metres (66 feet). As a condition of development approval, the Township may require the dedication of road widenings to achieve the 20 metre (66 feet) road right-of-way widths where they presently do not exist.

4.3 WATER SUPPLY

- 4.3.1 The source of water supply in the Township is from private wells.
- 4.3.2 It is intended that the responsibility for water supply in the Township will continue to be with each property owner.
- 4.3.3 It is intended that lot sizes remain large enough to ensure that private wells remain the source of water throughout the Township.
- 4.3.4 The municipality will provide for the protection, improvement or restoration of the quality and quantity of water by identifying restrictions on development and site alterations:
- (a) to protect drinking water supplies;
 - (b) to protect, improve or restore sensitive surface and ground water features and their hydrologic functions.
- 4.3.5 Subdivisions consisting of more than five lots and proposed on individual septic systems shall require a hydrogeological study prepared by a qualified professional to assess the potential of the proposal to adversely impact surrounding groundwater resources.

4.4 SEWAGE DISPOSAL

- 4.4.1 Private septic tanks and tile field systems are and will continue to be the traditional means of sewage disposal in the Township. Individual property owners are responsible for the provision of private sanitary sewage disposal approved by the Northwestern Health Unit.
- 4.4.2 It is intended that lot sizes remain large enough and soil conditions are suitable to allow the safe and efficient operation of individual private sewage disposal systems in accordance with the Ministry of the Environment's (MOE) D-5 Series Guidelines.

4.5 NON-HAZARDOUS SOLID WASTE DISPOSAL

- 4.5.1 Waste management systems need to be provided that are of an appropriate size type to accommodate present and future requirements, and facilitate, encourage and promote reduction reuse and recycling objectives.
- 4.5.2 No additional solid waste disposal sites are anticipated over the life of this Plan however additional cells at the existing site may be opened as required in accordance with MOE's Certificate of Approval. The life span of the existing waste disposal site is 25 plus years.

- 4.5.3 If additional solid waste disposal sites are required or an expansion to the land area of an existing facility is required, these sites should:
- (a) Avoid areas of high ground water;
 - (b) Maintain an adequate separation and buffer from all existing development;
 - (c) Avoid pollution of ground water and watercourses; and,
 - (d) Be approved by the Ministry of the Environment.
- 4.5.4 Liquid waste disposal sites may be permitted subject to an amendment to this Plan and provided the applicant has demonstrated to the satisfaction of the Ministry of the Environment that the facility may be established without adverse impacts on surrounding land uses and the natural environment.

4.6 COMMUNITY FACILITIES AND SERVICES

- 4.6.1 The existing services provided by the volunteer fire department, the Ontario Provincial Police and other provincial agencies are considered adequate to meet the needs of the residents of the Township.
- 4.6.2 The existing public and separate school facilities serving the residents of the Township fulfill the education needs of the residents for the foreseeable future.
- 4.6.3 The existing recreation and open space facilities that are available to the residents of the Township are considered suitable. Notwithstanding, new facilities or locations may be considered from time to time by Council as opportunities arise.
- 4.6.4 It is the intent of this Plan to encourage the provision of additional public and private recreational and open space facilities at appropriate locales for use by the Township residents and tourists, especially along the shoreline of the Rainy River.
- 4.6.5 It is the intent of this Plan, that new public and private recreational opportunities shall not provide an undue financial burden on the Township.
- 4.6.6 Council will encourage handicapped access to all community facilities and services to accommodate for the elderly and disabled persons.

