



Official Plan Municipality of Dysart et al

**Adopted by Council, September 8, 2003
Approved with modifications by
the Minister of Municipal Affairs and Housing, March 11, 2004**

Office Consolidation
OPA 1 through 8 inclusive
Text & Schedules: March, 2015

Amendments to Dysart et al Official Plan			
OPA #	Approval Date	Legal Description	New Designation
1	November 30, 2006	Part Lot 17, Concession 8, Part Lot 1, Block H, Plan 1, Geographic Township of Dysart	<i>Commercial Areas</i>
2	September 24, 2008	Part Lot 11. Concession 8, Geographic Township of Dysart	Residential Areas
3	May 23, 2007	Part Lot 3, Concession 6, Geographic Township of Dysart	<i>Suburban Residential Areas</i>
4	January 23, 2008	Part Lot 2, Concession 5, and Part of the Original Shore Road Allowance in Front of Lot 2, Concession 5 Geographic Township of Dysart	<i>Waterfront Areas</i>
5	May 28, 2008	Part Lots 14 and 15, Concessions 11 and 12 Geographic Township of Guilford	<i>Industrial Areas</i>
6	Withdrawn		
7	March 24, 2010	Part Lot 10, Concessions 8 and 9 Geographic Township of Dysart	<i>Mixed Use Areas</i>
8	November 24, 2010	Section 26 of the Planning Act 5 Year Review	
9			
10	Refused	Part Lots 27, 28 and 29, Concession 8, Part of Lot 27 and all of Lots 28 through 33, in Concession 9 and 10, all of Lots 27 to 33 in Concession 11 and Part of Lots 32 and 33 in Concession 12 Geographic Township of Harcourt	<i>Special Areas</i>
11	June 25, 2014	Part Lot 18, 19 and 20, Concessions 3 and 4, Geographic Township of Harburn	<i>Special Areas</i>
12	June 25, 2014	Part Lots 6 and 7, Concession 8. Geographic Township of Dudley	<i>Special Areas: Lake Specific Policies</i>
13	February 19, 2015	Part Lot 17, Concession 8, Lot 4 and Part Lots 9 and 10, Block Q, Plan 1 Geographic Township of Dysart	<i>Special Areas</i>

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Schedule "A"

Schedule "B"

Section 1 **INTRODUCTION**

1.1 TITLE OF THE PLAN

This Plan may be cited as the "Dysart et al Official Plan", and is hereafter referred to as "this Plan" or "the Plan".

1.2 CONTENTS OF THE PLAN

Sections 1 through 22 of the text, together with Schedule "A", Maps 1 through 8, and Schedule "B", Maps 1 and 2, constitute this Plan.

1.3 SCOPE OF THE PLAN

1.3.1 PLAN AREA

This Plan covers the entire Municipality of Dysart et al, hereafter referred to as "the Municipality", which is made up of the geographic townships of Dysart, Dudley, Harcourt, Guilford, Harburn, Bruton, Havelock, Eyre, and Clyde.

1.3.2 EFFECT ON THE PUBLIC SECTOR

Upon approval of this Plan, the *Planning Act* requires any public work undertaken in the Municipality and any by-laws passed by the Council of the Municipality, hereafter referred to as "Council", to conform to this Plan with certain exceptions.

1.3.3 EFFECT ON THE PRIVATE SECTOR

Although this Official Plan is a legal document, it cannot control or regulate the use of land by the private sector until it is implemented by zoning by-laws passed pursuant to the *Planning Act*, and by other by-laws passed pursuant to the *Planning Act* and other Provincial statutes.

Those authorities which under the *Planning Act* are the approval authorities for development approvals in the Municipality will take into account the policies of this Plan to the extent required by the *Planning Act*, in considering development applications. References in this Plan to consideration by Council include consideration by other approval authorities where appropriate.

1.4 ROLE AND PURPOSE OF THE PLAN (OPA 8)

The Provincial Policy Statement, issued under the Planning Act on March 1, 2005, provides policy direction on matters of provincial interest related to land use planning and development. The Planning Act requires all official plans to be consistent with the Provincial Policy Statement.

The County of Haliburton Official Plan, first approved by the Minister of Municipal Affairs and Housing on March 14th, 2006, establishes a broad planning policy framework for the County, and is intended to guide the official plans and development approvals of the local municipalities. The County of Haliburton Official Plan was reviewed and updated in 2010 to reflect new Provincial legislation and the 2005 Provincial Policy Statement.

The Dysart et al Official Plan was first approved by the Minister of Municipal Affairs and Housing on March 11th, 2004. Following the review of the County of Haliburton Official Plan, the Dysart et al Official Plan was reviewed and updated in accordance with the provisions of the Planning Act.

When preparing and adopting the Dysart et al Official Plan and amendments to this Plan, the Municipality of Dysart et al has ensured that the policies are consistent with the 2005 Provincial Policy Statement and that they conform to the policies of the County of Haliburton Official Plan.

The general purpose of the Municipality of Dysart et al Official Plan is to provide a detailed and comprehensive document, that complements and conforms with the County Plan, to guide and direct the use of land in the Municipality. This Plan was prepared to assist decision making by both the public and private sectors. Public administrators may use the Plan to identify public undertakings which will be required and to assign appropriate budget, timing, and locational priorities. Private interests, by being informed of the long-term objectives of the Municipality, may make decisions on their operations in the context of consistent and predictable public policies.

1.5 ORGANIZATION OF THE PLAN

Schedule "A" divides the Municipality into land use designations, as described in Section 6.1.

Sections 7 through 19 describe the policies governing the use of lands and waters in each land use designation. The use of lands and waters in any designation may be subject to further requirements or restrictions arising from:

- the Municipality-wide general policies in Sections 1 through 6,
- the Plan implementation and administration policies in Sections 21 and 22, and
- the designations on Schedule "B" including the municipal resource register described in Section 5.5.

Section 20 prescribes exceptions to the policies of this Plan that apply in individual Special Areas. The Special Areas are also shown on Schedule "A".

Also shown on Schedule "A" are:

- the boundary of the Haliburton Village Urban Policy Area, within which various policies apply that are appropriate to the Municipality's major population centre, as identified in this Plan;
- the boundary of the Haliburton Village Service Area, within which full municipal sewage services are provided or are intended to be provided within the medium term as described in Section 3.3, and within which various appropriate policies apply as identified in this Plan.

Except where this Plan specifically indicates otherwise, in case of any conflict, the policies of Sections 1 through 6 and Sections 21 and 22, and the designations on Schedule "B", take precedence over the rest of the Plan.

1.6 INTERPRETATION OF THE PLAN

1.6.1 QUANTITIES

It is intended that all figures and quantities in this Plan will be considered as approximate and not absolute. An amendment to this Plan will not be required to permit any minor variance from any of these figures or quantities.

1.6.2 METRIC UNITS

All measurements used in this Plan are metric. Approximate imperial equivalents are provided for information only.

1.6.3 MAPS

For convenience, Schedules "A" and "B" are printed at smaller scales in the reproduced copies of this Plan. Larger-scale maps are maintained by the Municipality and may be consulted at the Municipal office.

Many features are shown as points only on Schedule "B", either because of scale limitations, or because information was incomplete when this Plan was adopted. Features shown as points on Schedule "B" may not be at their correct locations, or may represent larger areas not yet adequately mapped. Council intends to refine this information as part of its five-year review of this Plan as described in Section 22.3.2.

1.6.4 AGENCY NAMES AND RESPONSIBILITIES

From time to time the names of various government agencies may change. In addition, responsibilities may shift from agency to agency. The names of agencies in this Plan are as of the date of adoption of this Plan. It is not intended to amend this Plan each time a name change or a function shift occurs. Rather, this Plan will be interpreted so as to refer to those agencies named, or to their successors, as conditions dictate.

1.6.5 LEGISLATION AND POLICIES

Provincial legislation, regulations, policies, and guidelines are amended, renumbered, renamed, or replaced from time to time. It is not intended to amend this Plan each time an Act or other Provincial instrument referred to in this Plan is amended, renumbered, renamed, or replaced. Rather, references to Acts and other Provincial instruments will be to those documents as amended from time to time, or to their successors, as conditions dictate.

1.7 DEFINITIONS (OPA 8)

Terms that are defined in the *Provincial Policy Statement* but not in Section 1.7 are to be interpreted in accordance with their *Provincial Policy Statement* definitions.

The following terms are defined as follows wherever they occur in this Plan.

Backlot: a lot whose front lot line is partly or entirely within shorelands, such that there is a separately conveyable lot or lots between the front lot line and either the high water mark or a shoreline road allowance if one exists.

Cluster development: a form of residential development that consists of two or more lots, or two or more units as defined in the *Condominium Act*, accommodates single-unit dwellings served by individual on-site water supply and sewage disposal systems, and is located on a lake shoreline, with the shoreline dedicated to communal use and protection and with the lots or

units for individual use grouped away from the shoreline and occupying a minimum portion of the total area.

Development: the definition of development is consistent with the definition in the *Provincial Policy Statement*.

Development approval: approval of any of the following under the *Planning Act*, or *Condominium Act*, as the case may be, subsequent to this Plan and as appropriate to or required by the situation: an official plan amendment, a zoning by-law, a minor variance, a plan of subdivision, a plan of condominium, a consent, or a site plan and agreement.

Direct access: access directly to the boundary of each lot.

High water mark: the normal high water mark of a lake or river, or where the water level is regulated by control structures, the normal regulated high water mark. The high water mark may be more precisely defined in a plan of survey. In this Plan, the high water mark is also referred to as the "shoreline".

Home business: a home occupation, home profession, or bed and breakfast establishment as defined in the implementing zoning by-law.

Home industry: a home industry as defined in the implementing zoning by-law.

Lifestyle residential development: a form of residential development that consists of two or more lots, or two or more units as defined in the *Condominium Act, 1998*, is provided with full municipal sewage services, is a self-contained community providing alternative residential opportunities and including recreational and possibly commercial facilities primarily for the use of its residents, and is usually marketed to a retirement or other specific age group.

Lot: an area of land that is capable of being legally conveyed. A lot includes a block on a registered plan of subdivision.

Medium density residential development: a form of residential development that consists of three or more dwelling units in a single building, and is provided with full municipal sewage services.

River: a river, a permanent stream, or any other permanent watercourse.

Shorelands: consist of:

- all lands within 300 metres (984 feet) of the high water mark of a lake, or the high water mark of a river that is downstream of a lake,
- the entire areas of all islands,
- all lakes and rivers below the high water mark,

outside Algonquin Provincial Park. The shorelands of a river are considered part of the shorelands of the next lake downstream. For the purposes of this definition, water bodies less than 10 hectares (25 acres) in area are not considered lakes.

Shoreline: means the high water mark of a lake or river.

Section 2

BASIS AND OBJECTIVES

2.1 **BASIS OF THE PLAN**

2.1.1 INTRODUCTION (OPA 8)

The first Official Plan for the Municipality was adopted and approved in 1973. It was replaced by a second Plan in 1975. Though amended and reviewed from time to time, the 1975 Plan served the Municipality well for many years.

This Plan provides an updated land use planning policy framework, which builds on the foundation of the 1975 Plan. The policy framework is based upon direction from the *Provincial Policy Statement*, and the County of Haliburton Official Plan. It is also based upon the various background studies that have been prepared to support this Plan, as well as, specific initiatives undertaken by the Municipality, including the Community Visioning Exercise (2007) and the Streetscape Project (2009).

Further, the Municipality recognizes the value of projects undertaken by community groups and where appropriate, incorporates policy to support these initiatives. The Built Form Guidelines (Haliburton Business Improvement Association, 2005), Haliburton County Cycling Master Plan (Haliburton Highlands Cycling Coalition, 2008) and An Active Transportation Plan for the Village of Haliburton (The Communities in Action Committee, 2009) provide additional background and context for the policies of this Plan.

From these policies, studies and initiatives, as well as, the experience of Council in applying land use planning policies, the following factors have been identified as having the most significant influence on the future development of the Municipality.

2.1.2 IMPORTANCE OF THE NATURAL ENVIRONMENT

The natural environment is the most important natural resource in the Municipality, both ecologically and economically. The area's many lakes and forests make the Municipality extremely attractive for numerous recreational activities. Recreation and tourism are and will continue to be the Municipality's most significant industry.

2.1.3 IMPORTANCE OF CULTURAL HERITAGE RESOURCES (OPA 8)

The Municipality recognizes the value of its cultural heritage resources. Cultural heritage resources shape the character of the planning area and contribute to the quality of life within the Municipality.

2.1.4 TRENDS IN RECREATIONAL DEVELOPMENT (OPA 8)

Recent census data estimates that seasonal dwellings (or "secondary dwellings") in the Municipality, account for about two-thirds of all dwellings (Statistics Canada, 2001 and 2006 Census). Access and services to the area continue to improve and investment in the recreational housing stock continues to increase. These trends point to continuing demand for recreational residential development, as well as, use of recreational dwellings and tourism facilities on a four-season basis.

2.1.5 TRENDS IN PERMANENT POPULATION (OPA 8)

Statistics Canada records a gradual but steady expansion of the Municipality's permanent population. During the fifteen year period from 1991 to 2006, the permanent population grew from 4,856 to 5,525, at an average rate of 1% per year (Statistics Canada, 2001, 2006 Census).

Two key trends in the permanent population of the Municipality are evident: a net immigration in the seniors age group and a net migration of young adults.

The population aged 65 years and over, is 23% of the total population. This is almost double the national rate of 13.7% and the provincial rate of 13.5% for the same age group (Statistics Canada, 2006 Census). The Municipality's large seniors population is partially due to seasonal residents who choose to retire to the area and then stay as they age. This trend to an aging population will continue, particularly as the "baby-boom generation" reaches retirement age.

The Municipality has historically suffered from an outward migration of young adults to find jobs. Recent initiatives to provide broadband and other telecommunications services will support and encourage employment opportunities for this age group.

Most of the permanent population is located in Haliburton Village and the Municipality's hamlets, but a significant number live along roads in the rural areas and lake shorelines. Haliburton Village is the main service centre for the Municipality and is the focus of commercial, industrial and institutional uses.

2.1.6 CHARACTER OF THE RURAL AREA

The principal land uses in the rural portions of the Municipality will continue to be recreational, resource industrial, and where appropriate, permanent residential. The vast majority of the rural area is lake or forest and very little of it is suitable for agriculture. Forestry continues to be an important economic activity and source of employment in the Municipality.

A distinctive feature of the Municipality's rural area is that all of the lands available for general recreational and resource use are privately owned. This is because the Crown sold the entire area of the Municipality, lake beds and road allowances excepted, to a land settlement company in the 1860s. With a few minor exceptions, the only Crown lands in the Municipality today are the lands in Algonquin Provincial Park, which the Crown subsequently reacquired, and the lake beds.

2.2 OBJECTIVES OF THE PLAN

The following objectives are the policy statements upon which the general development policies, the land use policies, and the land use designations for the Municipality are based.

2.2.1 PROTECTION AND ENHANCEMENT OF THE ENVIRONMENT (OPA 8)

The primary objective of this Plan is to enhance and preserve those environmental qualities which contribute to the attraction of the Municipality. All development proposals will be assessed for compliance with this objective.

In particular, it is the objective of this Plan that development:

- promote a healthy and sustainable natural environment;
- protect the natural characteristics and visual aesthetics of shorelines and, wherever

- possible, improve and restore the natural state of shorelines and shorelands;
- preserve the natural state of the shoreline as much as possible, and where the shoreline has been impaired by past activities, restore the shoreline's natural features including but not limited to native vegetation;
- protect significant natural heritage features;
- conserve significant cultural heritage resources and landscapes; and
- proceed only where any affected lakes have capacity for additional development.

All new development and the redevelopment of existing properties will be considered within the context of sound environmental planning.

2.2.2 CONSERVATION OF CULTURAL HERITAGE RESOURCES (OPA 8)

The character and quality of life of the Municipality is enriched by its history and past traditions. This Plan will promote this history by ensuring the identification, protection and conservation of the Municipality's cultural heritage resources. Specifically this Plan will:

- encourage the development of a comprehensive inventory of the Municipality's cultural heritage resources;
- use cultural heritage resources to attract additional economic development, increase tourism opportunities and enhance the character of the Municipality, and in particular, the village of Haliburton;
- ensure that the nature and location of cultural heritage resources, including archeological resources, are documented and considered before land use decisions are made;
- ensure that historic portages are identified and protected;
- encourage the development and redevelopment of properties in the central business district of Haliburton village to comply with the principles of the Built Form Guidelines; and
- encourage development that is adjacent to cultural heritage resources to be appropriate in scale and character.

2.2.3 PROMOTION OF RECREATIONAL DEVELOPMENT

Much of the Municipality's economy is directly or indirectly dependent upon natural resource-based recreational development. This Plan intends to encourage further residential and commercial recreational development, including new types of recreational development, wherever there is a suitable natural resource base, provided that development is compatible with a healthy and sustainable natural environment.

2.2.4 PROMOTION OF RECREATION OPPORTUNITIES (OPA 8)

The Municipality will promote the health of its residents by providing and supporting a variety of public recreation opportunities and uses. The Municipality will promote recreational opportunities by:

- continuing to acquire lands for public recreation where it is economical to do so, on its own or in partnership with others;
- encouraging the provision of public use opportunities, including recreation trails, by appropriate private land owners;
- supporting recreation trail associations, recreation clubs, and other community groups with their recreation programmes;

- incorporating the principles of active transportation into municipal infrastructure projects, where possible and economical to do so; and
- encouraging new development to incorporate the principles of active transportation, where possible and economical to do so.

2.2.5 PROMOTION OF COMMERCIAL AND INDUSTRIAL DEVELOPMENT

In order to promote economic stability and diversity, increase community incomes, and provide enhanced services to residents and visitors, the Municipality intends to encourage community commercial and industrial development where it is appropriate in location and scale and is compatible with a healthy and sustainable natural environment.

New commercial and industrial development will be encouraged to locate in Haliburton Village or the hamlets, unless the type of development clearly requires another location.

2.2.6 PROMOTION OF THE RESOURCE ECONOMY

The Municipality's natural resources will be conserved wherever possible, for commercial, industrial, and recreational uses that will promote economic stability and diversity. Improved resource productivity, new resource uses, and more value-added manufacturing will be encouraged.

2.2.7 PROMOTION OF LIVEABLE SETTLEMENTS (OPA 8)

The population of the Municipality is and will continue to be a mix of permanent and seasonal residents, living in small urban settlement areas, waterfront areas, and rural areas.

It is an objective of this Plan to promote healthy, liveable and safe communities by:

- accommodating an appropriate range and mix of residential, employment, recreation and open space uses to meet long term needs;
- avoiding land use patterns, which may cause environmental or public health and safety concerns;
- focusing growth within the settlement areas and promoting the vitality of settlement areas;
- ensuring land use patterns within settlement areas are based upon a mix of uses and densities that efficiently use land, are appropriately and efficiently serviced, minimize impacts to the environment, promote energy efficiency, and are based upon the principles of intensification and redevelopment;
- implementing the principles of the Built Form Guidelines, 2005 and the recommendations of the Streetscape Project, 2009 into municipal approvals and infrastructure projects in Haliburton village, where appropriate and economical to do so;
- encouraging private land owners located in the Haliburton village central business district to implement the principles of the Built Form Guidelines, 2005 and the recommendations of the Streetscape Project, 2009 in development and redevelopment projects;
- ensuring that development in waterfront areas and rural areas occurs in an environmentally responsible manner, is compatible with the rural landscape, and can be sustained by rural servicing levels;
- promoting economic development and competitiveness;
- encouraging a range of housing types and densities, appropriate to the designation;
- encouraging opportunities for affordable housing projects in the Haliburton Village Policy Area;

- improving services and housing opportunities for the elderly;
- improving accessibility for persons with disabilities;
- supporting opportunities for group homes, which are licensed or approved pursuant to Provincial legislation; and
- encouraging healthy, active communities by applying principles of good community design, active transportation, as well as, providing parks and recreation opportunities.