4.7 MAJOR GAS DISTRIBUTION AND TRANSMISSION FACILITIES

- 4.7.1 Natural Gas is a major utility that is regulated by the Ontario Energy Board Act.
- 4.7.2 Natural Gas facilities are permitted in all land use designations.
- 4.7.3 The location of all new permanent buildings, structures and excavations on lands adjacent to distribution facilities shall be determined in consultation with the Natural Gas supplier.
- 4.7.4 A main gas transmission pipeline exists within the Township. Such a major utility is regulated by the National Energy Board.
- 4.7.5 Such facilities are permitted in all land use designations.
- 4.7.6 The location of all new permanent buildings, structures and excavations on lands adjacent to transmission facilities shall be determined in consultation with the Energy Fundamentals Group.
- 4.7.7 Development setbacks may be required where natural gas pipeline, pumping stations or other such major gas transmission facilities are in close proximity to proposed development.

SECTION 5 – IMPLEMENTATION AND ADMINISTRATION

5.1 THE TOWNSHIP’S ROLE IN IMPLEMENTATION

- 5.1.1 This Official Plan is expected to be implemented by means of the powers conferred to The Corporation of the Township of Morley by The Planning Act and other Statutes which may be applicable, and through the decision making process of Council and public committees, including determination of Council’s capital budget.
- 5.1.2 Council will utilize the official plan when considering and deciding upon various applications for planning approvals.

5.2 PUBLIC AND PRIVATE SECTOR ROLES

- 5.2.1 It is understood that the activities and undertakings of the Provincial and Federal Governments, are exempt from the need to conform to this plan, however, Council encourages such agencies and offices to have regard for the document.
- 5.2.2 The private sector shall be expected to implement the policies and objectives of this Plan.

5.3 LOT CREATION

Plan of Subdivision

- 5.3.1 The creation of new lots by plan of subdivision may be permitted where the number of new lots exceeds four (4), and/or where the development involves the construction of new roads and/or services, provided that no communal services are required and that:
 - (a) If for permanent residential use, is located within the defined settlement area;
 - (b) If for non-residential purposes is within the defined settlement area or where related to recreational purposes, abuts a watercourse or waterbody;
 - (c) The lands can be provided with adequate services and utilities. The applicant will be required to provide a report detailing a servicing options statement and including a hydrogeological and soils analysis for any subdivision of more than five (5) lots. The applicant may be required to provide a report prepared by a qualified consultant indicating that there is proof of potable water supply.
 - (d) Capacity exists on each of the proposed lots to deliver appropriate private sewage service;
 - (e) Approval of the subdivision is not likely to adversely affect the economy or financial position of the Township if such subdivision is approved.
 - (f) Where a plan of subdivision abuts a provincial highway, the subdivision is to be designed so the lots back onto the provincial highway and front onto an internal street.
 - (g) A plan of subdivision shall meet all applicable policies of the Official Plan.

Severance/Consent

5.3.2 The subdivision of land by consent is the primary means of development in the Township and shall be permitted in accordance with the policies of this Plan provided that:

- (a) Retained and severed lot(s) can be adequately and safely serviced by private individual septic system and private potable water supply. Water storage may be utilized to obtain the necessary water supply.
- (b) Soil, drainage conditions and topography are suitable for the proposed use and permit the proper location of buildings, the installation of private septic disposal and water systems, and the establishment of parking and other appropriate support features.
- (c) Lands front onto and have practical access to a public road that is maintained year round by the Province or the Township, or are provided for in an approved condominium arrangement, and are of an acceptable standard of construction;
- (d) No traffic hazard is created by the consent and safe access/egress to the retained and severed lot(s) is feasible;
- (e) Consent does not result in land use conflicts with existing nearby uses;
- (f) Minimum Distance Separation I criteria will be adhered to when a consent is being proposed in proximity to existing livestock facilities;
- (g) Lot size and configuration shall be suitable for the proposed use and, where possible, be consistent with adjacent development;
- (h) Consent does not result in land locked parcel(s) being created;
- (i) Where possible in the Rural area, residential consents constitute infilling or logical expansion of existing concentrations of dwellings; and
- (j) Subsections 3.3.4, and 3.4.7 to 3.4.9 are considered.
- (k) Consents shall meet all applicable policies of the Official Plan.