2.2.8 CONTROL OF RURAL AREA DEVELOPMENT

Due to the unique character of the rural portions of the Municipality, the location and precise form of development in Rural Areas will be determined by the Municipality through development approvals in accordance with the policies of this Plan.

2.2.9 MINIMIZATION OF SERVICING COSTS

The Municipality will encourage patterns of development which will facilitate the provision of public services at the least cost to the taxpayer. Permanent residential development outside appropriately designated areas will not be encouraged. Those forms of development which would require excessively expensive public services will not be permitted.

2.2.10 PROTECTION OF PUBLIC HEALTH AND SAFETY

The Municipality will direct development away from floodplains and wetlands and restrict development of contaminated or dangerous sites in order to minimize risks to health, safety, and property.

Section 3

PUBLIC SERVICE POLICIES

3.1 GENERAL PRINCIPLES FOR EFFICIENT AND COST-EFFECTIVE DEVELOPMENT

In order to minimize the cost of services provided by all public agencies, development in the Municipality will not be permitted where it would contribute to a demand for public services which are uneconomic to provide, improve, or maintain. Instead, development will be permitted in locations where demands on public services will be minimized, where such development will most effectively help pay for existing services, or where new services can be provided most economically.

When considering applications for development, the Municipality will be satisfied that all of the public services required can be provided at the appropriate level.

3.2 ROADS

3.2.1 RIGHT-OF-WAY WIDTHS

Whenever new development is proposed, the following minimum right-of-way widths should be provided:

- Provincial Highway as determined by the Ministry of Transportation
- County Road 30 metres (98 feet)
- Municipal Road 20 metres (66 feet)
- Private road 20 metres (66 feet)

In certain circumstances, such as where an existing right-of-way is less than the width specified above, or where existing development would constrain the right-of-way, Council may permit a lesser width.

3.2.2 PUBLIC ROAD FUNCTION AND DEVELOPMENT CONTROLS

3.2.2.1 Provincial Highways

Development along Provincial Highways will meet the safety, design, and signage requirements of the Ministry of Transportation and will only be approved after consultation with the Ministry. Whenever possible, direct access to development on or near Provincial Highways will be provided from Municipal Roads or private roads. There should be as few as possible points of direct access from Provincial Highways to adjacent development. All direct access will require an access permit from the Ministry of Transportation.

3.2.2.2 County Roads (OPA 8)

Development along County Roads will meet the safety, design and signage requirements of the County of Haliburton and will only be approved after consultation with the County. Whenever possible, direct access to development on or near County Roads will be provided from Municipal Roads or private roads. There should be as few as possible points of direct access from County Roads to adjacent development.

3.2.2.3 Municipal Roads (OPA 8)

Except as permitted by Sections 4.7.3, 4.7.4 and 4.7.5 direct access to most development in the Municipality will be provided from Municipal Roads.

The Municipality will encourage the development and integration of a road network that ensures safe, convenient and efficient movement of people and goods, having regard for the natural and physical features of the Municipality.

The Municipality recognizes that the road network serves pedestrian and non-motorized vehicles in addition to vehicular traffic. Planning for public infrastructure road projects will consider the needs of pedestrians, non-motorized uses, as well as, motorized uses. Development approvals will encourage good principles of active transportation in the project design.

Development along Municipal Roads will meet the safety, design and signage requirements of the Municipality of Dysart et al. Where the design criteria, or the capacity of a municipal road to accommodate a proposed development is in question, the Municipality may request a traffic safety and design study when considering a development approval.

3.2.3 LAND ACQUISITION FOR PUBLIC ROAD PURPOSES

Where land is required for road widenings, extensions, rights-of-way, or intersection improvements, it will be obtained for the appropriate agency from the applicant as a condition of development approval.

3.2.4 ASSUMPTION OF PRIVATE ROADS

3.2.4.1 General Policy

The Municipality will discourage the assumption of private roads for public road purposes. However, if Council deems it advisable to assume as a Municipal Road any private road or part of the road, the following conditions will apply to the assumption.

3.2.4.2 Conduct Survey

The Municipality will have the subject lands surveyed by an Ontario land surveyor at the expense of the applicant. The surveyor will prepare a plan, suitable for registration, showing the lands to be acquired for public road purposes, and if there is an existing road, will certify that it is within those lands, consistent with the policies of Section 3.2.1. Council may require the applicant to provide a report from a professional engineer confirming that a public road, built to the Municipality's standards, can be provided on the lands to be acquired.

3.2.4.3 Obtain Title

The Municipality will be granted clear title to those lands required for public road purposes as shown on the survey plan. If any affected landowner refuses to grant clear title, the Municipality may refuse to assume the private road.

3.2.4.4 Cost of Improvements

If any reconstruction or other improvements to an existing private road are required to bring the road up to the Municipality's standards, the applicant will carry out the reconstruction or improvements before assumption by the Municipality.

3.2.5 OPENING OF ROAD ALLOWANCES

If the Municipality deems it advisable to open and improve any portion of a road allowance to permit its use by public vehicular traffic, the following conditions will apply.

3.2.5.1 Payments for Improvements (OPA 8)

The Municipality will obtain appropriate agreements from owners of lands abutting that portion of the road allowance to be improved, whereby the affected landowners agree to carry out, at their sole expense, all improvements on the road allowance required to provide a road that meets the Municipality's standards. Such agreements may also require the affected landowners to post security, satisfactory to the Municipality, to ensure the proper and timely completion of the work.

3.2.5.2 Enact By-law

Once all necessary improvements have been accepted by the Municipality, Council will enact the necessary by-law to open the newly improved portion of the road allowance for public vehicular traffic.

3.2.6 USE OF UNOPENED ROAD ALLOWANCES (OPA 8)

Unopened road allowances will generally be retained by the Municipality, with the exceptions noted in Section 3.2.7.

The Municipality may, at its sole discretion, and subject to whatever conditions are deemed appropriate, open and improve any portion of a road allowance to permit its use by the public for road purposes, recreation trail purposes, access to waterbodies, or such other uses as deemed appropriate.

The Municipality may at its sole discretion, and subject to whatever conditions are deemed appropriate, permit use of an unopened road allowance for privately maintained roads, driveways, recreation trails, access to waterbodies, or such other uses as deemed appropriate.

Where Council permits use of an unopened road allowance, Municipal Operational Policy No. 32 will apply.

Tree cutting within an unopened road allowance is not permitted except for a road or trail right-of-way as otherwise permitted in accordance with Section 3.2.6, or for timber harvesting, as approved by Council.

3.2.7 CLOSING AND CONVEYANCE OF ROAD ALLOWANCES (OPA 8)

Council may, at its sole discretion, consider closing and conveying a road allowance if one or more of the following circumstances applies:

- a shore road allowance that abuts and is directly in front of a shoreline lot, where there are no other matters of public interest identified;
- an original road allowance or a road allowance dedicated on a plan of subdivision, only where deemed appropriate by the Municipality to specifically resolve an encroachment of a building or structure from an abutting lot and where suitable, alternative public access is provided or available;
- an original road allowance or a road allowance dedicated on a plan of subdivision to address a topographic constraint which hinders the proper development of an

- abutting lot, only where deemed appropriate by the Municipality and where suitable, alternative public access is provided or available;
- an original road allowance that bisects a proposed plan of subdivision, only where deemed appropriate by the Municipality and where suitable, alternative public access is provided or available; or
- where the Municipality has negotiated an exchange of land with a property owner to provide more suitable public road or water access.

If Council has passed a by-law to close any portion of a road allowance, the Municipality may retain title to the lands or may convey some or all of the lands. Any portion of a road allowance, located below the high water mark of a waterbody will be retained in public ownership.

Where the Municipality is requested to convey any portion of a closed road allowance, Council may as a condition of such conveyance require one or more of following:

- require the exchange of other property to provide appropriate land or water access;
- limit the conveyance to a suitable envelope, as determined at the sole discretion of Council, around an encroachment from an abutting property;
- notify all abutting landowners, including the Ministry of Natural Resources, of the conveyance;
- require the removal of inappropriately located accessory buildings. For clarity, any building or structure that was clearly constructed prior to July 11th, 1977 and has been assessed for tax purposes, will be permitted, subject to compliance with Section 3.19 of Zoning By-law 2005-120, as amended from time to time; or
- require the prospective owner of such lands to assume responsibility for surveying the lands and paying all costs associated with preparing any documents necessary to effect the land transfer.

The Municipality will normally not close and convey road allowances if any of the following apply.

- The road allowance provides suitable access to a lake or river, unless the applicant can demonstrate to Council's satisfaction that there is already adequate public access to the water body.
- Closing the road allowance would restrict demonstrated existing public access and use along the road allowance, and this access and use cannot be readily relocated to another road allowance.
- A recreational trail club uses the road allowance, and the trail cannot be readily relocated.
- Protection of the road allowance for possible future recreation or public service purposes is of significant interest to the Municipality.

3.3 WATER SUPPLY AND SEWAGE DISPOSAL

3.3.1 MUNICIPAL SERVICING STRATEGY (OPA 8)

The boundary of the Haliburton Village Service Area is shown on Schedule "A", Maps 1 and 2. All lands within this boundary:

- are currently provided with full municipal sewage services, or
- will be provided with full municipal sewage services within the medium term.

The lands within the Haliburton Village Service Area are currently served by individual on-site

water services. This combination of municipal sewage services and private wells has worked effectively to provide safe drinking water and protect lake water quality. However, it is the long-term objective of the Municipality to construct a full municipal water system to service the existing and anticipated development in the Haliburton Village Service Area.

The Municipality does not intend to develop any municipal sewage or water services or approve development on private communal water services outside the Haliburton Village Service Area. Development on private communal sewage services will not be permitted anywhere in the planning area. The nature and scale of development will be consistent with this servicing strategy.

Where individual on-site sewage disposal services are required, the Municipality will encourage the use of innovative approved technologies that will reduce effluent impacts.

3.3.2 HALIBURTON VILLAGE SERVICE AREA (OPA 8)

Development in the Haliburton Village Service Area will proceed on the basis of municipal sewer services. Development on municipal sewer services will only be permitted where there is sufficient reserve capacity in the sanitary sewage system and sewage treatment plant to service the development.

On lands that are within the Haliburton Village Service Area but are not currently provided with municipal sewage services, Council may approve development on individual on-site sewage services, only if:

- the lot has or will have sufficient and suitable area to accommodate individual on-site water services and individual on-site sewage services;
- all requirements of the applicable approval authority for the design, location, and use of individual on-site water services and individual on-site sewage services, on the basis of year-round use, are met; and
- the development approval requires that when municipal sewage services are provided, the owner will connect to the municipal services and decommission the individual on-site sewage service.

Where a zoning by-law amendment would permit uses that require a significant allocation of sewer capacity, a holding by-law will be used to defer final allocation of sewer capacity until all approvals have been secured and construction is to proceed. Removal of the holding provision will, among other matters specific to the development, require confirmation of servicing capacity.

Where development is approved with individual on-site water services the Municipality will require proof of potable water and may require a hydrogeology study to demonstrate that there is sufficient quality and quantity of water to service the proposed development, without impact to or from adjacent uses.

Where new residential development of more than five units or lots is proposed in the Haliburton Village Service Area, the Municipality will require the development to be serviced with a private communal water service.

Where residential development is approved with private communal water services, the following will be required:

- a hydrogeology study to demonstrate that there is sufficient quality and quantity of water to service the proposed development, without impact to or from adjacent uses;

- an engineering report which makes recommendations for the water treatment system;
- a responsibility agreement with the Municipality to ensure the proper long-term operation of the private communal water service; and
- compliance with all requirements of the *Safe Drinking Water Act*.

3.3.3 HAMLET AREAS (OPA 8)

The Hamlet Areas are currently served by individual on-site water services and individual on-site sewage services. These communities are not of a size to justify the economic provision of municipal sewage and water services.

Where development is approved with individual on-site water services and individual on-site sewage services the following will be required:

- the lot has or will have sufficient and suitable area to accommodate individual on-site water services and individual on-site sewage services;
- there is proof of potable water, which may require the completion of a hydrogeology study to demonstrate that there is sufficient quality and quantity of water to service the proposed development, without impact to or from adjacent uses; and
- the development will meet all requirements of the applicable approval authority for the design, location, and use of individual on-site water services and individual on-site sewage services, on the basis of year-round use.

3.3.4 OTHER AREAS (OPA 8)

Outside the Haliburton Village Service Area and the Hamlet Areas, development will take place on individual on-site water services and individual on-site sewage services.

Where development is approved with individual on-site water services and individual on-site sewage services the following will be required:

- the lot has or will have sufficient and suitable area to accommodate individual on-site water services and individual on-site sewage services;
- there is proof of potable water, which may require the completion of a hydrogeology study to demonstrate that there is sufficient quality and quantity of water to service the proposed development, without impact to or from adjacent uses; and
- the development will meet all requirements of the applicable approval authority for the design, location, and use of individual on-site water services and individual on-site sewage services, on the basis of year-round use.

3.4 UTILITIES AND PUBLIC SAFETY

3.4.1 UTILITY CORRIDORS

Utility corridors (major power transmission and pipeline corridors) are not shown on Schedule "A". However, the Municipality will ensure that the residents of the Municipality are aware of any new proposals for such uses. Any development which is proposed in the vicinity of such facilities will be designed so as to reduce any potential conflicts between the proposed use and the existing facilities.

3.4.2 LANDS FOR EASEMENTS AND EMERGENCY ACCESS

Where land is required for utility easements or emergency access, it will be obtained for the appropriate agency as a condition of development approval.

3.4.3 LANDS FOR PUBLIC BUILDINGS

If land is required for public buildings, such as schools, fire halls, or police stations, the applicant may be requested to set aside appropriate sites for purchase by the appropriate agency. Arrangements for the acquisition of these sites will be a condition of development approval.

3.5 PARKLANDS

3.5.1 LAND CONVEYANCES (OPA 8)

Council will require as a condition of approval of a plan of subdivision, a plan of condominium, a consent, or a site plan and agreement that the applicant convey 5% of the subject lands for park purposes, unless the application is for commercial or industrial development in which case the applicant will be required to convey 2% of the subject lands.

All lands proposed to be conveyed for park purposes are subject to approval by the Municipality. Parklands need to be of a size and shape that will accommodate the type of recreational use and development appropriate to the site, and they need to be readily accessible to their potential users. Lands having environmental problems or that are physically unsuitable for development may not be acceptable as parklands. Outside the Haliburton Village Urban Policy Area, shorelands, special natural or cultural features, or lands that facilitate recreational trail connections will usually be preferred.

3.5.2 ALTERNATIVE CONVEYANCES (OPA 8)

Where the size, shape, location, or condition of the subject lands is unsuitable for parkland acquisition, Council may require the owner to convey cash in lieu of parklands. The determination of the payment and the use of the funds collected will be in accordance with the *Planning Act*.

Where the size, shape, location or condition of the subject lands is unsuitable for parkland acquisition, Council may provide for a reduction in the cash-in-lieu payment requirement in exchange for sustainability features including:

- green or cooling roofs;
- external building shade structures;
- high reflective surfaces for non-roof areas;
- landscaping features that address energy conservation and efficiency, such as large shade trees;
- renewable energy technology, such as solar panels or geothermal heating;
- water treatment, conservation and reuse systems; and
- permeable paving materials.

3.5.3 PARKLAND ACQUISITION

Due to the abundance of recreational facilities to serve the permanent population, urban-type park and open space standards are not applicable to the Municipality. However, the Municipality will consider feasible opportunities for acquiring parkland for public use, on its own

or in partnership with other agencies, community associations, lake associations, and trail clubs. The following types of parkland will be given priority.

- *Beaches and other shoreland sites.*
- *Special natural, cultural, or scenic features.*
- *Lands that would facilitate recreational trail connections.*
- *Lands that would meet demonstrated community recreation needs in Haliburton Village and the Hamlet Areas.*

3.6 ROAD-DEPENDENT SERVICES (OPA 8)

The Municipality and other public agencies provide a variety of road-dependent services to varying levels in the Municipality. These are as follows.

- Public roads: All Provincial Highways, all County Roads, and all Municipal Roads which have been assumed for maintenance into the municipal road system, are maintained through the snow-free season.
- Public roads fully maintained year-round by a public road authority: All Provincial Highways and all County Roads are fully maintained year-round. Most but not all Municipal Roads are fully maintained year-round by the Municipality, at the sole determination of Council.
- School bus service: Service is provided on some public roads fully maintained year-round by a public road authority, at the sole determination of the Trillium Lakelands District School Board. Service may include either household or centralized pickups.
- Emergency services (fire, police, and ambulance): Service is provided on all public roads fully maintained year-round by a public road authority. Service is also provided on other Municipal Roads and on private roads to the extent that, in the sole judgement of the service provider, road conditions permit.
- Solid waste collection: No service is provided. Any future provision of service will be at the sole determination of Council.

By any implementing zoning by-law, Council may place in a separate limited services zone any lands that do not have direct access from a public road that is fully maintained year-round by a public road authority. However, if Council does not place any such lands in a limited services zone, in no way will that be construed as a commitment or obligation by the Municipality to provide any road-dependent service beyond those required by the policies of this Plan. Despite anything else in this Plan, Council will not issue a Certificate of Occupancy in accordance with Section 4.14 within a separate limited services zone.

As a condition of development approval, Council may require the applicant to enter into an agreement with the Municipality that defines the specific road-dependent services that will or will not be provided to the subject lands consistent with this Plan, and sets out the conditions under which services will be provided.

Section 4

GENERAL DEVELOPMENT POLICIES

4.1 SETTLEMENT PATTERN (OPA 8)

The Municipality will manage and direct land use to promote the unique character of the planning area, protect significant and sensitive resources, protect the health and safety of residents and achieve efficient development and land use patterns. The Municipality is comprised of a mix of settlement areas, waterfront areas and rural areas.

The settlement areas that are designated in the Plan are:

- Haliburton village including the urban policy area and the suburban policy area; and
- the hamlets of Eagle Lake, Harcourt and West Guilford.

Haliburton village is the primary service centre for the Municipality and as such, the most intensely developed type of settlement area in the Municipality. Development of an urban scale and form will be directed to this settlement area. Land use patterns will strengthen the function of the central business district, while encouraging a compact form. Opportunities for intensification and redevelopment will be encouraged and promoted through:

- the creation of new units, uses or lots on previously developed land;
- the development of vacant and/or underutilized lots within previously developed areas;
- infill development;
- the expansion or conversion of existing buildings; and
- the improvement or enhancement of facilities for active transportation.

Specific development policies for Haliburton village are found in Sections 7, 11, 12, 13 and 14.

The hamlets of Eagle Lake, Harcourt and West Guilford are secondary service centres, providing localized services to the hamlet and the neighbouring waterfront and rural areas. Land use patterns will be based upon a mix of uses. A compact form will be encouraged, subject to the servicing requirements of the use. Specific development policies for the hamlets are found in Section 8.

The waterfront areas are unique neighbourhoods that focus on the natural attributes of each waterbody. Land use patterns will promote the shoreline protection policies of this Plan. Specific development policies for waterfront areas are found in Sections 5, 9 and 10.

The rural areas are those lands not directly identified as being within any other land use designation. Rural areas include dispersed development that focuses on the management and use of resources, resource-based recreation activities, limited residential development and other rural uses. Specific development policies for rural areas are found in Section 19.

4.2 SUSTAINABLE DEVELOPMENT (OPA 8)

New development will be sustainable and will be considered within the context of sound environmental planning. The redevelopment of existing properties should adhere to current environmental, stewardship and planning standards. Use of "best management practices" will be encouraged.

4.3 HOUSING (OPA 8)

The Municipality will encourage a range of housing types to meet the varied needs of residents in settlement areas, waterfront areas and rural areas.