5.3.3 A maximum of 3 new buildable lots per land holding as of the date the Official Plan was adopted can be created by the severance process, exclusive of the retained part, provided all of the above matters and other policies of this Plan can be suitably addressed. Approvals for lot enlargements or other similar parcel changes that do not result in new buildable lots will not be calculated into this number.

5.3.4 The following may be considered as conditions of consent:

- (a) Any necessary land for road widening, allowances or easements, or for initial definition of the public road allowance, be dedicated to the Province or the Township;
- (b) Improvements to road access, grading, drainage, etc. to a standard satisfactory to the Township and/or the Province;
- (c) The need for studies and/or reports to address issues such as drainage, environmental considerations, soils contamination, natural heritage, hazard land matters, or other such issues;
- (d) The applicant and the Township may enter into a subdivision agreement to implement conditions of approval that require such a level of administration;

- (e) The dedication of parkland or of cash in lieu thereof to the Township;
- (f) Any other condition reasonable to the granting of the consent.

5.4 ZONING BY-LAW

- 5.4.1 A Zoning By-law divides the lands within the Township into zones, each of which will have regulations to control the use of lands and use, character and location of buildings and structures built upon the land, and relating to such general matters as parking, street frontage, accessory uses and similar matters.
- 5.4.2 A Zoning By-law may be prepared and processed by Council to implement the official plan; to implement conditions of planning approvals; or for such other purposes as determined to be appropriate at the discretion of Council.
- 5.4.3 Any site specific or comprehensive Zoning By-law and any amendments thereto shall be in conformity with the Official Plan.
- 5.4.4 Council may conserve and protect archaeological resources by adopting zoning by-laws pursuant to Section 34(1)(3.3) of The Planning Act, to restrict land use activities on a site containing known significant archaeological resources.
- 5.4.5 Council may, in accordance with Section 34(8) of The Planning Act acquire land, buildings and/or structures where use, or where frontage is not in compliance with the requirements of a Zoning By-law, and/or may exchange existing municipal lands for such lands that are not in compliance with a Zoning By-law.

5.5 PARKLAND DEDICATION

- 5.5.1 The dedication of lands or acceptance of cash-in-lieu of the land dedication for recreational purposes as a result of new development or redevelopment of land shall be in accordance with the following requirements:
 - (a) Development or redevelopment of land for residential purposes may require a land dedication to the Township of a standard of 5 % of the land being developed or redeveloped or cash-in-lieu based on 5 % of the value of the land; and,
 - (b) Development or redevelopment of land for commercial purposes may require a land dedication to the Township of a standard of 2 % of the land being developed or redeveloped or cash-in-lieu based on 2 % of the value of the land.
- 5.5.2 To ensure that parkland dedications are of an acceptable quality, all sites dedicated as parkland must be accepted by the Township and satisfy the following criteria:
 - (a) Unless specifically determined otherwise by Council resolution, be relatively level; are not required for drainage purposes; and do not contain lands susceptible to flooding, having steep slopes or other physical features which are unsuitable for open space or park development;

- (b) Be located within the community context to provide convenient pedestrian and vehicular access;
- 5.5.3 In order to improve pedestrian accessibility to existing and future open space and recreational facilities, the Township may require, as a condition of development or redevelopment, the dedication of land and construction of pedestrian walkways. This dedication of land and construction of pedestrian walkways shall not compromise or constitute a part of the required parkland dedication or cash payment in lieu of parkland dedication.

5.6 IMPLEMENTING COMMUNITY IMPROVEMENT POLICIES

- 5.6.1 The Corporation of the Township of Morley may wish to implement Community Improvement Policies where appropriate and these shall include:
- (a) Participation in and support for Federal and Provincial community improvement programs;
 - (b) Use of authority granted under Section 28 of The Planning Act, to designate a Community Improvement Area, develop Community Improvement Plans and acquire and redevelop land;
 - (c) Enforcement of a Property Maintenance and Occupancy Standards By-law;
 - (d) Encouragement of activities aimed at developing the economic viability and attractiveness of the Township; and
 - (e) Encouragement of intensification within the settlement areas by redeveloping brownfield sites and reusing vacant or underutilized buildings by utilizing available legislation and programming.