Medium density residential development will be directed to the Haliburton Village Service Area, where the public infrastructure is available to service the development.

The Municipality will encourage affordable housing opportunities. Affordable housing projects will be directed to the Haliburton Village Policy Area where services are available to support residents. In order to encourage and support affordable housing projects, the Municipality may consider increased densities, smaller dwelling units, reduced parking requirements, alternative forms of tenure, as well as, relief from municipal permit and approval fees. The Municipality will discourage the conversion to condominium ownership of rental accommodation that provides affordable housing opportunities.

The Municipality will seek to improve access to housing for people with special needs by supporting appropriate applications and proposals for special needs housing. Housing for people with special needs will be directed to the Haliburton Village Policy Area where services are available to support residents.

The Municipality will consider new and innovative approaches to providing housing targeted specifically to the seniors population.

Group homes, which are licensed and/or approved under Provincial statutes, will be permitted in the Residential Areas designation, and where appropriate given the needs of the residents, in the Rural Areas designation. Group homes may have features that require special regulations such as servicing, parking, compatibility and buffering considerations and will be placed in a separate zone category.

4.4 ACCESSIBILITY (OPA 8)

The Municipality will seek to improve accessibility for persons with disabilities and the elderly by removing and/or preventing land use barriers which restrict their full participation in society. The decisions and actions of the Municipality will be consistent with the *Ontarians with Disabilities Act* and the *Accessibility for Ontarians with Disabilities Act*.

4.5 ALTERNATIVE ENERGY (OPA 8)

The Municipality will support the use of alternative energy systems to meet current and future energy needs. Alternative and renewable energy systems will be permitted in all designations in accordance with Provincial and Federal regulations.

4.6 LOT SIZE AND SHAPE (OPA 8)

Any lot to be created or further developed will be of a size and shape suitable:

- to accommodate the proposed use in accordance with the relevant lot area and lot frontage provisions of the applicable zoning by-law; and
- to accommodate the proposed use in accordance with the findings of a site

evaluation report as required by Sections 5.2.4, 9.2, or 19.8.2 and as described in Section 22.4.2; and

- to permit the siting of any buildings, structures, and other on-site amenities (including landscaping, buffer planting or other appropriate screening, entrances, parking, delivery, loading, and open storage) in accordance with the relevant provisions of the applicable zoning by-law.

Any lot to be created or further developed, but not to be immediately served by full municipal or communal sewage and water services, will be of a size and shape that meets all requirements of the applicable approval authority for the design, location, and use of individual on-site water supply and sewage disposal systems. These requirements will be on the basis of year-round use.

Environmental Protection Areas may be included as part of a lot. Lakes and Rivers Areas may not be included as part of a lot.

4.7 ROAD ACCESS

4.7.1 GENERAL POLICY

Where development is permitted, it will be subject to the establishment of, and have direct access to, a Provincial Highway, a County Road, or a Municipal Road that is fully maintained year-round by a public road authority. However, Council may permit the following exceptions to this policy.

4.7.2 UNASSUMED ROADS IN PARTIALLY DEVELOPED SUBDIVISIONS

In a registered plan of subdivision, residential development may be permitted with direct access by unassumed road only if the subdivision is covered by the Municipality's Standard Form Subdivision Agreement, which requires the road to be brought up to municipal standards and assumed when deemed appropriate by Council.

4.7.3 ROADS IN CONDOMINIUM DEVELOPMENTS (OPA 8)

In a registered plan of condominium, development may be permitted with direct access from a road that is a common element of the condominium development and is managed by a condominium corporation.

4.7.4 PRIVATE ROADS IN WATERFRONT AND RURAL AREAS (OPA 8)

Residential development in Waterfront Areas and Rural Areas may be permitted with direct access by private road, provided that development is limited to single-unit dwellings not part of cluster development and that only seasonal occupancy is permitted. The subject lands may be placed in a separate limited services residential zone by the implementing zoning by-law in accordance with Section 3.6.

Non-residential development in Rural Areas may be permitted with direct access by private road, only if the following conditions are met.

- Development is limited to conservation, forestry, agricultural, and private recreational uses that are not open to the public, and any overnight accommodation permitted will only be on a seasonal use basis.
- If the development is creation of a lot, the minimum lot area is 20 hectares (49 acres).

The subject lands may be placed in a separate limited services open space or rural zone by the implementing zoning by-law in accordance with Section 3.6.

In addition, the following conditions must be met for any development permitted in Waterfront Areas or Rural Areas with direct access by private road.

- The private road will have direct access to a public road.
- It will be a condition of development approval that the private road be constructed, maintained, and managed in accordance with the policies of Section 4.7.6.
- The development approval or approvals will in no way be construed as an obligation on the Municipality ever to assume, construct, improve, or maintain the private road.

4.7.5 WATER ACCESS (OPA 8)

Residential development in Waterfront Areas may be permitted with no road access, only if the following conditions are met.

- Development is limited to single-unit dwellings not part of cluster development and only seasonal occupancy is permitted.
- The subject lands are on an island, or on mainland shoreline where access by road is impractical.
- If the development is the creation of a lot or the construction of a dwelling on an existing vacant lot, it will be a condition of approval that for each lot, at least one vehicle parking space plus one vehicle and trailer parking space will be developed at the applicant's cost and maintained in perpetuity for the exclusive seasonal use of the lot's residents, at a site in a Waterfront Area, Hamlet Area, or Resort Commercial Area from which there is direct motorboat access to the lot.
- The development approval or approvals will in no way be construed as an obligation on the Municipality ever to provide a Municipal Road.
- If private road access becomes practical in the future, provision of that access will be subject to a further approval by Council in accordance with the policies of Section 4.7.4.
- The subject lands may be placed in a separate limited services residential zone by the implementing zoning by-law in accordance with Section 3.6.

4.7.6 PRIVATE ROAD DEVELOPMENT CONDITIONS (OPA 8)

Where development is permitted on a private road in accordance with Section 4.7.4, the following conditions will apply to construction, maintenance, and management of the private road by the benefiting owners, defined as all owners who need to use the road to gain direct access to their properties.

- The Municipality will encourage new private roads, which service several properties, to be created as a common element condominium and managed by a condominium corporation.
- Where creation of the private road by condominium approval is not considered possible or practical, the lands on which the road is located will be owned directly or indirectly by the benefiting owners, or subject to a right-of-way registered on title directly or indirectly in favour of the benefiting owners.
- The use of the road is at the sole risk of its users, and the construction and maintenance of the road are the sole responsibility of the benefiting owners.
- Where the private road is not created by condominium approval and there is more than one benefiting owner, the benefiting owners will form a road association and

maintain valid membership in the association. The Municipality encourages such associations to incorporate and may require incorporation in some cases.

- The condominium corporation or the road association, as the case may be, will maintain liability insurance to the satisfaction of the Municipality covering all use of the road.
- The location of access driveways should not create a traffic hazard because of their concealment by a curve, grade, or other visual obstruction. Access driveways should be limited in number and designed so as to minimize the dangers to vehicular and pedestrian traffic in the vicinity.
- The road should be constructed and maintained to a standard sufficient to permit emergency vehicle access.
- The condominium corporation or the benefiting owners, as the case may be, will indemnify the Municipality and the County of Haliburton against all liability arising from any use of the road, including alleged failure to provide emergency services because the road was gated or was not constructed or maintained to a sufficient standard.

4.8 ACTIVE TRANSPORTATION AND RECREATION TRAILS (OPA 8)

The Municipality will promote development policies that encourage an active, healthy community and will use the "*Active Communities Charter*" as a framework for planning and decision making.

The Municipality will use the reports "*An Active Transportation Plan for the Village of Haliburton, 2009*" and "*Haliburton County Cycling Master Plan, 2008*" as resources to help inform future infrastructure planning, especially regarding road maintenance and development.

Within the Haliburton Village Urban Policy Area and Haliburton Village Service Area, the Municipality will encourage the development and improvement of pedestrian and bicycle access and linkages. This will be accomplished through review of development applications and complementary public projects. In particular, the Municipality will implement the direction and recommendations of the Streetscape Project, 2009, where appropriate and economical to do so.

The Municipality will support the protection of traditional and historical portages in accordance with the *Public Lands Act*.

The Municipality will support the protection of the "*rail trail corridors*", which are located in the geographic Townships of Dysart and Harcourt.

There are many recreational trails within the Municipality that exist by agreement between trail clubs and landowners. When development is proposed on lands where such trails are located, the Municipality will encourage the owner to continue to accommodate the trails, whether in their original or alternate locations, wherever possible.

The Municipality will seek to protect the integrity of utility corridors, such as the Hydro One Networks Inc. corridor in Eyre, Harburn, Guilford, and Dysart geographic townships, for possible future recreation or public service purposes should their present uses cease.

4.9 SOIL AND DRAINAGE

Development should only be permitted on lands where soil and drainage conditions are, or can be made, suitable to permit the proper siting and development of the proposed uses. This will

be demonstrated through a site evaluation report as described in Section 22.4.2 where a report is required by this Plan.

4.10 SUBSTANDARD SYSTEM IMPROVEMENTS

The improvement of existing substandard individual on-site water supply and sewage disposal systems will be encouraged by all means available to the Municipality.

4.11 CONTAMINATED SITES

Council will consider an application for development on a contaminated site, only if the applicant demonstrates to Council's satisfaction that the contaminated subject lands will be restored before development to a condition free from adverse effects and suitable for the proposed use. Council will require the applicant to provide a Record of Site Condition in accordance with the *Environmental Protection Act*.

4.12 ENVIRONMENTAL REMEDIATION AND MITIGATION

If any proposed development requires remedial works to overcome any environmental problem or mitigate any adverse effect identified through the application of the policies of this Plan, Council may require as a condition of approval that the applicant enter into an agreement with the Municipality whereby the applicant is responsible for the full cost of the remedial or mitigative works.

4.13 LAND USE COMPATIBILITY

4.13.1 GENERAL POLICY (OPA 8)

Development will consider land use compatibility between sensitive land uses and nearby industrial, commercial, agricultural, and public service uses. This consideration will include, but is not limited to, the specific compatibility policies in Section 4.13.

4.13.2 MINE HAZARDS (OPA 8)

Mine Hazards are designated on Schedule "B", and are active and former mines that have not been rehabilitated, identified by the Ministry of Northern Development, Mines and Forestry.

Council will consider an application for development within 1,000 metres (3,280 feet) of a Mine Hazard, only if the applicant demonstrates that the hazard does not affect the development property, or, has been successfully remediated where the hazard is located on the property. Remediation must be completed to the satisfaction of the Ministry of Natural Resources if the mine hazard resulted from aggregate extraction or, to the satisfaction of the Ministry of Northern Development, Mines and Forestry if the mine hazard resulted from mining activity.

Development on abutting or adjacent lands affected by mine hazards or former mineral mining operations or former mineral aggregate operations may be permitted subject to rehabilitation measures being undertaken or completed that address and mitigate known or suspected hazards. Contaminated sites will be remediated prior to any development on the site to ensure that there will be no adverse effects.

4.13.3 WASTE DISPOSAL SITES

Waste Disposal Sites are designated on Schedule "B", and are active and closed solid waste disposal sites identified by the Ministry of the Environment.

Council will not consider any application for development in a Waste Disposal Site unless the site has been closed continuously for 25 years before the date of application. Council will consider any other application for development within 500 metres (1,640 feet) of a Waste Disposal Site, only if the applicant provides a waste disposal site compatibility report as described in Section 22.4.8.

4.13.4 SEWAGE TREATMENT FACILITIES

Council will consider an application for development within 150 metres (492 feet) of the Haliburton Village sewage treatment plant, or within 400 metres (1,312 feet) of a sewage lagoon, only if the applicant demonstrates to Council's satisfaction that the applicable Ministry of the Environment guidelines have been complied with.

4.13.5 LIVESTOCK BARN AND MANURE STORAGE (OPA 8)

All development near livestock barns and manure storage must comply with Minimum Distance Separation I as prescribed by the Ministry of Agriculture, Food and Rural Affairs.

All development of livestock barns and manure storage must comply with Minimum Distance Separation II as prescribed by the Ministry of Agriculture, Food and Rural Affairs. Owners of livestock operations are expected to observe the requirements of the *Nutrient Management Act, 2002* where applicable.

4.14 LAND USE CONVERSION FROM SEASONAL TO PERMANENT OCCUPANCY

4.14.1 GENERAL POLICY

On lands designated by this Plan as restricted to seasonal residential occupancy, conversions from seasonal to permanent occupancy will only be permitted where a Certificate of Occupancy has been issued by the Municipality in accordance with the *Planning Act*.

Anyone applying for a Certificate of Occupancy will provide Council with information on the property as prescribed by Council. Before approving the issuance of the Certificate, Council will ensure that the subject property complies with all relevant policies of this Plan, including the following.

4.14.2 LAND USE COMPATIBILITY

Council will ensure that there is satisfactory compatibility between the proposed permanent occupancy and the existing land uses in the surrounding area.

4.14.3 PROVISION OF PUBLIC SERVICES

To ensure that the subject property will be provided with the necessary public services in the most economical manner, Council will verify that the property complies with all relevant policies of Section 3 that apply to permanent residential development.

4.14.4 WATER SUPPLY AND SEWAGE DISPOSAL (OPA 8)

A Certificate of Approval from the applicable approval authority will be required confirming that the individual on-site water supply and sewage disposal systems are designed for year-round use, and meet the standards and best management practices that would apply to new development on the lot.

4.14.5 SITE ACCESS AND REQUIREMENTS (OPA 8)

To ensure that the proposed conversion can be properly accomplished on the subject property, and that the property will be provided with safe and adequate access, Council will verify that the property complies with the relevant policies of Section 4.7.

4.14.6 BUILDING CONDITION

The subject buildings will be of adequate size and construction for permanent occupancy and will comply with other applicable building, fire, health, and safety regulations.

4.14.7 ZONING

If the proposed permanent occupancy does not conform to the applicable zoning by-law, a Certificate of Occupancy will not be issued until an appropriate implementing zoning by-law has been passed by Council and is in force.

4.15 LAND DIVISION

4.15.1 PLANS OF SUBDIVISION AND CONDOMINIUM (OPA 8)

With the exception of consents granted in accordance with this Plan, all land division in the Municipality will take place by plan of subdivision or plan of condominium. Council will recommend to the County of Haliburton for draft approval only those plans of subdivision or condominium which conform to this Plan. Before recommending a plan of subdivision or a plan of condominium to the County, Council will ensure the lands can be provided with the necessary services and amenities, and that the proposed development will not adversely affect the economy or the environment of the Municipality.

When making an application for approval of a plan of subdivision or a plan of condominium, an applicant will provide to the approval authority, all information required under Section 51(17) of the *Planning Act* and Ontario Regulation 544/06, as amended, as well as, the information required by Sections 3.8.4.1 and 3.8.4.2 of the County of Haliburton Official Plan.

Where a lot has been created by plan of subdivision, the Municipality will not generally support an application to further divide the lot, unless the proposal is to add land to an adjoining lot.

4.15.2 CONSENTS

4.15.2.1 General Policy (OPA 8)

Where Council is satisfied that a plan of subdivision is not necessary for the proper and orderly development of land, the creation of lots by consent to sever may be considered, subject to the policies of Section 4.15.2, and only if:

- the applicant's entire undivided lot is the subject of the application, and
- as a condition of approval, the applicant is prepared to enter into a consent agreement with the Municipality in accordance with the *Planning Act* regarding all planning matters.

Council will only grant those proposed consents which conform to this Plan and particularly to the policies of Section 4.15.2.

When making an application for consent to sever land, an applicant will provide to the approval authority, all information required under Section 53 of the *Planning Act* and Ontario Regulation 197/96, as amended, as well as, the information required by Sections 3.8.5.1 and 3.8.5.2 of the County of Haliburton Official Plan.

4.15.2.2 Number of Lots Created (OPA 8)

No consent should be considered that would cause the cumulative number of lots severed from an original lot, by consents granted on or after September 8, 2003, to exceed the maximum consent allowance. For the purposes of this policy:

- an original lot is a lot as it existed on September 8, 2003;
- the maximum consent allowance is three lots, plus if the original lot is greater than 40 hectares (99 acres), one lot per 40 hectares or part thereof by which the original lot exceeds 40 hectares, to a maximum of 5 new lots.

The Municipality does not intend to change the starting date for determining compliance with the maximum consent allowance in any subsequent review of this Plan.

4.15.2.3 Land Use Compatibility

The proposed use of the lot to be severed will conform to the land use designations and policies of this Plan. In unusual situations, however, it may be necessary to refuse a consent application which conforms to those designations and policies, if the establishment of the proposed use would lead to land use conflicts with existing non-conforming uses in the vicinity.

4.15.2.4 Development Patterns

To prevent scattered development throughout the Municipality, the Haliburton Village Urban Policy Area, the Haliburton Village Service Area, and the Hamlet Areas will be the preferred locations for consents for permanent residential occupancy.

4.15.2.5 Provision of Public Services

To ensure that any proposed lot will be provided with the necessary public services in the most economical manner, Council will be guided by the relevant policies of Section 3.

4.15.2.6 Water Supply and Sewage Disposal

If the proposed lot will use an individual on-site water supply or sewage disposal system, the policies of Section 3.3 will apply.

4.15.2.7 Site Requirements (OPA 8)

To ensure that the potential lot can be properly developed, Council will be guided by the relevant policies of Section 4.

4.15.2.8 Protection of the Environment

Consents for lots that will be built on will not be granted in Environmental Protection Areas except in accordance with the relevant policies of this Plan. Consents will not be granted if environmental deterioration would result. Any development in shorelands will be considered in accordance with the relevant policies of Sections 5.1 and 5.2.

4.16 DEVELOPMENT STANDARDS

4.16.1 DWELLINGS PER LOT

Only one dwelling is permitted on each lot, or each unit as defined in the *Condominium Act, 1998*, with the following exceptions:

- Accessory dwellings as otherwise permitted in this Plan or an implementing zoning by-law.
- Medium density residential development.
- Lifestyle residential development.

Some existing lots accommodate residential compounds of two or more existing single-unit dwellings. No additional dwelling will be permitted on such lots.

4.16.2 LIGHTING (OPA 8)

The Municipality will encourage all those undertaking new development to adhere to the following exterior lighting objectives, and when considering individual development applications, Council may require any of the following as a condition of development approval.

- Environmentally sensitive lighting that is oriented downward, is low wattage, energy efficient and minimizes glare will be encouraged.
- Light directed or escaping towards the sky or nearby properties should be minimized.
- Along shorelines, light should not be directed over the water, and lighting should be kept to the minimum necessary for safety.

4.17 PROPERTY STANDARDS

It is a policy of this Plan to maintain an efficient and pleasant environment for living, working, shopping, and other activities. To further this policy, Council will encourage appropriate standards of property maintenance and occupancy in the Municipality. This will be achieved through public education, and the passage of a Property Standards By-law and the appointment of a Property Standards Committee in accordance with the *Ontario Building Code Act*. The Municipality will also encourage and complement private property improvement through the development of public projects that enhance the appearance and liveability of Haliburton Village and the hamlets.

4.18 COMMUNITY IMPROVEMENT

4.18.1 GOALS AND OBJECTIVES OF COMMUNITY IMPROVEMENT

4.18.1.1 Goals

The Municipality will:

- continue to encourage the maintenance, development, redevelopment, and rehabilitation of the Municipality's built environment, so as to enhance the image of the Municipality as an attractive place to live, work in, and visit; and
- maintain and improve the economic and tourism base through the promotion of employment, new capital investment, and increases in the municipal tax base while minimizing increases in the Municipality's long-term capital debt.

4.18.1.2 Objectives

The Municipality will:

- encourage by all means available to the Municipality private sector efforts to upgrade and rehabilitate existing properties and facilities;
- where financially feasible, continue to develop and improve municipal services, public utilities, and community facilities and services;
- participate in and/or encourage projects, programs, and volunteer efforts which improve the Municipality's built environment and expand the economic base; and
- encourage expansion and new development by both the private and public sectors to improve the Municipality's property and business tax base, providing such development conforms with all other applicable policies of this Plan.

4.18.2 COMMUNITY IMPROVEMENT AREAS DESIGNATION

The Community Improvement Areas consist of the following designations as shown on Schedule "A":

- Haliburton Village Urban Policy Area and Haliburton Village Service Area;
- Eagle Lake Hamlet Area;
- Harcourt Hamlet Area;
- West Guilford Hamlet Area.

The boundaries of the Community Improvement Areas will be considered flexible, and minor extensions may be permitted in specific by-laws designating Community Improvement Project Areas without an amendment to this Plan.

The addition of completely new areas or the deletion of existing areas will require an amendment to this Plan.

4.18.3 COMMUNITY IMPROVEMENT PROJECT AREAS

Council may undertake community improvement through the designation of Community Improvement Project Areas, as the Municipality's resources and other funding sources may allow. Priority will be given to areas where service deficiencies are the most critical.

Circumstances such as the unforeseen necessity to upgrade services and abutting development, or property changes, may also be considered in the designation of Community Improvement Project Areas.

4.18.4 IMPLEMENTATION OF COMMUNITY IMPROVEMENT

In order to achieve the Community Improvement goals and objectives outlined in Section 4.7.1, Council intends to use a variety of implementation methods, including but not limited to the following:

- Use of municipal authority under the *Planning Act* to
 - designate community improvement project areas by by-law;
 - adopt community improvement plans;
 - acquire, grade, service, and otherwise improve land; and
 - assist the Municipality by any other means possible.
- Participation in community improvement programs funded by other agencies.
- Enforcement of the Municipality's property standards by-law.
- Encouragement of infill development.
- Encouragement of the redevelopment of private property and facilities, by providing owners with information concerning government financial subsidies and programs.
- Cooperation with school boards, other educational institutions, community and business associations, and individual businesses to provide new facilities, redevelopment projects, or new services in the Municipality.
- Use of the provisions of the *Ontario Heritage Act*, to encourage the preservation of buildings, structures, and features of historical significance.
- Encouragement of public input in the development of community improvement plans.

4.18.5 INTERPRETATION

It is intended that the policies of Section 4.7 be considered flexible. A broad interpretation of these policies may be applied where such interpretation is deemed necessary for the desirable development of the Municipality, provided the general intent of the Plan is maintained.

4.19 CONDOMINIUM CONVERSION (OPA 8)

When considering proposals to convert residential buildings that provide rental accommodation to condominium ownership the Municipality will require proponents to provide background information to support and justify the proposal. The Municipality will consider, among other matters, the following:

- the vacancy rate for rental units in the planning area;
- the demographics of the tenants of the building;
- the existing building condition; and
- the condition of the water and sewage disposal systems.

Conversion of a building from rental tenancy to condominium ownership will require that the building be upgraded to meet current Ontario Building Code and Ontario Fire Code standards. The Municipality may require the completion of a building condition study.

Conversion of a building from residential rental tenancy to condominium ownership will require that the private communal water system be upgraded to meet all requirements of the *Safe Drinking Water Act*. The Municipality will require a hydrogeology study to confirm the quality and quantity of the water supply; an engineering report on the water treatment system; and a responsibility agreement with the Municipality.

Section 5

RESOURCE PROTECTION POLICIES

5.1 WATER RESOURCES

5.1.1 GENERAL POLICY

The Municipality's critical water resource features include the following:

- Its lakes and rivers.
- Its Strategic Groundwater Resource Areas, consisting of sensitive groundwater recharge/discharge areas, and aquifers vulnerable to contamination.

The Municipality will protect and where possible enhance the quality and integrity of these critical water resource features.

5.1.2 LAKES AND RIVERS (OPA 8)

Development in shorelands will be set back from the shoreline to:

- maintain the shoreline's natural characteristics, quality, and integrity,
- preserve its natural visual characteristics, and
- protect and conserve its natural heritage features.

Within shorelands, all buildings, structures, and tile fields will be set back at least 30 metres (98 feet) from the high water marks of lakes and rivers, with the following exceptions:

- The setback is 20 metres (66 feet) for buildings and structures and 30 metres for tile fields for a lot that as of the date this Plan is approved, was registered, vacant, and the water setback in the applicable zoning by-law was 20 metres.
- The setback is 20 metres for a lot that as of the date this Plan is approved, was registered, has been further developed, and the water setback in the applicable zoning by-law was 20 metres.
- The Committee of Adjustment, as part of a minor variance permitting a reduced setback for a tile field, may permit a reduction to the 30 metre (98 foot) setback for a tile field for a lot that as of the date this Plan is approved, was registered, was vacant, and on which due to lot size, shape or topography it is not feasible to locate a tile field beyond the 30 metre setback.

The shoreline setback for an individual lot is defined in the implementing zoning by-law as the "water setback". This setback will be strictly adhered to. Excepted from the shoreline setback requirements are docks and marine facilities as defined and permitted in the implementing zoning by-law. Also excepted are stairs that provide access to the water and are not attached to a building or structure, and landings that are less than 9.3 square metres (100 square feet) in area. Boathouses are not permitted in the shoreline setback.

All owners of shoreline lots will be encouraged to leave the lands within the shoreline setbacks substantially undisturbed, up to the full depth of the setbacks where possible. Additionally, where the shoreline setback has been disturbed by past activities, the owner will be encouraged to restore the setback to a natural state. Soil and vegetation within the setback should be disturbed as little as possible, to preserve the impression from the lake that the shoreline is undeveloped. Clearing should be restricted to the minimum required for access, the safety of residents, and a limited view to the water.

The County of Haliburton intends to implement a tree cutting by-law for shoreline areas to regulate the cutting of trees and the removal of shoreline vegetation. The extent of removal in the shoreline area will be considered within the following parameters:

- a maximum of 30% of the shoreline frontage or up to 15 metres, whichever is the lesser, for shoreline/linear residential development;
- a maximum of 30% of the shoreline frontage or up to 30 metres, whichever is the lesser, for commercial development, or waterfront landings; and
- a maximum of 50% of the shoreline frontage or up to 45 metres, whichever is the lesser for marinas.

When considering individual development applications on lakes listed in Table 1 and elsewhere as appropriate, Council may require as a condition of development approval that the shoreline setback be maintained in a substantially undisturbed condition or that the setback be restored to a substantially natural state. This may include the restoration of natural shoreline features and the planting of native vegetation.

5.1.3 GROUNDWATER (OPA 8)

The identification and designation of critical groundwater resource features is a major endeavour, hampered by the historic lack of information on groundwater conditions in Ontario. The Ministry of the Environment in partnership with municipalities, conservation authorities, and other stakeholders is financing large-scale municipal groundwater studies across the Province. The Trent Conservation Coalition, consisting of five conservation authorities and 36 municipalities including the Municipality of Dysart et al, is undertaking source water protection planning for the Trent basin, which includes most of the Municipality outside Algonquin Provincial Park. However, the results of the study were not available when this Plan was adopted.

The Municipality intends to amend this Plan to implement the recommendations of any source protection plan approved in accordance with the *Clean Water Act* and applying to the Municipality. Furthermore, the Municipality intends to implement any common policies, developed through the planning programmes of the County of Haliburton, for areas not included in source protection plans. These policies may include requiring best management practices as conditions of development approval.

Until the groundwater policy amendment comes into effect, Council will not consider any application for development that involves the addition of any of the following land uses to the uses existing on the date this Plan is approved, on any lot within the Haliburton Village Urban Policy Area or the Haliburton Village Service Area:

- open storage, except if packaged for wholesale or retail sale, or by an individual for personal or family use, of:
 - petroleum fuel,
 - manure,
 - inorganic fertilizers,
 - road salt, and
 - any contaminant regulated as a severely toxic contaminant under the *Environmental Protection Act*;
- dry cleaning outlets;
- livestock barns;
- salvage yards;
- solid waste disposal sites, organic soil conditioning sites, and snow storage and

- disposal facilities;
- generation and storage of hazardous waste or liquid industrial waste;
- underground and above-ground storage tanks that are not equipped with an approved secondary containment device.

However, Council may vary the preceding policy by resolution, without an amendment to this Plan, with respect to individual applications in the Industrial Area within the Municipality's Industrial Park.

Until the groundwater policy amendment comes into effect, Council will not consider any application for development that would permit an operation consisting of one or more of water taking, storage, shipment, and bottling, such that the end product of the operation is bottled drinking water.

5.2 LAKE CAPACITY

5.2.1 GENERAL POLICY

Before approving any development proposal adjacent to a lake within shorelands, Council must be assured that the proposed development will not exceed the capacity of the lake to accommodate development.

This Plan recognizes the following factors as limiting lake capacity.

- Water quality as it affects lake trout habitat.
- Surface capacity for recreation.
- Shoreland development capability.
- Lake trophic state.

Where development is proposed on the shorelands of a lake shared with a neighbouring municipality, the neighbouring municipality will be consulted with respect to any capacity issues.

5.2.2 LAKE TROUT LAKES (OPA 8)

Lake trout need specific water quality conditions as part of their habitat requirements. Phosphorus input from shoreline development can affect water quality and consequently, lake trout habitat.

The Ministry of Natural Resources has identified the lakes in which naturally reproducing lake trout populations occur. The Ministry of the Environment has completed water quality modelling of these lakes to determine their capacity to sustain additional shoreland development without impact to lake trout habitat. These lakes are classified according to whether they are "at capacity" for additional development, "not at capacity" for additional development or their sensitivity status needs "to be confirmed".

Table 1 lists the lake trout lakes in the Municipality, outside of Algonquin Park, and notes their sensitivity classification:

Table 1: Status of Lake Trout Lakes				
Lake	Township	Sensitivity		
		At Capacity	To Be Confirmed	Not at Capacity
Allen	Dudley, Harcourt	X		
Basshaunt	Guilford	X		
Bitter	Guilford	X		
Delphis	Dudley	X		
Eagle	Guilford	X		
Eyre	Eyre	X		
Fourcorners	Dudley, Harburn, Harcourt	X		
Kashagawigamog	Dysart	X		
Klaxon	Guilford	X		
Little Clean	Eyre	X		
Long	Dudley	X		
Marsden	Eyre, Guilford, Havelock	X		
Miskwabi	Dudley	X		
North	Harburn	X		
Percy	Harburn	X		
Spruce	Dysart	X		
Stocking	Havelock	X		
Tedious	Guilford	X		
Two Island	Dudley	X		
Havelock	Havelock		X	
Pine	Harcourt		X	
Clean	Havelock			X
Drag	Dudley			X
Farquhar	Harcourt			X
Fishtail	Harcourt			X
Goodwin	Havelock			X
Grace	Harcourt			X
Haliburton	Harburn			X
Johnson	Havelock			X
Kawagama	Havelock			X
Kelly	Havelock			X
Kennisis	Guilford, Havelock			X
Lipsy	Guilford			X
Little Kennisis	Havelock			X
Little Redstone	Guilford, Havelock			X
Loon	Dudley			X
MacDonald	Havelock			X

Moose	Harburn			X
Oblong	Harburn			X
Redstone	Guilford			X
Slipper	Havelock			X
South Wildcat	Havelock			X

A lake trout lake with a sensitivity status that needs "to be confirmed" will be treated as an "at capacity" lake trout lake until such time as the Municipality has been advised otherwise by the Ministry of the Environment.

On shorelands of lake trout lakes that are highly sensitive to additional development, Council will not consider any application that involves the creation of a new lot, new residential units, or new non-residential development unless at least one of the following applies:

- the subject lands are within the Haliburton Village Service Area and the development is or will be provided with full municipal sewage services.
- the tile fields on each new lot will be setback at least 300 metres (984 feet) from the high water mark of the lake, or such that the drainage from the tile fields will flow at least 300 metres (984 feet) to the lake.
- the tile fields on each new lot are located such that they would drain into the drainage basin of another waterbody that is not classified as "at capacity" for development.
- the application will separate existing habitable dwellings, each having an existing separate septic system, provided the land use would not change.
- the proposed new use is the redevelopment of an existing use and has a scale and density that is less than the existing use, and shall demonstrate a net reduction of the phosphorus loading to the lake. Prior to redevelopment being approved, a lake impact assessment shall be completed to the satisfaction of the approval authority. The lake impact assessment shall among other matters, provide recommendations on implementation tools related to hydrogeology, soils and vegetation matters on the site.
- the proposed development is non-residential, includes appropriate storm water management design and it does not involve or require any new individual on-site or communal sewage disposal systems, or expansion of existing systems.
- where the Municipality has tools in place such as a site alteration by-law, a tree cutting by-law and site plan control and where a site evaluation report, which includes a specific soils investigation, prepared by a qualified professional, has been prepared to support the proposed development. The site evaluation report is to make recommendations for the proper development of the lot and demonstrate that phosphorus can be retained in deep native, acidic soils on site, to the satisfaction of the Ministry of the Environment. The report may recommend increased water setback requirements. The tree cutting by-law may be a by-law of either the County of Haliburton or the Municipality.

However, the preceding policy is not to be interpreted as taking away any development right that existed on any lot that existed on the date this Plan was approved.

5.2.3 SURFACE CAPACITY FOR RECREATION (OPA 8)

Research has established relationships between recreational development on a given lake, and the resulting use of the lake's surface area for fishing, boating, swimming, waterskiing, and other related activities. Beyond a certain limit, the amount of recreational use on a given lake will significantly reduce its attractiveness for shoreland residents and visitors.

If Council determines that an application for development of shorelands that involves the creation of a new lot, new residential units, or new non-residential development could unduly add to existing aquatic recreational stresses, conflicts, and hazards, it may require that the applicant submit a boating capacity study as described in Section 22.4.4.

5.2.4 SHORELAND DEVELOPMENT CAPABILITY (OPA 8)

Council will consider an application for development of shorelands that involves the creation of a new lot, new residential units, or new non-residential development, only if the applicant submits a site evaluation report as described in Section 22.4.3. Lands within the Haliburton Village Urban Policy Area are exempted from this requirement.

5.2.5 LAKE TROPHIC STATE (OPA 8)

Section 5.2.2 addresses the impacts of phosphorus inputs on lake trout habitat. As well, increased phosphorus inputs resulting from development may be of aesthetic or recreational concern on any lake.

The Municipality will encourage and support continued and enhanced monitoring of lake trophic state by the Ministry of the Environment and lake associations. The Municipality will use the results in reviewing the policies of this Plan and, where appropriate, individual development applications.

If Council determines that an application for development of shorelands that involves the creation of a new lot, new residential units, or new non-residential development has the potential to increase phosphorus inputs to a lake such that water quality for aesthetic and recreational purposes could be unduly impaired, it may require that the applicant submit a trophic state capacity study as described in Section 22.4.5.

Based on the results of a trophic state capacity study, Council may decide to establish by resolution, without an amendment to this Plan, a recreational water quality objective for a lake, expressed as a phosphorus or chlorophyll a concentration, and require that no further development be permitted on that lake that would cause concentrations to increase beyond that objective. All recreational water quality objectives established by Council before this Plan was approved are continued and are as valid as an objective established under this Plan. All previous objectives will be listed on the municipal resource register described in Section 5.5 on approval of this Plan and all further objectives will be listed when established.

5.3 RESOURCE PROTECTION AREAS

5.3.1 FORESTS

In order to direct and encourage proper forest management, and provide for a continued forestry industry, Council will encourage the retention of forest cover and natural vegetation.

Owners of forests of sufficient size who actively manage their forests are strongly encouraged to operate on the basis of approved managed forest plans in accordance with the *Assessment Act*, and within those plans to provide recreational opportunities to trail clubs and/or the general public. Owners are required to observe the County of Haliburton Tree Cutting By-law where applicable.

5.3.2 AGGREGATE RESOURCES (OPA 8)

Existing Pits and Quarries designated on Schedule "B" are the pits and quarries, which have been or are in the process of being licensed by the Ministry of Natural Resources under the *Aggregate Resources Act*. Their boundaries are generally consistent with the licensed area.

A wayside pit or quarry or a portable asphalt plant for a public road contract may be established and operated, in any Rural Area that is not within a significant natural heritage feature or its adjacent lands. A wayside pit or quarry will require a permit from the Ministry of Natural Resources pursuant to the *Aggregate Resources Act*.

Before considering an application for development on lands within:

- 500 metres (1,640 feet) of Existing Quarries, and other quarries approved in conformity with this Plan that are not wayside quarries,
- 300 metres (984 feet) of Existing Pits, and other pits approved in conformity with this Plan that are not wayside pits,

Council may require the applicant to provide a mineral/aggregate resource impact report as described in Section 22.4.6.

No resource impact report is required if extraction operations ended more than five years ago and there are no plans to resume them.

Significant Aggregate Deposits designated on Schedule "B" are significant deposits of aggregates identified by the Ministry of Natural Resources.

Council will consider an application for development within Significant Aggregate Deposits, and on lands within 300 metres (984 feet) of that designation, only if the applicant submits a mineral/aggregate resource impact report as described in Section 22.4.6. No resource impact report is required if the applicant provides confirmation that the Ministry of Natural Resources does not consider the subject lands to be within 300 metres of a significant aggregate deposit.

5.3.3 MINERAL RESOURCES (OPA 8)

Before considering an application for development on lands within 1,000 metres (3,280 feet) of mines approved in conformity with this Plan, Council may require the applicant to provide a mineral/aggregate resource impact report as described in Section 22.4.6.

No resource impact report is required if extraction operations ended more than five years ago and there are no plans to resume them.

Areas of High Mineral Potential are areas of high mineral potential identified by the Ministry of Northern Development, Mines and Forestry. When this Plan was adopted, there were no such areas in the Municipality. Any such areas identified in the future will be designated on Schedule "B".

Council will consider an application for development within Areas of High Mineral Potential, and on lands within 300 metres (984 feet) of that designation, only if the applicant submits a mineral/aggregate resource impact report as described in Section 22.4.6. No resource impact report is required if the applicant provides confirmation that the Ministry of Northern Development, Mines and Forestry does not consider the subject lands to be within 300 metres of an Area of High Mineral Potential.

5.3.4 SIGNIFICANT NATURAL HERITAGE FEATURES

5.3.4.1 Definition (OPA 8)

Significant natural heritage features consist of the following.

- significant habitat of endangered and threatened species, identified by the Ministry of Natural Resources (NHIC). These areas are listed in the municipal resource register described in Section 5.5.
- critical fish habitat, which is walleye, muskellunge, and lake trout spawning areas identified by the Ministry of Natural Resources (NRVIS) or type 1 fish habitat identified in site evaluation reports on file with the Municipality. These areas are designated on Schedule "B".
- provincially significant wetlands, identified by the Ministry of Natural Resources (NRVIS). These areas are designated on Schedule "B".
- wetlands as identified on the County of Haliburton wetland mapping.
- significant wildlife habitat - deer yards, which is deer wintering areas and core deer yards identified by the Ministry of Natural Resources (NRVIS). These areas are designated on Schedule "B".
- significant wildlife habitat - species of conservation concern, which is red-shouldered hawk, great blue heron, and osprey nests identified by the Ministry of Natural Resources (NRVIS). These areas are designated on Schedule "B".
- significant Areas of Natural and Scientific Interest (ANSI's), identified by the Ministry of Natural Resources (NRVIS). When this Plan was adopted, there were no such areas in the Municipality. Any such areas identified in future will be designated on Schedule "B".

5.3.4.2 Where Development Not Permitted (OPA 8)

Development and site alteration is not permitted in significant habitat of endangered and threatened species, and provincially significant wetlands.

If in the course of the development application and approval process, the applicant becomes aware that the subject lands include actual or potential habitat of endangered or threatened species, the applicant will advise the Municipality and the Ministry of Natural Resources at the earliest opportunity.