5.7 TEMPORARY USE BY-LAWS

- 5.7.1 Temporary use by-laws will be developed in conformity with the Provincial Policy Statements, as well as other policies and guidelines of the provincial and federal governments.
- 5.7.2 Such a by-law may be considered where:
- (a) The intended use is to exist only for a short period of time;
 - (b) Such use is to be monitored prior to being considered for permanent zoning;
 - (c) Use of an existing building is being accommodated in conjunction with a planned redevelopment for a new use that is consistent with a zoning by-law and this official plan and does not constitute a threat to surrounding land uses.
- 5.7.3 Prior to enacting a temporary use by-law, Council shall satisfy themselves that:
- (a) The lands can accommodate the intended use;
 - (b) Land Use Compatibility policies of this plan have been applied if required to ensure the use will not negatively impact surrounding lands or the natural environment;
 - (c) The use will not prejudice future development or redevelopment of the lands.

- 5.7.4 Such a by-law shall define the lands to which the by-law applies; set out appropriate regulations which shall apply to the lands and use of the lands; and establish an expiry date, which shall not be greater than three years from the date of passing of the by-law. Council may extend the term of a Temporary Use by-law provided that such extension would not jeopardize the long term development of the lands or the surrounding area in accordance with this plan. Notwithstanding the term for allowing the use of garden suites is ten (10) years as set out in the Planning Act.
- 5.7.5 Where a Temporary Use by-law has expired, the use of land, buildings, and/or structures, all permitted uses under such a by-law shall cease to apply, and the previously relevant and current zoning shall prevail and govern the lands and their uses.
- 5.7.6 Council may consider temporary zoning in order to allow an applicant to establish a home based business that is not currently located or offered within the Township in order to determine if there is a market for such business prior to such business establishing a full commercial location. Typically such rezoning shall not be expected to be extended beyond the initial set time duration.
- 5.7.7 Only uses which will not create land use conflicts or disrupt the use and development of neighbouring properties shall be authorized by Temporary Use By-laws.

5.8 HOLDING PROVISIONS

- 5.8.1 Council may enact a zoning by-law that identifies the use of land but which further prohibits the actual development of such lands until a later date when identified conditions have been met.
- 5.8.2 Council may enact such by-laws in order to:
- a) Identify future land uses;
 - b) Ensure that appropriate phasing of development occurs, consistent with related agreements;
 - c) Restrict development until adequate services are provided;
 - d) Restrict development until necessary reports, studies, certifications, and their implementation are provided for respecting contamination, noise, environmental, or planning review.
- 5.8.3 Where a holding provision has been assigned to the zoning of lands, use shall be limited to the uses that are set out within the holding by-law, and typically shall include uses legally existing at the time that the holding by-law is enacted, and some limited range of uses from a zoning by-law list of otherwise permitted uses.
- 5.8.4 The holding by-law shall not serve to prevent accessory buildings, minor additions, or renovations/maintenance/upkeep.
- 5.8.5 Application of a holding provision may occur on the basis of:
- (a) Where existing infrastructure has been determined to be insufficient relative to a proposed development or use;

- (b) Where development is contingent upon other matters occurring such as the consolidation of land; the execution of agreements; or the carrying out of a determined study or review, and including the completion of any works that are recommended or determined as necessary by such study or review.
- 5.8.6 A holding by-law may be removed from all or from a part of the lands to which it applies upon the Township being satisfied that the matters causing the holding provision to have been applied have been adequately resolved.