5.3.4.3 Where Development May Be Permitted (OPA 8)

Council will only consider an application for development or site alteration within the following areas where it has been demonstrated through an Environmental Impact Study (EIS) that there will be no negative impacts on the natural features or their ecological functions:

- significant wildlife habitat - deer yards;
- significant wildlife habitat - species of conservation concern; and
- significant Areas of Natural and Scientific Interest (ANSI's)

Council will only consider an application for development or site alteration within critical fish habitat in accordance with Provincial and Federal legislation.

Council will only consider an application for development or site alteration on adjacent lands to significant natural heritage features (as defined in Section 5.3.4.4), where it has been demonstrated through an Environmental Impact Study (EIS) that there will be no negative impacts on the natural features or their ecological functions.

Except with respect to the wetlands shown on the County of Haliburton Wetland mapping, no Environmental Impact Study (EIS) is required if the applicant provides confirmation that the Ministry of Natural Resources does not consider the subject lands to be within a significant natural heritage feature or its adjacent lands.

Within the Significant Wildlife Habitat - Deer Yard designation or its adjacent lands, where the proposed development is the creation of lots by consent, or is further development on no more than four abutting lots, in a Waterfront or Rural Area, Council may exempt the applicant from having to submit an Environmental Impact Study only if the development approval includes a zoning by-law and consent agreement that requires:

- in a Waterfront Area, minimum lot frontage of 90 metres (295 feet), and that at least 80% of the shoreline frontage to a depth of 30 metres (98 feet) will be maintained in a natural state;
- in a Rural Area, minimum lot area of 1 hectare (2.5 acres), and that at least 80% of the lot area will be maintained in a natural state.

The Municipality will use the County of Haliburton Wetland Mapping as a screening tool when reviewing development applications. Screening will be undertaken as follows:

- Where a development proposal will extend into an area identified on the County of Haliburton wetland mapping, the applicant will undertake a site assessment to accurately delineate the wetland boundaries. If the proposed development is determined to occur within the wetland then the applicant will undertake an Environmental Impact Study (EIS) demonstrating that there will be no negative impacts to the feature or its ecological function.
- Where a development proposal is located within the adjacent lands to a wetland identified on the County of Haliburton wetland mapping, the applicant will undertake a scoped Environmental Impact Study (EIS), satisfactory to the approval authority, demonstrating that there will be no negative impacts to the wetland feature or its ecological function.
- These assessments will be completed prior to the approval of the development proposal and will be completed by a qualified professional.

5.3.4.4 Adjacent Lands (OPA 8)

Adjacent lands contiguous to significant natural heritage features are lands within the following distances from the features:

- Provincially Significant Wetlands and Wetlands shown on the County of Haliburton mapping - 120 metres (394 feet)
- Critical Fish Habitat - 30 metres (98 feet)
- Significant Wildlife Habitat - Species of Conservation Concern - 150 metres (492 feet) from any nests
- All other features - 50 metres (164 feet).

However, for the purposes of a specific development application, the adjacent lands contiguous to a specific feature may be varied from these standards, where documented and justified to

Council's satisfaction by an Environmental Impact Study (EIS).

5.4 CULTURAL HERITAGE CONSERVATION

5.4.1 GENERAL POLICY

The Municipality's cultural heritage resources include its:

- archaeological sites, burial sites, and cemeteries;
- heritage properties and conservation districts designated under the *Ontario Heritage Act*;
- other historically or architecturally significant buildings, structures, monuments, and remains; and
- areas of heritage significance modified by human activity and valued by the community.

The Municipality recognizes the importance of its cultural heritage resources and will encourage the identification, conservation, protection, restoration, and enhancement of these resources. In considering development applications and undertaking public works, Council will ensure that significant cultural heritage resources in the Municipality are managed in a responsible manner which perpetuates their functional use while maintaining their heritage value and benefit to the community.

Council may require as a condition of a development approval that:

- development incorporate significant cultural heritage resources, and not demolish, destroy, or inappropriately alter those resources;
- development be of a scale and character appropriate to nearby significant cultural heritage resources.

Pursuant to the *Ontario Heritage Act*, Council may establish a Municipal Heritage Committee. Council, by by-law and in consultation with an established Committee, may:

- designate properties to be of historical or architectural value or interest;
- define part or all of the Municipality as an area to be examined for designation as a heritage conservation district;
- designate part or all of the Municipality as a heritage conservation district.

5.4.2 ARCHAEOLOGICAL RESOURCES

Recorded Archaeological Sites are identified by the Ministry of Culture and listed in the municipal resource register described in Section 5.5.

Council may require as a condition of development approval that before construction or site alteration, an archaeological assessment of the subject lands be conducted as described in Section 22.4.7, if at least one of the following applies:

- There is a Recorded Archaeological Site, or there are other cultural heritage resources with which in the Municipality's opinion archaeological remains may be associated, within 250 metres (820 feet) of the lands to be affected by construction or site alteration.
- The development involves site alteration or the construction of buildings and structures, the development is located on shorelands that have not been intensively

disturbed by past development, the subject shorelands are 0.8 hectare (2 acres) or more in area, and the development, if residential lot creation, will create three or more new lots or units.

- The Municipality has received confirmation from the Ministry of Culture with respect to this specific application that the subject lands are areas of archaeological potential.

Council may by zoning by-law prohibit or further restrict development on any lands on which significant archaeological resources are located, including lands where it has been determined through an archaeological assessment that significant archaeological resources are to be preserved on site.

If in the course of the development application and approval process, the applicant becomes aware that the subject lands include a burial site as defined in the *Cemeteries Act (Revised)*, the applicant will advise the Municipality, the Ministry of Culture, and the Ministry of Consumer and Business Services at the earliest opportunity.

All development that could affect cemeteries must comply with the requirements of the *Cemeteries Act*.

5.5 MUNICIPAL RESOURCE REGISTER

Certain significant natural and cultural heritage features are not appropriate for designation on Schedule "B", because they could be prone to vandalism or destruction if their locations were known to the general public. Other features and resources may be identified in accordance with the policies of this Plan but not added to Schedule "B" or Table 1 until the next five-year review of this Plan, as described in Section 22.3.2.

The Municipality will maintain a register of the following features, and will add features to, change them on, or remove them from the register as indicated. The identification and location of these features in the register will be of equal validity for purposes of this Plan as if the features were designated on Schedule "B" or in Table 1.

- Significant Portions of the Habitat of Endangered and Threatened Species: Additions, changes, or deletions take effect when information is received from the Ministry of Natural Resources, subject to any data-sharing agreement that may be concluded between the Municipality and the Ministry. Access to this information will be restricted to the extent required by the Ministry.
- Recorded Archaeological Sites: Additions, changes, or deletions take effect when information is received from the Ministry of Culture, subject to any data-sharing agreement that may be concluded between the Municipality and the Ministry. Access to this information will be restricted to the extent required by the Ministry.
- Additions or changes to features and resources that the policies of this Plan require be designated on Schedule "B" or in Table 1: Additions or changes take effect on passage of a resolution by Council. At each five-year review of this Plan, all additions or changes to the register over the preceding five years will be cleared from the register and, provided that in the opinion of Council they are still valid, will be incorporated into Schedule "B". Deletions will be made through a five-year review only.

The Municipality will also maintain on the register all lake recreational water quality objectives adopted by Council as described in Section 5.2.5.

Section 6

GENERAL LAND USE POLICIES

6.1 LAND USE PLAN (OPA 8)

The lands and waters of the Municipality will be developed in accordance with the policies of this Plan. Schedule "A" establishes the general pattern of development by dividing the Municipality into the following land use designations:

- Urban Residential
- Suburban Residential
- Hamlet
- Waterfront
- Resort Commercial
- Institutional
- Commercial
- Mixed Use
- Industrial
- Public Recreation
- Algonquin Provincial Park
- Lakes and Rivers
- Environmental Protection
- Rural

6.2 LAND USE BOUNDARIES AND ROADS

It is intended that the boundaries of the land use designations shown on Schedules "A" and "B" be considered as approximate except where bounded by major roads, lakes, or rivers or other obvious geographic features. Designation boundaries do not necessarily coincide with lot boundaries, and a single lot may be divided among two or more designations. It is also intended that the location of all roads shown on Schedule "A" be considered as approximate. Also, not all Municipal Roads are intended to be shown on Schedule "A". Therefore, amendments to this Plan will not be required to make minor adjustments to the approximate designation boundaries, to make adjustments to roads, or to make additions to or deletions from the road network, provided the general intent of the Plan is preserved. Such changes will not necessarily be reflected on Schedule "A", and may be reflected in implementing zoning by-laws only.

6.3 NON-CONFORMING USES (OPA 8)

Any use which legally existed on the date this Plan is approved but which does not conform to the land use designations shown on Schedule "A" is permitted to continue without change.

In special instances, however, it may be desirable to permit the extension or enlargement of a non-conforming use in order to avoid unnecessary hardship. Any such extension or enlargement will require a minor variance from the implementing zoning by-law or, where deemed appropriate by Council, an amendment to the implementing zoning by-law.

When considering a zoning by-law amendment to recognize a legal non-conforming use, Council will consider:

- the feasibility of relocating the use to another site;
- the zoning will not permit a change to the use, either by the nature of the use or the intensity of the use that may negatively impact adjacent uses;
- the use does not constitute a danger to surrounding land uses by virtue of its hazardous nature;
- the use is not within an Environmental Protection Area; and
- the use does not interfere with the appropriate development of the surrounding uses.

The implementing zoning by-law will define and differentiate "non-conforming uses" and "non-complying uses". It will also include criteria to define a "legal non-conforming use" and a "legal non-complying use". Any use, which is a legal non-complying use may be extended or enlarged in compliance with the applicable provisions of the implementing zoning by-law.

6.4 PUBLIC FACILITIES

Except as specifically provided elsewhere in this Plan, public parks, road rights-of-way, and utilities such as sanitary sewers, storm sewers, gas lines, pipelines, electric lines, and telephone lines are permitted anywhere in the Municipality, only if:

- the location of the facility is approved by the Municipality;
- it is necessary to the area;
- it can be made as compatible as possible with its surroundings, and adequate measures are taken to ensure compatibility.

6.5 PRINCIPAL AND ACCESSORY USES, BUILDINGS, AND STRUCTURES

Whenever this Plan permits a use, it is intended that buildings and structures normally associated with that use be permitted, subject to definition and regulation in the implementing zoning by-law, unless the policies of this Plan applicable to that use specify otherwise.

Whenever this Plan permits uses, buildings, or structures, it is intended that accessory uses, buildings and structures also be permitted that are normally incidental or subordinate to the principal uses, buildings, and structures permitted on the same lot, only if the accessory uses, buildings, and structures comply with the policies of this Plan.

Section 7

RESIDENTIAL AREAS

7.1 RESIDENTIAL USES

7.1.1 DESIGNATIONS (OPA 8)

Residential Areas consist of:

- lands designated Urban Residential, which are all residential lands within the Haliburton Village Urban Policy Area, with the exception of the residential lands on the north shore of Grass Lake;
- lands designated Suburban Residential, which are the residential lands along the north shore of Grass Lake and all residential lands within the Haliburton Village Service Area but outside the Haliburton Village Urban Policy Area.

The Residential Areas designation will allow a mix of residential densities and dwelling types. Residential development will be designed to minimize land consumption and efficiently use infrastructure and public service facilities.

The residential development forms and minimum lot standards permitted within each designation are as follows.

7.1.2 URBAN RESIDENTIAL (OPA 8)

The following residential development forms may be permitted:

- single-unit and two-unit dwellings;
- medium density residential development;
- lifestyle residential development; and
- residential uses associated with a "*health care centre*", as defined in the implementing zoning by-law.

Medium density residential development, lifestyle residential development and residential uses associated with a *health care centre* will only be permitted in the Haliburton Village Service Area where the public infrastructure is available to service this form of development.

Medium density residential development and lifestyle residential development will not exceed a density of more than 90 dwelling units per hectare (37.5 units per acre).

Lots within the Haliburton Village Service Area will have a minimum lot frontage of 15 metres (49 feet) and a minimum lot area of 465 square metres (5,000 square feet).

Lots outside the Haliburton Village Service Area will have a minimum lot frontage of 60 metres (197 feet) and a minimum lot area of 4,000 square metres (1 acre).

Despite anything else in this Plan, on lands that are within the Haliburton Village Service Area but not currently serviced, Council will use holding provisions in accordance with Section 21.10 to ensure that no new residential unit is occupied until municipal services are provided. However, this does not apply to single-unit dwellings and two-unit dwellings approved in accordance with Section 3.3.2 on lots that meet the standards for lots outside the Haliburton Village Service Area.

7.1.3 SUBURBAN RESIDENTIAL (OPA 8)

The following residential development forms may be permitted:

- single-unit and two-unit dwellings;
- medium density residential development; and
- lifestyle residential development.

Medium density residential development and lifestyle residential development will not exceed a density of more than 17 dwelling units per hectare (7 units per acre) and will not exceed more than three (3) storeys in height.

Lots will have a minimum lot frontage of 30 metres (98 feet) and a minimum lot area of 1,395 square metres (15,000 square feet).

Despite anything else in this Plan, on lands that are not currently serviced, Council will use holding provisions in accordance with Section 21.10 to ensure that no new residential unit is occupied until municipal services are provided. However, this does not apply to single-unit dwellings and two-unit dwellings approved in accordance with Section 3.3.2 on lots that meet the standards for lots outside the Haliburton Village Service Area.

7.1.4 MEDIUM DENSITY RESIDENTIAL DEVELOPMENT (OPA 8)

Where medium density residential development abuts single-unit dwellings, adequate provisions will be made for buffer planting or other appropriate screening to minimize any potential adverse impacts.

7.1.5 LIFESTYLE RESIDENTIAL DEVELOPMENT (OPA 8)

Where lifestyle residential development abuts single-unit dwellings, adequate provisions will be made for buffer planting or other appropriate screening to minimize any potential adverse impacts.

Where lifestyle residential development is located on shorelands, the shoreline will be dedicated to communal use and protection, and the development will be designed so that dwellings are grouped away from the shoreline and occupy a minimum portion of the total area.

Although many residents of lifestyle residential development will be seasonal, all development and services will be to permanent occupancy standards.

7.2 NON-RESIDENTIAL USES

7.2.1 PERMITTED USES

The following non-residential uses may be permitted:

- home businesses;
- limited neighbourhood commercial uses, such as neighbourhood stores and personal service shops, not exceeding 90 square metres (969 square feet) in ground floor area;
- public and institutional uses, such as recreational facilities and other public services, schools, and places of worship.

Such uses should be compatible with the basic residential uses.

7.2.2 PREFERRED LOCATIONS

The location of the permitted non-residential uses should minimize any adverse effects on the surrounding residential uses.

7.2.3 HOME BUSINESSES

Home businesses will be regulated by the implementing zoning by-law to ensure compatibility with the basic residential uses.

Section 8

HAMLET AREAS

8.1 GENERAL POLICIES

8.1.1 DESIGNATION

Hamlet Areas consist of all developed lands within the three hamlets of Eagle Lake, Harcourt, and West Guilford, plus lands suitable for infilling and adjacent lands suitable to accommodate modest growth.

8.1.2 SCALE OF DEVELOPMENT

Hamlet Areas will normally be permitted to grow gradually. Development of a scale which would require additional public services or which would change the character of the Hamlet Area will require an amendment to this Plan. Before considering any such amendment, the Municipality will prepare a detailed plan of the area, with contributions from any applicants as determined by Council. The detailed plan will consider such factors as proposed land uses, road layout, servicing, and environmental protection provisions.

8.1.3 DEVELOPMENT PATTERNS

The Hamlet Areas should develop in depth, rather than in strips along major roads. To facilitate future in-depth development, rights-of-way will be obtained by the Municipality at appropriate intervals to provide eventual access to lots behind existing development. Wherever possible, the Municipality will obtain these rights-of-way as a condition of development approval.

8.2 RESIDENTIAL USES

8.2.1 PERMITTED USES

The following residential uses may be permitted: single-unit dwellings and two-unit dwellings.

8.2.2 LOT STANDARDS

Lots will have a minimum lot frontage of 30 metres (98 feet) and a minimum lot area of 3,000 square metres (32,300 square feet).

8.3 NON-RESIDENTIAL USES

8.3.1 PERMITTED USES (OPA 8)

The following non-residential uses may be permitted:

- home businesses;
- public and institutional uses, such as public parks, schools, places of worship, and municipal and other public buildings;
- commercial uses, such as retail stores and services; automotive and marine services; food, beverage, entertainment, and accommodation services; business and professional offices; and similar commercial uses;
- small-scale industrial uses of a type not requiring full municipal or communal sewage and water services.

8.3.2 PREFERRED LOCATIONS

Wherever practical, new non-residential development should be located within or adjacent to existing areas of non-residential development. These uses should be located to minimize any adverse effects on neighbouring residential uses.

8.3.3 HOME BUSINESSES

Home businesses will be regulated by the implementing zoning by-law to ensure compatibility with the basic residential uses.

Section 9

WATERFRONT AREAS

9.1 DESIGNATION AND PERMITTED USES (OPA 8)

Lands designated Waterfront are restricted to lands outside the Haliburton Village Urban Policy Area. In general, they are located on larger lakes that are accessible by a public or private road. Waterfront Areas normally consist of developed or developable portions of shorelands to a depth of 150 metres (492 feet). In some cases, lands that are more than 150 metres from shore but which physically or functionally relate to the shoreline are included in the Waterfront Areas. The entire areas of islands are normally considered to be part of the Waterfront Areas. No shorelands of a lake less than 10 hectares (25 acres) in size will be designated Waterfront.

The following residential development forms may be permitted:

- single-unit dwelling;
- cluster development.

Only seasonal occupancy is permitted in Waterfront Areas. However, a limited amount of conversion to permanent occupancy may be permitted, only under the authority of a Certificate of Occupancy as described in Section 4.3.

Park and open space uses are permitted in Waterfront Areas.

9.2 AREAS OF USE LIMITATION

Areas of use limitation consist of shorelands in Waterfront Areas that are subject to at least one of the following constraints:

- Slopes of 25% or more, measured over a horizontal distance inland of 45 metres (148 feet) from the high water mark, along a continuous shoreline frontage of 25 metres (82 feet).
- Soil cover of less than 1 metre (3.3 feet), extending over 50% or more of the area of a continuous shoreline frontage of 25 metres (82 feet) to a depth of 30 metres (98 feet).
- Eroding or unstable slopes.
- Water tables within 1.5 metres (4.9 feet) of the surface, including areas of organic soils and all wetlands.

Despite anything else in this Plan, Council will consider an application for development where the development involves site alteration or the construction of buildings or structures and the lands affected by construction or site alteration are areas of use limitation, provided the application meets one of the following requirements.

- The application is for creation or further development of a lot for a single-unit dwelling with a lot frontage of at least 150 metres (492 feet) and a lot area of at least 2 hectares (4.9 acres), and if required by Section 5.2.4, the applicant has submitted a site evaluation report as described by Section 22.4.2.
- The application is not for creation or further development of a lot for a single-unit dwelling, and the applicant submits a site evaluation report as described in Section 22.4.2.

9.3 LOT STANDARDS (OPA 8)

Except for lots within a cluster development, lots will have a minimum lot frontage of 60 metres (197 feet) and a minimum lot area of 0.4 hectares (1 acre). However, no dwelling is permitted on an island less than 1 hectare (2.5 acres) in area.

9.4 CLUSTER DEVELOPMENT (OPA 8)

The lot, or all lots aggregated as if they were a single lot, will have a minimum lot frontage of 60 metres (197 feet) per residential unit. Cluster development will be a single tier of development.

Cluster development will adhere to the following site planning and design standards:

- development for individual use will be set back at least 100 metres (328 feet) from the high water mark;
- at least 300 metres (984 feet) of shoreline frontage will be maintained as communal open space for the use of residents of the cluster development;
- within the setback area, at least 80% of the shoreline frontage to a depth of 30 metres (98.5 feet) will be maintained in a natural state;
- development will not exceed two storeys in height;
- development should be visually or topographically oriented toward the lake or river, and not separated from the shoreline by human-made or natural barriers such as roads or steep slopes.

Where cluster development abuts other single-unit dwellings, adequate provisions will be made for buffer planting or other appropriate screening to minimize any potential adverse impacts.

9.5 BACKLOTS

The requirements of Section 19.4.4 also apply to backlots that are partly or entirely within Waterfront Areas, despite any policy to the contrary in Section 9.

Section 10

RESORT COMMERCIAL AREAS

10.1 DESIGNATION AND PERMITTED USES (OPA 8)

Resort Commercial Areas consist of lands currently or formerly used for resort commercial purposes and are restricted to shorelands outside the Haliburton Village Urban Policy Area.

The following commercial uses may be permitted:

- retail stores and services and automotive and marine services that are oriented to the waterfront and serve primarily residents of and visitors to the waterfront community in which they are located,
- food, beverage, entertainment, and accommodation services.

The following public and institutional uses may be permitted:

- recreational facilities and other public services,
- places of worship.

In addition, one accessory dwelling or one accessory dwelling unit per lot may be permitted if the necessary public services can be economically provided.

A resort operation may include both intensive facilities oriented to water (such as accommodation, dining, and recreation buildings, and developed waterfront) and intensive or extensive use areas not necessarily oriented to water (such as golf courses, ski hills, and natural areas). Where both intensive facilities and extensive uses are on a single lot, the site of the intensive water-oriented facilities will be designated Resort Commercial, and the other intensive or extensive use areas Rural.

Resource recreation, education, and management uses may be permitted in both Resort Commercial Areas and Rural Areas, and are more fully described in Section 19.2. These uses often include both intensive facilities oriented to water (such as main base accommodation, dining halls, recreation and education buildings, and developed waterfront), and extensive use areas not necessarily oriented to water (such as managed forests and natural areas dedicated to resource production, outdoor recreation, and outdoor education). Where both intensive facilities and extensive uses are on a single lot, the site of the intensive facilities will be designated Resort Commercial, and the extensive use areas Rural.

10.2 DENSITY

Densities in excess of 17 accommodation units per hectare (7 units per acre) will only be permitted in conjunction with a major land-based recreational facility such as an adjacent golf course, adjacent ski hill, or similar facility. In addition, no resort commercial development will exceed two storeys in height.

10.3 MARINAS

New marinas will not be permitted within 30 metres (98 feet) of lands zoned for residential purposes.

10.4 SERVICING (OPA 8)

Where development is occurring on the basis of individual on-site water services and individual on-site sewage services, the following will be conditions of development approval.

- Sufficient land will be set aside for the replacement of the tile field in the event of failure. These lands will meet the requirements of the applicable approval authority for sewage disposal systems.
- The owner will comply with all other applicable requirements under the *Safe Drinking Water Act*, *Environmental Protection Act* and *Ontario Water Resources Act*, as applicable.

10.5 OFFICIAL PLAN AMENDMENT CRITERIA (OPA 8)

Any application to redesignate lands to Resort Commercial should, wherever possible, involve lands within or adjacent to existing areas of non-residential development.

An application to redesignate lands to Resort Commercial will address all matters prescribed under the *Planning Act*, Ontario Regulation 543/06, as amended.

In addition, the Municipality may also request additional information and materials as follows:

- studies as set out in Section 3.8.1.1 of the County of Haliburton Official Plan. These studies will be subject to the policies outlined in Section 3.8.1 of the said official plan.

Section 11

INSTITUTIONAL AREAS

11.1 DESIGNATION AND PERMITTED USES (OPA 8)

Institutional Areas consist of lands currently or formerly used for institutional purposes.

Institutional uses include:

- Provincial, Federal and Municipal uses;
- buildings or other uses of a public health, educational, recreational, cultural, religious or charitable nature, and other similar undertakings of a public or semi-public nature; and
- residential uses associated with a "*health care centre*", as defined in the implementing zoning by-law.

The types of uses permitted will be compatible with the surrounding development.

Section 12

COMMERCIAL AREAS

12.1 DESIGNATION AND PERMITTED USES (OPA 8)

Lands designated Commercial are restricted to the Haliburton Village Service Area.

The following commercial uses may be permitted:

- retail stores and services;
- automotive and marine services;
- food, beverage, and accommodation services;
- commercial entertainment and recreation facilities;
- commercial schools;
- business and professional offices;
- similar commercial uses.

The following public and institutional uses may be permitted: recreational facilities, cultural facilities, municipal and other public buildings, and places of worship.

The following residential uses may be permitted: dwelling units in or above non-residential buildings, except where the nature of the main use would be hazardous for the close proximity of a residence.

12.2 PREFERRED LOCATIONS

In order to serve pedestrians most effectively, the central business district of Haliburton Village should remain as compact as possible. New commercial development that is compact in form should be located in the Commercial Areas within or adjacent to the central business district.

Growing demand, changing retail formats, and a lack of suitable lands in the central business district require that an increasing share of Haliburton Village's commercial development be accommodated in the Commercial Areas outside the central business district, along County Roads 1 and 21. Where possible, such development should be located within the Haliburton Village Urban Policy Area. However, commercial development that is particularly automobile-oriented and large or expansive in format may be permitted along County Road 21 west of the Haliburton Village Urban Policy Area.

12.3 RENOVATION AND REDEVELOPMENT

In order that Commercial Areas may continue to receive their share of business from Haliburton County, a high quality of development will be required. The renovation and refurbishing of commercial buildings in the Haliburton Village Urban Policy Area will be encouraged. Conversions of residential buildings to non-residential uses will be regulated by implementing zoning by-laws and site plans and agreements to ensure that conversions improve the appearance of the Haliburton Village Urban Policy Area.

12.4 SITE PLAN CONTROL (OPA 8)

All development in Commercial Areas that requires zoning by-law, plan of subdivision, plan of condominium, or consent approval will be subject to site plan control as described in Section

In exercising site plan control in the Commercial Areas in Concession VIII, Lots 15 through 17, in the geographic Township of Dysart (downtown Haliburton Village), Council will seek to achieve the following wherever possible, recognizing that not every objective is achievable on every site:

- location of new buildings near the street, with parking in the rear of the buildings,
- setback of buildings from the street generally consistent with adjacent setbacks, to the extent permitted by the implementing zoning by-law,
- massing and conceptual design of buildings so as to be sensitive to scale and character of adjacent buildings,
- building entrances facing the street,
- in multistorey buildings, placement of most-frequented commercial uses at street level,
- restoration and reuse of existing buildings of historical or architectural value,
- protection of existing healthy trees,
- furtherance of a pedestrian-friendly street and sidewalk environment,
- implementation of the Streetscape Project, 2009 and the urban design improvements advocated by the Haliburton Village Business Improvement Association in its Built Form Guidelines, 2005.

In exercising site plan control in the remaining Commercial Areas, Council will seek to achieve the following wherever possible:

- location of buildings to maximize compatibility with nearby residential development,
- location of buildings towards the road, so that parking is predominantly to the rear or side of buildings, or where this is not possible, inclusion of landscaped areas in the parking design,
- location of loading facilities, garbage collection areas, and exterior storage to the rear of the buildings,
- shared access, parking, and internal roadways for abutting developments,
- safe, clearly identifiable points of direct access to public roads, with total numbers of access points kept to a minimum,
- landscaping compatible with the Municipality's natural setting,
- protection of existing healthy trees,
- where development is along a County Road or Provincial Highway, landscaping consistent with the role of the road as a gateway to Haliburton Village, including pedestrian and/or bicycle paths and landscaped verges,
- where there is residential development abutting or directly across the road from the subject lands, buffer planting or other appropriate screening to minimize any potential adverse impacts,
- use of native plant species,
- location, design, direction, and intensity of exterior lighting and lit signage to comply with the intent of Section 4.16.2.

12.5 PARKING

Development in Commercial Areas should provide adequate parking on site. However, where this is not possible, the Municipality may accept cash in lieu of parking and will use these funds for the development of municipal parking facilities, in accordance with the *Planning Act*.

Section 13

MIXED USE AREAS

13.1 **DESIGNATION AND PERMITTED USES**

Lands designated Mixed Use are restricted to the Haliburton Village Urban Policy Area.

The following uses may be permitted: all uses permitted in Urban Residential Areas, Commercial Areas, and Institutional Areas.

13.2 **SITE PLAN CONTROL**

The policies of Section 12.4 apply to commercial development in Mixed Use Areas. Other types of development are subject to the policies of Section 21.8 only.

13.3 **PARKING**

The policies of Section 12.5 apply to commercial development in Mixed Use Areas.

Section 14

INDUSTRIAL AREAS

14.1 DESIGNATION AND PERMITTED USES (OPA 8)

Industrial Areas consist of lands currently or formerly used for industrial purposes, and all lands in the Municipality's Industrial Park that are not Environmental Protection Areas.

Any industrial use may be permitted that otherwise complies with, and can be developed on the subject lands in accordance with, the policies of this Plan, with the exception of the extractive uses described in Sections 19.10 and 19.11 which are not permitted in Industrial Areas.

The following non-industrial uses may be permitted:

- compatible public and institutional uses, such as recreational facilities and other public services, and places of worship;
- compatible commercial uses, such as retail stores and services, automotive and marine services, food, beverage, and entertainment services, and business and professional offices;
- on-site residential accommodation for management, operational, or security personnel.

The Ministry of the Environment policy guidelines will be used as a guideline when assessing the compatibility of industrial facilities and sensitive land uses.

14.2 LOCATIONS

The locations of industrial operations will be restricted to ensure that no environmental damage will be caused to the surrounding area, and will comply with all land use compatibility requirements of the Ministry of the Environment. Industries will also be required to demonstrate that they will be able to obtain all necessary environmental approvals under Ontario and federal law.

14.3 OPEN STORAGE

The open storage of goods and materials will be permitted, subject to Section 5.1.3, and regulation by the implementing zoning by-law.

Section 15

PUBLIC RECREATION AREAS

15.1 DESIGNATION AND PERMITTED USES

Public Recreation Areas consist of park and recreational trail lands owned by the Municipality or the County of Haliburton. This designation includes all such lands in the Municipality, even if the lands are too small to be shown on Schedule "A", except for public parklands within Institutional Areas and Hamlet Areas which are subject to the policies for those designations.

These lands are dedicated to public use and enjoyment. Only park and open space uses, including recreational facilities, are permitted.

15.2 MANAGEMENT

The public authority owning each Public Recreation Area will be responsible for managing the area's resources, facilities, and recreational uses, including determining what resource uses, recreational activities, and facility development are permitted.

The use of Public Recreation Areas for recreational trails will be encouraged wherever practical. The public authority is expected to have regard for existing trails in exercising its management responsibilities.

The public authority will observe the County of Haliburton Tree Cutting By-law where applicable. It is expected that in extensive use areas, tree cutting and site alteration will be minimal, except for more intensive tree cutting authorized under the Tree Cutting By-law or a forest management plan approved by the public authority.

Section 16

ALGONQUIN PROVINCIAL PARK

16.1 DESIGNATION AND PERMITTED USES

Lands designated Algonquin Provincial Park consist of the Crown and private lands within the boundary of Algonquin Provincial Park. In addition to the area shown on Schedule "A", this designation includes all of Bruton and Clyde geographic townships, which are not included in Schedule "A". The designation is also shown on Schedule "B".

The private lands in Algonquin Provincial Park consist of a small number of cottage sites which the Ministry of Natural Resources intends to acquire.

The lands in this designation are dedicated to natural and cultural heritage protection, public use and enjoyment, and commercial forestry. Uses are permitted in accordance with the Algonquin Provincial Park Management Plan.

Should the boundary of Algonquin Provincial Park be reduced, the land removed from the Park will become part of the Rural Areas, if land, or the Lakes and Rivers Areas, if water, without any amendment to this Plan being required.

16.2 MANAGEMENT

The Ministry of Natural Resources is responsible for managing Algonquin Provincial Park's lands, resources, facilities, and recreational uses, including determining what resource uses, recreational activities, and facility development are permitted. Ministry policies are expressed through the Algonquin Provincial Park Management Plan. Although the Ministry is not bound by any policy of the Dysart et al Official Plan, the Municipality expects the Ministry to have regard for this Plan in its management of Algonquin Provincial Park.

The Municipality supports the continued protection and public use of Algonquin Provincial Park, and supports the policies of the Management Plan that encourage access to the Park from the Municipality.

The Municipality expects that the Ministry of Natural Resources will consult it on any proposals for:

- significant changes to the overall planning direction of Algonquin Provincial Park;
- any changes to the Park boundary within or bordering the Municipality;
- any changes in resource or recreational use, and any facility development, that are within the Municipality or that could affect Park values within the Municipality or access to the Park from the Municipality.

16.3 DEVELOPMENT

No Municipal development approval is required for development undertaken on Crown lands. Council will not consider any application for development approval on private lands within Algonquin Provincial Park unless that application is endorsed by the Ministry of Natural Resources. The Municipality's zoning by-laws will not apply to Algonquin Provincial Park.

Section 17

LAKES AND RIVERS AREAS

17.1 DESIGNATION AND PERMITTED USES (OPA 8)

Lakes and Rivers Areas consist of all lakes and rivers below the high water mark and outside Algonquin Provincial Park.

The lands in this designation are dedicated to water resource protection and public use and enjoyment. The following uses may be permitted: conservation, fish and wildlife management, marine facilities, and outdoor recreational activities.

17.2 MANAGEMENT

Most lake beds are Crown lands and the Ministry of Natural Resources is responsible for their management. Although the Ministry is not bound by any policy of this Plan, the Municipality expects the Ministry to have regard for this Plan in its management of Crown beds of waters.

The Municipality expects that the Ministry of Natural Resources will consult it on any proposals for significant changes in management of Crown waters.

Many river beds and some portions of lake beds are privately owned. Also, some portions of original shoreline road allowances are under water on lakes that have been flooded since the original surveys.

Some lakes are part of the Haliburton Reservoir Lakes System, whose waters are managed by the Parks Canada Agency, Department of Canadian Heritage. Parks Canada manages these lakes to maintain the levels and flows required for navigation in the downstream Trent-Severn Waterway, while attempting to minimize adverse effects of drawdowns on shoreline residents. The Municipality expects that Parks Canada will consult it on any proposals for significant changes in reservoir management.

17.3 DEVELOPMENT

Ministry of Natural Resources approval is required for development undertaken on Crown beds of waters.

Section 18 **ENVIRONMENTAL PROTECTION AREAS** (OPA 8)

18.1 **DESIGNATION** (OPA 8)

Environmental Protection Areas consist of the following outside Algonquin Provincial Park:

- all wetlands,
- lands adjacent to lakes and rivers that have been or may be subject to flooding hazards, as described in Section 18.2; these have been mapped through air photo interpretation.

18.2 **LANDS SUBJECT TO FLOODING HAZARDS** (OPA 8)

In the Municipality, lands adjacent to lakes and rivers that have been or may be subject to flooding hazards consist of:

- those lands predicted to be flooded once every 100 years on average, or
- those lands predicted to be flooded if a storm equivalent to the Timmins Storm of 1961 were to occur in the Municipality,

whichever are greater in extent.

Where changes in present flood control or other water management activities are proposed that would result in any expansion of lands subject to flooding hazards, the lands will be redesignated to Environmental Protection Areas by an amendment to this Plan before the changes take place.

Where lands subject to flooding hazards are more accurately determined through a flood hazard assessment, they will be precisely delineated in the implementing zoning by-law. With that exception, a certain amount of flexibility is to be used in determining the exact boundaries of Environmental Protection Areas. Should an on-site review of the lands by the Municipality determine that a boundary is inaccurate, the zoning by-law may be amended to reflect the more precise boundary without requiring an amendment to this Plan.

18.3 **PERMITTED USES** (OPA 8)

Subject to Section 18.4, the following uses may be permitted: agriculture, conservation, horticulture, forestry, fish and wildlife management, private parks, outdoor recreational activities, and other uses that comply with the policies of Section 18.

The restrictions noted in Section 18.4 and 18.9 apply.

18.4 **DEVELOPMENT RESTRICTIONS** (OPA 8)

Despite anything else in this Plan, no lot will be created that is entirely within an Environmental Protection Area, or that does not have enough usable area in another designation to allow adequate building and tile field space, and safe access during a flood, consistent with the policies of that designation.

No construction of new buildings or structures, or site alteration, will be permitted in Environmental Protection Areas, except for:

- flood control, other water management, or erosion control structures or works,
- docks and marine facilities,

that have been approved by the Municipality. These will only be approved where they will not result in significant off-site impacts and where they can be safely protected from flooding. The Municipality may require an applicant to provide a technical study to the satisfaction of Council to justify any such approval.

18.5 NON-CONFORMING USES (OPA 8)

The expansion of existing non-conforming uses within Environmental Protection Areas will normally be prohibited. Where the replacement of an existing building, or a minor addition such as a deck, stair, or porch, is permitted by a minor variance granted by the Committee of Adjustment, the Committee may require measures to alleviate any flooding. Where strict compliance with those floodproofing measures is not feasible, the Committee may consider authorizing minor additions with a lesser level of protection from flooding as part of the minor variance.

18.6 AGGREGATE EXTRACTION (OPA 8)

Despite anything else in Section 18, a development approval that involves the redesignation to Environmental Protection Areas of lands, which include a pit or quarry, which is licensed by the Ministry of Natural Resources under the Aggregate Resources Act, may permit the continued operation of the pit or quarry, subject to the conditions imposed by the said license and to regulation by the implementing zoning by-law.

18.7 LANDS IN PRIVATE OWNERSHIP (OPA 8)

The designation of privately owned lands as Environmental Protection Areas will not be construed as implying that those lands are freely accessible to the general public, or that the Municipality will purchase those lands.

18.8 REMOVAL FROM ENVIRONMENTAL PROTECTION DESIGNATION (OPA 8)

Each application to redesignate Environmental Protection Areas to another designation will be considered by Council. The following information will be provided to Council in support of such an application:

- Existing environmental and physical constraints demonstrated if necessary by the studies required for wetlands in Section 5.3.4.3.
- The potential impact of flooding, demonstrated if necessary by a flood hazard assessment.
- The proposed engineering and resource management techniques which may be used to alleviate flooding impacts.
- The severity of the flooding, and the potential impact on other properties of measures taken to overcome flooding.

In general, Environmental Protection Areas will only be redesignated where it can be demonstrated to the satisfaction of Council that the subject lands:

- are not part of a significant natural heritage feature; and
- are not part of the lands subject to flooding hazards as described in Section 18.2, or where the measures taken to overcome flooding will not adversely affect either the flow of floodwaters through the area or other properties in the area.

18.9 HALIBURTON VILLAGE - SPECIAL POLICY AREA (OPA 8)

Within the Haliburton Village Urban Policy Area, certain areas in the commercial core that have designations other than Environmental Protection Areas are subject to flooding. These constitute a Special Policy Area as defined in and in accordance with the *Provincial Policy Statement*, and the boundary of this area is shown on Schedule "A". Despite anything else in Section 18, within the Special Policy Area, development may occur to a limited extent subject to the following policies.

- Buildings will be designed with a minimum opening elevation to minimize potential damage due to flooding.
- The existing ground floor area of any building may be increased, or fill placed on a site, only if the applicant provides a detailed engineering report to the satisfaction of Council that the enlargement to the ground floor area or the placement of fill will not adversely affect either the flow of floodwaters through the area or other properties in the area.

Notwithstanding the above, the following development will not generally be permitted within the Haliburton Village – Special Policy Area or any Environmental Protection Area:

- an institutional use associated with a hospital, nursing home, pre-school nursery, day care or school, where there is a threat to the safe evacuation of the sick, elderly, persons with disabilities or the young during an emergency as a result of flooding, failure of flood proofing measures or protection works;
- an essential emergency service, such as that provided by fire, police and ambulance stations or electrical substations, which would be impaired during an emergency as a result of flooding, the failure of flood proofing measures or protection works or erosion; and
- uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

Section 19

RURAL AREAS

19.1 DESIGNATION

Rural Areas consist of all lands and waters not within any other Schedule "A" designation.