5.9 INTERIM CONTROL

- 5.9.1 In areas where the Township wishes to review the existing land uses or establish new planning policies and where a study of land use planning policies for the area has been directed, the Township may approve an Interim Control By-law.
- 5.9.2 The Interim Control By-law restricts the use of lands to its present use until the required studies are completed, at which time the Official Plan may require an amendment or a Zoning By-law may be required to reflect the findings of the study and desired use.
- 5.9.3 Pursuant to The Planning Act the length of time the Interim Control By-law is in effect shall be specified in the bylaw and shall not exceed one (1) year from the date of the approval of the by-law. The Interim Control By-law may be amended to extend the period of time the by-law is in effect provided the total period of time does not exceed two (2) years from the approval of the by-law.

5.10 SITE PLAN CONTROL

- 5.10.1 All of the area to which the Official Plan applies shall be considered as possible area to which site plan control could apply, with the exception of single and two unit residential dwellings and agricultural operations.
- 5.10.2 Where site plan control is determined to be required, Council shall enact a by-law designating the particular lands as being subject to site plan control, and may thereafter approve plans and/or enter into an agreement intended to:
- (a) Ensure safe and efficient vehicular and pedestrian patterns;
 - (b) Ensure that development will not have a detrimental visual impact on adjacent uses;
 - (c) Ensure industrial and commercial developments do not reduce the enjoyment of adjacent lands; and,
 - (d) Ensure parking, storage, loading facilities and garbage disposal areas are located in a manner that does not negatively impact on traffic flows or create adverse visual impacts.
- 5.10.3 A Site Plan Control By-law may require site plans and/or detailed drawings of a proposed development to be submitted for approval by the Township. Such site plans and/or drawings will show any or all the required information deemed necessary from the items listed in section 5.10.4.

5.10.4 Prior to building, the applicant maybe required to enter into a site plan agreement with the Township which may address one or more of the following matters:

- (a) Widenings to any roads or highways that abut the lands subject to the application. Any proposed widenings requested must be shown on the site plan drawings;
- (b) Provision of sufficient parking, access driveways, loading areas and similar matters;
- (c) The construction of walkways, ramps and pedestrian access;
- (d) Proper lighting of buildings and lands;
- (e) The provision of adequate landscaping and buffering in the form of trees, shrubs, fencing and/or berms;
- (f) Storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
- (g) The conveyance of any easements for the construction, maintenances and improvements of any drainage works and other public utilities;
- (h) Adequate drainage and management of surface storm water and waste water from the lands, buildings or structures; and,
- (i) The location of all buildings and structures to be erected and the location of all facilities and works to be provided in conjunction with the buildings and structures.

5.11 PROPERTY MAINTENANCE AND OCCUPANCY STANDARD BY-LAW

5.11.1 The Township is committed to the maintenance and development of a safe, healthy and attractive environment.

5.11.2 Council may pass and enforce a Property Maintenance and Occupancy Standards By-law, pursuant to the Building Code, within all or a part of the Township.

5.11.3 Such a by-law shall require that all substandard properties be repaired in conformance with such a by-law or be cleared of all buildings, debris, structures, or refuse, and left in a graded and levelled condition.

5.11.4 Complementary with the enforcement of minimum standards on private lands, Council shall undertake to keep in a fit and well-maintained condition, all municipally owned properties and structures, and to keep in good repair such municipal services as roads, sidewalks, parks, etc.

5.12 CONDOMINIUM TENURE

5.12.1 Lands processed and owned under the Condominium Act shall be considered to be the same as lands processed and held under the Planning Act, and condominium development shall be considered process and tenure and not land use. Condominium approvals may involve consideration of private road allowance that is under the jurisdiction of the resulting condominium corporation. Should such arrangements be agreed to by Council, Council will expect that any private condominium roads will be constructed to a standard that will allow ease of access by emergency vehicles.