19.2 RESOURCE RECREATION, EDUCATION, AND MANAGEMENT USES

19.2.1 PERMITTED USES (OPA 8)

The following uses may be permitted:

- conservation areas open to public recreational use;
- fish and wildlife management areas open to public recreational use;
- commercial forestry operations open to public recreational use;
- youth camps, outdoor education centres, and meeting and retreat centres catering to organized groups;

which require a large land area and a rural or natural environment but which are not commercially intensive.

In addition, limited accessory residential uses and accessory airstrips may be permitted.

Resource recreation, education, and management uses often include both intensive facilities which may or may not be oriented to water (such as main base accommodation, dining halls, recreation and education buildings, and developed waterfront), and extensive use areas not necessarily oriented to water (such as managed forests and natural areas dedicated to resource production, outdoor recreation, and outdoor education). Where both intensive facilities and extensive use areas are on a single lot, the site of any intensive facilities which are oriented to water will be designated Resort Commercial, and the extensive use areas Rural.

19.2.2 LOT STANDARDS

Development will be on large lots, 20 hectares (49 acres) or more. In certain circumstances where soil quality, topography, or the nature of the use dictate otherwise, smaller lots may be permitted.

19.2.3 CHANGE OF USE

Any change of use will require an amendment to this Plan. However, the closing of a conservation area, a fish or wildlife management area, or a commercial forestry operation to public recreational use without any other associated change will not be considered a change of use.

19.2.4 LAND AND RESOURCE MANAGEMENT

It is expected that in extensive use areas, tree cutting and site alteration will be minimal, except for more intensive tree cutting authorized under an approved managed forest plan in accordance with the *Assessment Act*, or the County of Haliburton Tree Cutting By-law.

19.3 CONSERVATION, FORESTRY, AGRICULTURAL, AND PRIVATE RECREATIONAL USES

19.3.1 PERMITTED USES

The following uses may be permitted:

- private conservation areas not open to public recreational use;
- private fish and wildlife management areas not open to public recreational use;
- commercial forestry operations not open to public recreational use;
- agricultural and agriculture-related uses;
- private fishing camps, hunting camps, rod and gun clubs, riding schools, ski clubs, and similar recreational clubs;

which require a large land area and a rural or natural environment, but which are not commercially intensive and do not provide overnight accommodation to the travelling and vacationing public.

In addition, limited accessory residential uses and accessory airstrips may be permitted.

19.3.2 LOT STANDARDS

Development will be on large lots, 20 hectares (49 acres) or more. In certain circumstances where soil quality, topography, or the nature of the use dictate otherwise, smaller lots may be permitted.

19.4 RURAL RESIDENTIAL USES (OPA 8)

19.4.1 PERMITTED USES

The following residential uses may be permitted:

- single-unit dwellings,
- converted dwellings,
- duplexes,
- semi-detached dwellings,
- dwellings accessory to permitted non-residential uses.

19.4.2 DEVELOPMENT PATTERNS

Where possible, direct access to residential development will be from cul-de-sacs, looped roads, or other roads not designed to carry through traffic.

Residential development in shorelands is limited to seasonal occupancy, except on backlots as described in Section 19.4.4.

All development will be designed to achieve the servicing policies of Section 3.3 and the road access policies of Section 4.7.

19.4.3 LOT STANDARDS (OPA 8)

Except for backlots as described in Section 19.4.4, and where the policies of this Plan support the creation of lots for permanent rural residential use, lots will have a minimum lot frontage of

60 metres (197 feet) and a minimum lot area of 0.8 hectares (2 acres).

19.4.4 BACKLOTS

Backlots that are partly or entirely within Rural Areas are subject to the following requirements:

- Backlots will be created for permanent residential purposes only.
- Lots will front on and have direct access to a public road that is fully maintained year-round by a public road authority.
- Lots will have a minimum lot frontage of at least 100 metres (328 feet) and a minimum lot area of at least 12 hectares (30 acres).
- Tile fields should be located outside of the shorelands or outside the watershed of the adjacent lake or river. Where this cannot be done, the backlot will be considered in determining the capacity of the affected lake.

19.4.5 ZONING (OPA 8)

Lots that are created for permanent rural residential use may be placed in a separate zone category to achieve the following objectives:

- to recognize the minimum lot frontage and lot area requirements and establish appropriate regulations for their use; and
- to implement increased minimum front lot line setback requirements in certain areas where the protection and preservation of the rural landscape, particularly vegetation buffers along rural roads, is important.

Backlots will be placed in a separate zone category to regulate their use. A minimum front lot line setback of 30 metres (98.5 feet) will apply.

Other lots that are created for rural residential uses along Provincial highways, County roads and Municipal roads will be placed in a separate zone category. A minimum front lot line setback of 30 metres (98.5 feet) will apply. The following exceptions may be recognized:

- lots that are in close proximity to a settlement area; or
- lots that are created as infilling or an extension to existing rural residential uses; or
- as deemed appropriate by Council.

19.5 HOME BUSINESS USES

19.5.1 PERMITTED USES

Home business uses may be permitted, only if:

- the lot is on a public road fully maintained year-round by a public road authority,
- the lot is large enough that the use will be unobtrusive to neighbouring areas,
- the uses are accessory to the main rural residential use of the lands.

19.5.2 ADVERTISING AND STORAGE

Advertising devices and open storage of goods and materials will be strictly regulated in the implementing zoning by-law.

19.6 PUBLIC AND INSTITUTIONAL USES

19.6.1 PERMITTED USES

The following public and institutional uses may be permitted: uses such as cemeteries, places of worship, and recreation facilities.

19.7 HIGHWAY COMMERCIAL USES

19.7.1 PERMITTED USES (OPA 8)

Small-scale commercial uses may be permitted provided that the use must be located in the rural area due to:

- the nature and function of the use;
- the servicing needs of the local neighbourhood; and
- its relationship to other rural land uses.

19.7.2 PREFERRED LOCATIONS

Where possible, highway commercial uses should be grouped. All uses will comply with the policies of Section 3.2.2.

19.8 RECREATIONAL COMMERCIAL USES

19.8.1 PERMITTED USES

The following recreational commercial uses may be permitted in Rural Areas: lodges, camps, recreational clubs, cross-country ski areas, ski hills, golf courses, campgrounds, accessory airstrips including airstrips accessory to Resort Commercial Areas, and similar uses.

19.8.2 SKI HILLS AND GOLF COURSES

Despite anything else in this Plan, no ski hill or golf course is permitted in a Waterfront Area, and no clearing or site alteration that is part of the development or operation of a ski hill or golf course is permitted within 100 metres (328 feet) of the high water mark of a lake or the boundary of a Waterfront Area. A golf course is defined as one or more regulation golf holes.

Council will consider an application for development of a ski hill or golf course only if the applicant submits a site evaluation report as described in Section 22.4.3.

19.9 HOME INDUSTRY USES

19.9.1 PERMITTED USES

Home industry uses may be permitted only if they are accessory to the main rural residential use of the lands and are located on lots large enough that the uses will be unobtrusive to neighbouring areas.

19.9.2 ADVERTISING AND STORAGE

Advertising devices and open storage of goods and materials will be strictly regulated in the implementing zoning by-law.

19.10 EXTRACTIVE INDUSTRIAL USES

19.10.1 PERMITTED USES (OPA 8)

The following extractive industrial uses may be permitted:

- mineral mining, subject to the approval of the Ministry of Northern Development, Mines and Forestry under the *Mining Act*;
- quarrying and the extraction of sand, gravel, and other aggregates, subject to the approval of the Ministry of Natural Resources under the *Aggregate Resources Act*;
- associated operations such as crushing, screening, and storage, subject to the approval of the Ministry of Natural Resources under the *Aggregate Resources Act*.

19.10.2 APPROVAL REQUIREMENTS (OPA 8)

The location of a new extractive operation, or of the expansion of an existing operation beyond its existing extractive industrial zone boundaries, requires approval from the appropriate Provincial agency and will be further regulated by an implementing zoning by-law.

When considering new or expanded operations, Council will ensure that the extractive use can be well separated from any neighbouring residential or recreational development, and that development can be undertaken in a manner which minimizes impacts on the physical environment and adjacent land uses and owners.

19.10.3 REHABILITATION (OPA 8)

It will be a condition of development approval that all extractive operations be rehabilitated. Pits and quarries will be rehabilitated according to the requirements of the license issued by the Ministry of Natural Resources under the *Aggregate Resources Act*. Mines will be rehabilitated according to the requirements of the Ministry of Northern Development, Mines and Forestry. The Municipality will encourage these agencies to require the progressive rehabilitation of extractive operations wherever possible.

19.10.4 CONTROL OF SITE DEVELOPMENT (OPA 8)

Development of extractive operations will be regulated by the appropriate Provincial approvals and by Municipal by-laws. The Municipality may request a development agreement. The following provisions will normally be among those included in development agreements:

- posting security to ensure compliance with the agreement;
- rehabilitation in accordance with Section 19.10.3;
- control of access points for traffic safety;
- control of truck routes;
- erection of adequate signs and fences for public protection;
- compliance with the setbacks established by the applicable Provincial regulation;
- dust, noise, and spills control;
- operational standards;
- buffer planting or other appropriate screening from adjacent uses; and

- control of drainage.

19.11 DISPOSAL INDUSTRIAL USES

19.11.1 PERMITTED USES

The following disposal industrial uses may be permitted: solid waste disposal sites, salvage yards, sewage lagoons, and similar uses.

19.11.2 SOLID WASTE DISPOSAL SITES

Arrangements for solid waste disposal will be reviewed from time to time with a view to the consolidation of disposal sites, the improvement of site operations, the rehabilitation of worked-out sites, and the establishment of future sites.

New solid waste disposal sites will require an amendment to this Plan and will be regulated by an implementing zoning by-law. Council will consider such an application only if the applicant submits a waste disposal site compatibility report as described in Section 22.4.8.

New solid waste disposal sites will be located at least 500 metres (1,640 feet) from the nearest residential or recreational use and the nearest lake or river, or as determined by the waste disposal site compatibility report.

19.11.3 SALVAGE YARDS (OPA 8)

The development of salvage yards and similar uses will be regulated by Municipal by-laws. All such uses may be licensed by the Municipality. The location of these uses will be regulated through the implementing zoning by-law.

19.11.4 SEWAGE LAGOONS (OPA 8)

Sewage lagoons for public purposes, or for the disposal of wastes from industrial holding tanks, may be permitted by an implementing zoning by-law. Such uses should be separated from residential and recreational uses in accordance with applicable Ministry of the Environment guidelines. Operations will be subject to the regulations of the applicable approval authority.

Section 20

SPECIAL AREAS

The boundary of each Special Area is shown on Schedule "A".

20.1 SPECIAL AREAS: SITE SPECIFIC POLICIES (OPA 8)

20.1.1 SPECIAL AREA SSP-1 (OPA 8)

Despite the policies of Section 7.2, a professional office or home profession may be permitted in Special Area SSP-1, more particularly described as Part Lot 1, Block N, Registered Plan 1, Town Plot of the Village of Haliburton in the geographic Township of Dysart, subject to a zoning by-law amendment to ensure compatibility with surrounding residential uses, and to limit the uses permitted in a dwelling to professional services, prohibiting any retail sales. The uses will be subject to site plan control, in order to ensure compatibility with surrounding residential uses.

20.1.2 SPECIAL AREA SSP-2 (OPA 8)

Despite the policies of Section 10.1, in Special Area SSP-2, more particularly described as assessment parcel number 46-24-030-000-58400, in the geographic Township of Harcourt, four accessory dwelling units per lot may be permitted.

20.1.3 SPECIAL AREA SSP-3 (OPA 8)

Despite the policies of Section 21.8.3, in Special Area SSP-3, more particularly described as Lots 1 through 49 inclusive and Blocks 50 through 56 inclusive, Plan 636, in the geographic Township of Dudley, site plan control may be used for single family dwelling and accessory buildings where it is necessary to maintain a nutrient uptake buffer zone between a shoreline and the developed portion of a lot. The location of the buffer zone is shown on the site plan agreement registered on the title of each lot.

20.1.4 SPECIAL AREA SSP-4 (OPA 8)

In recognition of Ontario Municipal Board Order No. 0536, dated April 29th, 2003, and Supplementary Order No. 1183, dated September 8th, 2003, a boathouse, as regulated by Zoning By-law 2003-97 and the corresponding site plan agreement, is permitted within the water setback on Part Lot 21, Concession X, more particularly described as Lot 19, Plan 625, in the geographic Township of Guilford.

This Special Area recognizes the intent of the amendment to the Municipality's original Official Plan, by the Ontario Municipal Board, to permit a boathouse on the above noted property. The Dysart Official Plan herein, has replaced the original Official Plan. Section 5.1.2 herein, clarifies the intent of the shoreline policies of the Municipality of Dysart et al and restricts the type and location of shoreline development. In particular, Section 5.1.2 herein, clarifies that boathouses are not a permitted within the water setback area, except in this Special Area.

20.1.5 SPECIAL AREA SSP-5 (OPA 3, OPA 8)

Despite the policies of Section 7.1.3 Suburban Residential, where a lifestyle residential development is proposed within the *Suburban Residential Areas* designation and the proposal proceeds by condominium approval, the following will apply:

- condominium units, which are designed for a single family dwelling, will have a minimum

unit area of 320 square metres (3444.5 square feet) and a minimum unit frontage of 12 metres (39.3 feet); and

- condominium units, which are designated to accommodate medium density residential development in the form of townhouse units, will have a minimum unit area of 200 square metres (2152.8 square feet) and a minimum unit frontage of 7.5 metres (24.6 feet); and
- the maximum density, calculated using the entire original land holdings, is not more than 10 dwelling units per hectare (4 units per acre).

This Special Area recognizes the direction provided by Provincial Policy 1.3 Settlement Areas, which promotes among other matters, opportunities for intensification of land uses in accordance with the policies of Section 2: Wise Management and use of Resources and Section 3: Promoting Public Health and Safety. A portion of the *Rural Areas* designation is included in this proposal only and is not to be considered precedent. This recognizes that the subject lands are surrounded by existing land uses (Wigamog Inn and Pinestone Golf course) that will contain the residential use and discourage scattered isolated development. Reduced density considerations are included for this property to recognize the concern of local residents.

20.1.6 SPECIAL AREA SSP-6 (OPA 10) Refused

20.1.7 SPECIAL AREA SSP-7 (OPA 11)

Despite the policies of Section 4.7.1 and 4.7.4 of the Dysart et al Official Plan, within “*Special Area SSP-7*”, development, which may include public recreation uses limited to a dog sled tour business and a horseback riding business, is permitted with access via a private right of way.

20.1.8 SPECIAL AREA SSP-8 (OPA 13)

Despite the policies of Section 7.1.2 of the Dysart et al Official Plan, within “*Special Area SSP-8*”, a lot, which is designated *Urban Residential Area*, can have a lot frontage of 12 metres.

This special policy area recognizes that the subject lands are a relatively large lot, that is suitable for the proposed medium density residential use even though it does not meet the lot frontage criteria. They have frontage along Pine Avenue, which is a publicly maintained road and provides suitable ingress and egress to the property. The frontage along George Street, which is an un-assumed road allowance, provides suitable secondary access for emergency vehicles.

20.2 SPECIAL AREAS: LAKE SPECIFIC POLICIES (OPA 8)

20.2.1 SPECIAL AREA LSP-1: KAWAGAMA LAKE (OPA 8)

Despite the policies of Section 5.1.2, boathouses may be permitted in Special Area LSP-1, more particularly described as the Waterfront Areas adjacent to Kawagama Lake in Concession XII, Lots 1 through 15, Concession XIII, Lots 1 through 15, and Concession XIV, Lots 1 through 9, in the geographic Township of Havelock. Boathouses will be limited to single storey structures that do not include living quarters. Each development approval will require the following:

- A zoning by-law amendment.
- A site plan and agreement.
- Full ownership by the applicant of the subject lands, which may require purchase of the shoreline road allowance.
- Approval from the Ministry of Natural Resources and Canada Department of

Fisheries and Oceans as required.

This Special Policy Area recognizes that Kawagama Lake is a unique situation. Three quarters of the lake is located within the Township of Algonquin Highlands. The Township of Algonquin Highlands permits boathouses. This Special Policy Area provides consistent land use policies over different administrative jurisdictions. Furthermore, Kawagama Lake is physically separated from the rest of the Municipality of Dysart et al. All public road access to Kawagama Lake is via roads through the Township of Algonquin Highlands. The only marine linkage between Kawagama Lake and other lakes within the Municipality of Dysart et al is via a canoe portage route to the south.

20.2.2 SPECIAL AREA LSP-2: PERCY LAKE (OPA 8)

Despite the policies of Section 5.1.2, storage sheds may be permitted in the water setback of lots located in Special Area LSP-2, more particularly described as the Waterfront Areas designation adjacent to Percy Lake in Concession 5, Lots 22 to 25 inclusive, Concession 6, Lots 22 to 24 inclusive, Concession 7, Lots 22 to 28 inclusive, Concession 8, Lots 20 to 27 inclusive and Concession 9, Lots 22 to 27 inclusive in the geographic Township of Harburn.

Storage sheds within the water setback will comply with the following criteria, which will be strictly enforced:

- storage sheds will only be permitted on lots that have a minimum slope of 15% measured over a horizontal distance inland 30 metres from the high water mark;
- storage sheds will be restricted to a maximum ground floor area of 9.3 sq. metres (100 sq. feet) and a maximum height of 3.5 metres (11.5 feet);
- storage sheds will be located a minimum of 4 metres (13 feet) from the high water mark;
- storage sheds will be located a minimum of 1 metre (3.3 feet) from the side lot line;
- the storage of vehicles and motor vehicles (including boats), as defined by the implementing zoning by-law, is not permitted in storage sheds;
- living accommodations are not permitted in storage sheds; and
- storage sheds will be screened from view, from the lake and from neighbouring lots, by native vegetation.

The following development approvals are required prior to constructing a storage shed in the water setback:

- a zoning by-law amendment;
- a site plan and agreement; and
- purchase of the shoreline road allowance, if the shed will be located on the shore road allowance.

This special policy area ensures that the general intent of Section 5.1.2 is implemented, while recognizing the preference of residents on Percy Lake to address the constraints and challenges of steep lots. The Percy Lake Ratepayer's Association has lobbied the Municipality for special consideration and has completed a lake plan to support their position. As part of their planning process, the Lake Association conducted a survey of residents. They achieved a response rate of 76% to the survey. Of those surveyed, 92% were in favour of permitting storage sheds within the water setback, as long as the sheds were restricted to the criteria listed herein.

20.2.4 SPECIAL AREA LSP-4: (OPA 12)

Despite the policies of Section 9.2 of the Dysart et al Official Plan, within “Special Area LSP-4” the following minimum lot criteria will apply:

- minimum lot frontage – 115 metres
- minimum lot area – 1.5 hectares

This Special Policy Area recognizes the topographic and physical features of the lot and implements the recommendations of the site evaluation report, which was prepared to support the proposed subdivision.

Section 21

IMPLEMENTATION

21.1 GENERAL POLICIES (OPA 8)

This Plan will be implemented by means of the powers conferred upon Council and other public agencies by the *Planning Act*, the *Ontario Building Code Act*, the *Municipal Act*, and other such statutes as may be applicable. In particular, this Plan will be implemented by zoning by-laws, building by-laws, by-laws pursuant to the *Municipal Act*, construction of public works, and land acquisitions.

21.2 LAKE PLANS (OPA 8)

Should a lake association undertake development of a lake plan, the Municipality will provide planning information and advice in support of the plan where feasible.

If a lake association wishes the Municipality to implement specific land use policies for the lake, that are different from the policies of this Plan, the following will apply:

- The lake association prepares a lake plan using the methodology and procedure outlined in the manual "*Lake Planning Handbook for Community Groups*", prepared by the Federation of Ontario Cottagers Associations (FOCA) and French Planning Services Inc. (FPSI), 2009.
- The lake association advises the Municipality of their planning exercise and involves the Municipality, as appropriate, in the lake planning process.
- The lake association demonstrates that it actively engaged the lake community, including both members and non-members of the association, in the lake planning process.
- The Municipality will only accept for processing, an application to amend the Official Plan, where the lake association demonstrates that there is broad-based support for the lake plan through the results of community meetings and surveys undertaken during the lake planning process. The Municipality will require the Lake Association to demonstrate that 75% of residents (both members and non-members of the Association) are in favour of the lake plan.
- The lake association is an incorporated body.
- The lake association makes application to amend the Official Plan and acts as advocate for the application. Sufficient copies of the lake plan will be provided to support the application.
- The policies proposed by the lake association are generally consistent with this Plan; are consistent with the policies of Sections 1 through 5; do not rely on any land use designation, which is not in this Plan, and would not amend Schedule "B" or the municipal resource register described in Section 5.5.

An amendment to incorporate specific land use policies for a lake will be incorporated into Section 20.2 of this Plan.

21.3 ZONING BY-LAWS

21.3.1 ZONING BY-LAW REVIEW

A review of the Municipality's Comprehensive Zoning By-law will be undertaken to ensure that it conforms with and properly implements the policies of this Plan. The Comprehensive Zoning By-law will be amended, if required.

21.3.2 ZONING OF CONFORMING LAND USES

Land uses existing on the date this Plan is approved, which conform to the land use designations shown on Schedule "A" and the other relevant policies of this Plan, will be zoned in accordance with the zoning policies of this Plan which pertain to the appropriate land use designation.

21.3.3 ZONING OF NON-CONFORMING LAND USES

Land uses existing on the date this Plan is approved, which do not conform to the land use designations shown on Schedule "A" hereto or the other relevant policies of this Plan, may be recognized in implementing zoning by-laws, but the zoning on such lands may not be further amended except in conformity with this Plan.

21.3.4 ZONING OF UNDEVELOPED LANDS

It is not the intention of Council to zone all lands immediately to conform to the land use designations shown on Schedule "A". Any undeveloped lands to which Council has made a commitment to development may be zoned in accordance with the zoning policies of this Plan which pertain to the appropriate land use designation. Any such commitment to development will normally be in the form of a signed consent, subdivision, condominium, or other development agreement with the applicant. Undeveloped lands in Residential Areas, Hamlet Areas, and Waterfront Areas may be zoned to permit infilling and minor extension of existing development patterns. Undeveloped lands in Institutional Areas, Commercial Areas, and Industrial Areas may be rezoned to encourage the establishment of desired land uses, only if the development of such lands can be made subject to subsequent consent, subdivision, condominium, or development agreements with the applicant. All other lands will be placed in a development, open space, environmental protection, or rural zone to delay their development until Council approves an appropriate development application for the lands.

21.4 BUILDING BY-LAWS

Council will review any by-laws passed in accordance with the *Ontario Building Code Act* to ensure that the by-laws properly implement the policies of this Plan.

21.5 OTHER BY-LAWS

By-laws governing such uses as trailers, signs, salvage yards, and waste disposal sites will be considered to ensure that such uses are properly regulated and controlled. This may require preparing new by-laws or amending existing by-laws.

21.6 PUBLIC WORKS CONSTRUCTION AND LAND ACQUISITION

The construction of public works and the public acquisition of land within the Municipality will be carried out in accordance with the policies of this Plan.

21.7 PUBLIC INVOLVEMENT

21.7.1 NOTICE OF PUBLIC MEETINGS

Council will notify the general public of the preparation of an amendment to this Plan or a zoning by-law amendment, in accordance with the *Planning Act* and its regulations.

Normally, the proposed amendment will be available to the public in a generally accessible public building before the public meeting.

21.7.2 THE PUBLIC MEETING

Council will set the time of the public meeting, and the meeting will be open to all interested individuals having an interest in the proposed amendment. All interested individuals who wish to express their opinion will be given this opportunity.

21.7.3 PUBLIC MEETING NOT REQUIRED

Council may decide that no public meeting is required for an Official Plan or zoning by-law amendment of a technical nature.

An Official Plan amendment of a technical nature consists entirely of one or more of the following:

- the creation of a consolidated Official Plan, provided that only existing approved amendments are added to the Plan;
- the updating of references to the *Planning Act* or any other Act;
- the translation of measurements from one unit to another, or the correction of imperial equivalents, provided that no change to the metric standard results;
- the renumbering of sections in the Plan;
- the correction of clerical, grammatical, or typographical errors, provided that they do not result in a change in policy;
- the addition of cross-references to assist in the consistent interpretation of the Plan, provided no new polices are introduced.

A zoning by-law amendment of a technical nature consists entirely of one or more of the following:

- the creation of a consolidated Comprehensive Zoning By-law, provided that only existing approved amendments are added to the Comprehensive By-law;
- the updating of references to the *Planning Act* or any other Act;
- the translation of measurements from one unit to another, provided that no change to the standard results;
- the renumbering of sections in the Comprehensive By-law;
- the correction of clerical, grammatical, or typographical errors, provided the intent of the Comprehensive By-law is not altered;
- the addition of cross-references to assist in the consistent interpretation of the Comprehensive By-law, provided no new regulations are introduced.

21.8 SITE PLAN CONTROL

21.8.1 GENERAL POLICY (OPA 8)

Site Plan Control will be used by the Municipality to ensure that any proposed development is designed and constructed to implement the intent and principles of the Plan.

The objectives of the Municipality in exercising site plan control are as follows:

- to improve the treatment of site plan details and maintain consistent municipal standards in a site plan control area;
- to ensure safe and efficient access and movement of vehicular and pedestrian traffic;
- to minimize land use incompatibility between new and existing development;
- to provide functional and attractive facilities such as landscaping and street lighting;
- to control the placement and provision of required services;
- to secure the conveyance of any easements or rights-of-ways in favour of the Municipality;
- to implement where possible and economical to do so, the recommendations of the Streetscape Project, 2009 and the Built Form Guidelines, 2005; and
- to ensure that the proposed development is built and maintained as approved by Council.

21.8.2 DEFINITION

For the purposes of Section 21.8, "development" is defined in accordance with Section 41(1) of the *Planning Act*, rather than in accordance with the definition in Section 1.7 of this Plan.

21.8.3 SITE PLAN CONTROL AREA (OPA 8)

The proposed site plan control area is the entire Municipality outside Algonquin Provincial Park. However, the following forms of development will be exempt from site plan control:

- low density residential development containing two dwelling units or less, save and except Part Lot 11, Concession 8, in the geographic Township of Dysart, in the Municipality of Dysart, Roll No. 46-24-011-000-66700-0000; (OPA 2)
- farm-related development, including buildings and structures for agricultural uses;
- extractive industrial development, except the construction, erection, placing or extension of buildings or structures thereto;
- any land, building, or structure used for any public service provided by the Municipality, the County of Haliburton, the Government of Ontario, the Government of Canada, or any public authority;
- all structures and buildings accessory and incidental to the above exempted uses, save and except boathouses as permitted by this Plan.

21.8.4 IMPLEMENTATION (OPA 8)

Within the proposed site plan control area, Council may pass a by-law to designate a site plan control area.

Before development within an area designated by by-law as a site plan control area proceeds, including construction of a residential building containing less than 25 dwelling units, Council may require one or more of the following:

- submission of plans certified by an Ontario land surveyor showing the location of all existing and proposed buildings and structures, and all works and facilities to be provided in conjunction with the development;
- submission of drawings as described in Section 41(4), paragraph 2 of the *Planning Act*, certified by a professional engineer or architect; and

- execution of a site plan agreement between the landowner and the Municipality to ensure that all buildings, structures, and works or matters described in the plans and drawings are completed and will be maintained to the satisfaction of Council.

Council may obtain and consider public input before approving a site plan.

A site plan and agreement may address the following as appropriate:

- the requirements of Section 12.4;
- road widenings;
- vehicular access points;
- loading, parking and driveway locations;
- the surfacing of loading, parking and driveway areas;
- the location and design of walkways and walkway ramps;
- the location, massing and conceptual design of any buildings and structures, including the exterior design (eg. character, scale, appearance and design features, including sustainable design features);
- the location and type of lighting, landscaping and preservation or restoration of natural vegetation;
- the location and type of garbage storage;
- the location and nature of easements including easements for drainage works, watercourses, roadways, or other public utilities and similar undertakings;
- the grade and elevation of land;
- the type and location of storm, surface and waste water disposal facilities;
- the requirements for snow removal facilities; and
- the accessibility of facilities for person with disabilities.

Where applicable, the recommendations and direction provided by the Built Form Guidelines (2005) and the Streetscape Project (2009) will be applied.

21.9 TEMPORARY USE BY-LAWS

21.9.1 GENERAL POLICY

Temporary uses may be authorized by by-law for a specific time period up to three years, as provided for in the *Planning Act*, where it is considered inappropriate by the Municipality to permit the proposed use to operate on a permanent or continuing basis, and where alternatives such as relocation are not practical. Subsequent by-laws, granting extensions of up to three years, may be passed. However, once the by-law has lapsed, the use must cease, or it will be viewed as contravening the pre-existing zoning by-law.

21.9.2 CRITERIA

Before passing a temporary zoning by-law, Council will be satisfied that the following principles and criteria have been met:

- the proposed use will be of a temporary nature and will not entail any major construction or investment on the part of the owner, so that the owner will not experience undue hardship in reverting to the original use upon termination of the temporary use provisions; and
- the proposed use will not be incompatible with adjacent land uses and the character of the surrounding neighbourhood.

Despite anything else in this Plan, Council may authorize a temporary use of land which may not comply with the policies of this Plan, only if the temporary use is determined to not have any detrimental effect upon the existing land uses in the area and the long-term objectives of the Plan.

21.10 HOLDING PROVISIONS

21.10.1 OBJECTIVES

A zoning by-law amendment may include a holding provision as provided for in the *Planning Act*.

Holding provisions may be used at any time and anywhere to achieve the following objectives.

- to ensure that development is properly phased;
- to ensure the adequate and timely provision of services;
- to allow for the collection of additional information to ensure that the proper and appropriate land use analysis is conducted;
- to ensure compliance with the provisions of a site plan agreement, where development is subject to site plan control and certain design considerations are required;
- to ensure that where required, the proper approvals, licenses, and permits are obtained from other agencies before the development proceeds.

21.10.2 APPLICATION AND REMOVAL OF HOLDING PROVISIONS

Council may apply holding provisions by adding an "H" symbol to the designation of some or all of the lands subject to the zoning by-law amendment. The holding provisions will normally allow existing uses to continue. The holding symbol will be removed when the applicable objectives, as stated in the zoning by-law, have been achieved.

The holding provisions will address specifically the following:

- the uses permitted during the period that the holding provisions are in place;
- the conditions to be met before development is permitted to proceed;
- the time required to meet these conditions; and
- the responsibility of the applicant, the Municipality, and any other agency or party in meeting the conditions.

21.11 INTERIM CONTROL BY-LAWS

Council may pass an interim control by-law as provided for in the *Planning Act*. An interim control by-law prohibits some or all development within a defined area for up to one year, and the time period may be subsequently extended to a total of two years. During this period, the Municipality must undertake a study of the planning policies that should apply in the controlled area in the future. Before the interim control by-law expires, Council must replace it with new planning policies and a new zoning by-law based on the study that was undertaken. Otherwise, when the interim control by-law expires, planning policies and zoning regulations revert to what they were beforehand.

Section 22

ADMINISTRATION

22.1 PLAN ADOPTION

Before Council adopted this Plan, meetings were held with Provincial agencies and residents of the Municipality to present the draft Plan and receive comments.

22.2 PLAN INFORMATION

Following approval of this Plan, Council will arrange to have the Plan reproduced and made available, in order to inform the general public of the Plan's policies and proposals.

22.3 PLAN REVIEW

22.3.1 CONTINUING REVIEW

This Plan will be subject to continuing review by Council. Should environmental, economic, or social conditions change so as to significantly affect the basis or objectives of this Plan, the Plan will be amended to reflect the altered conditions.

22.3.2 FIVE-YEAR REVIEW (OPA 8)

Every five years from the date this Plan is approved, Council will undertake a complete review of the policies and designations of this Plan.

As part of each five-year review, the following provisions of this Plan will be reviewed and if deemed necessary, amended and updated for the next five-year period, and will not normally be amended at any other time.

- The boundary of the Haliburton Village Service Area.
- All designations on Schedule "B" and in Table 1.

22.4 STUDIES OR DEMONSTRATIONS REQUIRED

22.4.1 GENERAL POLICY

This Plan requires that in some cases, applicants undertake studies as conditions of development application or approval. These are described in the remainder of Section 22.4.

Where this Plan requires that an applicant undertake a study or otherwise demonstrate that a policy of this Plan can be met to Council's satisfaction as a condition of development application or approval, the study or demonstration will be conducted at the applicant's cost. Council may, to assist it in its deliberations,

- ask the relevant provincial or federal agency to review and comment on the study or demonstration, and/or
- require a professional peer review of the study or demonstration at the applicant's cost.

Council may also impose conditions of development approval to ensure that the impact mitigation recommendations of any study or demonstration are implemented.

22.4.2 ENVIRONMENTAL IMPACT STUDY (OPA 8)

An Environmental Impact Study will demonstrate to Council's satisfaction that the proposed development will have no negative impacts on the significant natural heritage feature, as identified in Section 5.3.4, or on the ecological functions for which the feature has been identified.

An Environmental Impact Study, will include the following, or as scoped by the Municipality or the approval authority:

- a description of the proposal and a statement of the rationale for the undertaking;
- a description of the existing land use(s) on site and on the adjacent lands;
- a description of the topographical features and the landforms;
- the land use designation on site and on adjacent lands, as identified by this Plan;
- a description of alternative development proposals for the site, as well as, the environmental impact of the alternatives;
- a comprehensive description of the proposal, including its direct and indirect effect on the environment and considering both the advantages and disadvantages of the proposal;
- an identification of the environmental constraint areas;
- an environmental inventory of the area under development consideration (including plant life, land-based and aquatic wildlife, wetlands, natural landforms, fish, surface waters, hydro-geological features etc.);
- a statement of environmental and ecological significance of the area affected by the proposed development;
- a statement on the ecological functions of the natural features;
- identification of Species at Risk through identified records and field inventories and potential impacts on their habitat;
- a statement on how development will contribute to the preservation and enhancement of the natural areas;
- a detailed description of mitigating effects;
- a recommendation on buffer or setback distances for building envelopes, respecting the policies of this Plan and the implementing zoning by-law;
- any additional information requested by Council or the approval authority; and
- where applicable, an assessment of options for servicing the development, as well as, the environmental impacts of the servicing options.

An Environmental Impact Study for proposed development adjacent to a significant natural heritage feature will include as a minimum study area, the natural heritage feature, as well as, the area surrounding that feature, in accordance with the adjacent lands described in Section 5.3.4.4.

22.4.3 SITE EVALUATION REPORT

A site evaluation report will demonstrate to Council's satisfaction that the subject lands are suitable for the proposed development and that development will not be unduly constrained by site limitations. The report will provide information on and evaluate the following:

- slopes;
- soil depth, type, and moisture;

- shoreline and upland vegetation;
- overland or stormwater drainage;
- fish and wildlife habitat;
- natural and cultural heritage protection
- access;
- water supply and sewage disposal;
- the location of existing and proposed buildings, structures, and tile fields, of existing and proposed golf holes and ski hills if applicable, and of proposed site alteration, relative to the shoreline and to existing and proposed lot lines;
- whether lot frontages and areas, and building, structure, tile field, golf hole, and ski hill setbacks from water, should be greater than the minimums that would otherwise apply, if the development is a residential development in an area of use limitation as described in Section 9.2 or if the information provided suggests other significant site limitations;
- in general, whether the policies of Sections 4 and 5 can be met, and what mitigation measures may be required to do so.

Council will prescribe more detailed requirements for site evaluation reports, tailored to the scale of development. These may range from a short form for development creating or further developing a single residential lot, to a detailed professional study for large-scale development. Council may also require that for certain categories of development, such as all large-scale development, and small-scale development where lot frontages, lot areas, and setbacks are near the minimum requirements of this Plan or the implementing zoning by-law, site evaluation reports include a sketch plan of the development prepared by an Ontario land surveyor.

22.4.4 BOATING CAPACITY STUDY

A boating capacity study will demonstrate to Council's satisfaction that the boating activity generated by the proposed development will not unduly add to existing aquatic recreational stresses, conflicts, and hazards, and that any impacts can be mitigated so that the lake's recreational attractiveness will be maintained or enhanced.

22.4.5 TROPHIC STATE CAPACITY STUDY

A trophic state capacity study will demonstrate to Council's satisfaction that the phosphorus inputs generated by the proposed development will not unduly impair water quality for aesthetic and recreational purposes, taking into account the Ministry of the Environment's *Water Management Policies, Guidelines, and Provincial Water Quality Objectives*, and that best efforts will be made to minimize inputs.

The study will be conducted in accordance with methodologies accepted by the Ministry of the Environment and using as a guide appropriate technical manuals produced by the Ministry.

22.4.6 MINERAL/AGGREGATE RESOURCE IMPACT REPORT (OPA 8)

A resource impact report with respect to development in or near an Existing Pit or Quarry or a mine, pit, or quarry approved in conformity with this Plan as described in Sections 5.3.2 or 5.3.3 will demonstrate to Council's satisfaction, and in case of a mine, to the satisfaction of the Ministry of Northern Development, Mines and Forestry, that the proposed development:

- is not of a type that would preclude or hinder the continued use of the mine, pit, or quarry, or its expansion within the lot on which it is located, and
- is not incompatible with the mine, pit, or quarry for reasons of public health, public safety, or environmental impact.

A resource impact report with respect to development in or near a Significant Aggregate Deposit or in Areas of High Mineral Potential as described in Sections 5.3.2 or 5.3.3 will demonstrate to Council's satisfaction, and in the case of an Area of High Mineral Potential, to the satisfaction of the Ministry of Northern Development, Mines and Forestry, that:

- the proposed development is not of a type that would preclude or hinder access to or extraction of the resource, and that any public health, public safety, and environmental impact issues arising from the proximity of resource extraction to the proposed development will be satisfactorily addressed; or
- extraction of the resource is not feasible; or
- the proposed development serves a greater long-term public interest than extraction of the resource would.

22.4.7 ARCHAEOLOGICAL ASSESSMENT

An archaeological assessment will be conducted in accordance with the requirements of the *Ontario Heritage Act* and the Ministry of Culture.

Where an archaeological assessment identifies significant archaeological resources on the subject lands, it will be a further condition of development that before construction or site alteration, the applicant will conserve those resources by removal, documentation, or preservation on site, to the satisfaction of the Ministry of Culture.

22.4.8 WASTE DISPOSAL SITE COMPATIBILITY REPORT

A waste disposal site compatibility report with respect to development in or near a Waste Disposal Site as described in Section 4.13.3 will demonstrate to Council's satisfaction that:

- the proposed development is not incompatible with the Waste Disposal Site for reasons of public health, public safety, or environmental impact;
- the applicable Ministry of the Environment guidelines have been complied with.

A waste disposal site compatibility report with respect to development of a new solid waste disposal site as described in Section 19.11.2 will demonstrate to Council's satisfaction that:

- any public health, public safety, and environmental impact issues arising from the proximity of the proposed development to other land uses will be satisfactorily addressed;
- the applicable Ministry of the Environment guidelines have been complied with;
- the Ministry of the Environment intends to approve the proposal.