5.13 NON-CONFORMING USES

- 5.13.1 Where a legally existing use of land does not comply with the land use designations and policies of this Plan, it will be permitted to continue provided that:
- (a) There is no change of use or performance standard that may aggravate or cause conflicts with adjacent complying uses;
 - (b) The use of land will not constitute a danger or nuisance to surrounding uses and persons by virtue of a hazardous nature, poor property conditions, traffic generation or similar characteristics;
 - (c) There is no pollution of air or water to the extent of interfering with the ordinary enjoyment of the property and surrounding uses; and,
 - (d) The use does not interfere with the desirable development of the surrounding area that is in conformity with this Plan.
- 5.13.2 Where the existing use is stopped and remains discontinuous for more than one (1) year, new use shall be permitted only in accordance with the policies of this Plan.
- 5.13.3 It is the intention that non-conforming uses will cease to exist in the long term.
- 5.13.4 Extensions or enlargements of the land, building, or structure of a legal non-conforming use may be permitted provided that:
- (a) The proposed extension or enlargement will not unduly increase any existing nuisance as a result of the use, particularly as it may affect adjacent residential uses; and,
 - (b) The extension or enlargement will not created any new nuisance in addition to those in existence as a result of the current use.
- 5.13.5 The repair or replacement of a legal non-conforming use may be permitted provided that:
- (a) The repair or replacement will not unduly increase any existing nuisance as a result of the use, particularly as it may affect adjacent residential uses; and,
 - (b) The extension or enlargement will not created any new nuisance in addition to those in existence as a result of the current use.
- 5.13.6 Change of a legal non-conforming use to one that is more in compliance with the intent and policies of the official plan may also be considered for a legal non-conforming situation.

5.14 PUBLIC PARTICIPATION

- 5.14.1 The Township intends that the public be involved in the formulation and implementation of planning policies. To this end, the Township shall notify and seek the views and participation of the public prior to making decisions regarding planning amendment applications.

- 5.14.2 The Township may forego public notification and public meetings in connection with a technical official plan amendment if such amendment will not affect the intent of the Official Plan or amendments thereto, and may include the following matters:
- (a) Altering the number and arrangement of any provision;
 - (b) Correcting punctuation or altering language to obtain a uniform mode of expression;
 - (c) Correcting clerical, grammatical, dimensions or typographic error;
 - (d) Effecting changes in format; and,
 - (e) Consolidating previous amendments into the parent document.
- 5.14.3 The Township shall ensure that at least one (1) open house is held for the purpose of giving the public an opportunity to review and ask questions if the plan is being revised under Section 26 of the Planning Act.

5.15 INTERPRETATION AND IMPLEMENTATION

- 5.15.1 Council, with the assistance of municipal staff and/or such other resources are determined by Council shall be responsible for the interpretation of the official plan and related schedules.
- 5.15.2 It is intended that this document will be read with the understanding that the text and the schedules represent concepts and relationships rather than absolute and rigid conditions, delineations, or situations. Accordingly, so long as the overall intent remains:
- (a) Land use designations shall represent dominant land uses and intended future uses of land, and shall not preclude the existence of small pockets or isolated instances of other land uses;
 - (b) Boundaries that do not coincide with major physical features such as roads, waterbodies, or railway lines are not measurable;
 - (c) Numbers shall not be absolute, and may be varied so long as the concept that they represent is maintained; and,
 - (d) Statements of program, objectives or services shall not be construed as a commitment by the Township to act, construct, or otherwise provide within any certain time limit.

5.16 HARDSHIP

- 5.16.1 Council may have regard for situations that are not entirely consistent with the long term policies, objectives, or concepts that are articulated of this plan, and, where unique, extreme, and/or unnecessary hardship may arise due to or involving:
- (a) Issues of title;
 - (b) A longstanding building that no longer serves its original purpose, but continues to have practical value, and cannot be renovated or otherwise converted to a new use consistent with the official plan.

5.17 REGULAR REVIEW

The Planning Act requires that Council carry out a public meeting at five year intervals for the purpose of reviewing the official plan. It is Council's intent to ensure that this timetable is adhered to and that this document is evaluated and updated as required in order that it remain relevant and current. Additional amendments may also be processed on a need basis or upon application within the five year review window.