

TOWNSHIP OF MINDEN HILLS

OFFICIAL PLAN

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Official Plan Amendment #9

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Schedules

Schedule A	Land Use
Schedule A-1	Land Use in the Settlement Area of Minden
Schedule B	Natural Heritage Features
Schedule C	Transportation and Utilities
Schedule C-1	Transportation and Utilities in the Settlement Area of Minden
Schedule D	Aggregate Resources and Licensed Operations
Schedule E	Crown Land and Waste Management
Schedule F	Flood line Boundaries

3.3 Rural

3.3.1 Purpose

The purpose of the *Rural* designation is to:

- Preserve and promote the rural character of the Township and the maintenance of the open countryside are basic principles applicable to all development in the Rural designation.
- Reinforce the character of an open and natural landscape, the development pattern will continue to be characterized by large wide lots with varying setbacks.
- To establish that the preservation of the open, natural appearance of the countryside will be a priority.

3.3.2 Permitted Uses

3.3.2.1 Permitted uses include:

- a) a single detached dwelling.
- b) a semi-detached or duplex dwelling.
- c) a hunt camp.
- d) accessory businesses including home occupations, home industries, and bed and breakfast establishments.
- e) agricultural uses.
- f) forestry uses.
- g) existing extractive operations.
- h) kennels.
- i) resource management uses; and,
- j) uses in connection with government utilities or departments.
- k) Additional dwelling units in accordance with Section 5.19.

3.3.2.2 Certain other uses may be appropriate on land in the *Rural* designation, however, their potential for off-site impacts cannot be determined in advance and should be reviewed on a site-by-site basis. Uses such as major recreation uses, commercial and industrial ventures, institutional developments, or resource-based operations, may be allowed by site specific zoning amendment, but will not require an amendment to this Plan so long as the general intent of the Plan is maintained.

3.3.3 Development Policies for New Lots

3.3.3.1 Lot areas and frontages will be sufficient to retain the traditional development pattern and character of the area in which the development is proposed. In this regard, the following provisions apply:

- lot frontages will not be less than 60 metres (200 feet) nor lot areas less than 1 hectare (2.5 acres); and,
- a variety of larger lot areas and frontages will be encouraged in any development proposal to enhance the rural character of the Township.

3.3.3.2 Notwithstanding Section 3.3.3.1, variable setbacks, rights-of-way, larger or smaller frontages, and/or limits to building heights or building envelopes, may be implemented through the Zoning By-law, in order to further the rural design principles of this Plan.

~~3.3.3.3 In general, applications for new lot creation will be subject to the following criteria:~~

~~a maximum of 4 lots (including severed and retained parcels) may be created per original 40 hectare (100 acre) parcel, provided that the average lot area is 10 hectares (25 acres), the average lot frontage is 100 metres (330 feet) and the minimum lot area is not less than 1 hectare (2.5 acre);~~

- ~~on parcels of land that are smaller than 40 hectares (100 acres), the maximum number of lots created shall be determined on the basis of an average lot area of 10 hectares (25 acres) and an average lot frontage of 100 metres (330 feet).~~

- ~~lots may be considered on smaller parcels of land provided the lot frontage is not less than the average frontage of lots on the same side of the road as the proposal; and,~~

- ~~any lot in existence at the time of the passage of this By-law that fronts on a year-round municipally maintained road may be severed at least once, so long as minimum frontages and areas can be met.~~

3.3.3.34 Lot creation should incorporate the following design considerations:

- any new lot shall have frontage on a publicly owned and publicly year-round maintained road.
- the lots will maintain the character of the area in which they are being developed.
- the physical features of the property will be maintained and major earth moving projects will be discouraged.
- if the property subject to a consent application is located partially or completely within a Natural Feature area shown on Schedule “B” or in another natural feature discussed in Section 4, specific measures may be required to protect the natural feature(s) on, or in the vicinity of, the site.
- the lots shall have sufficient area to accommodate an on-site sewage disposal system and a potable water supply.
- entrances shall not create a traffic hazard; and,
- the appearance of a continuous row of residential development will be discouraged.

3.3.3.54 When residential severances are proposed, zoning amendment, subdivision, consent, and site plan control processes may be used to ensure that the proposed development is in keeping with the rural character of the area.

3.3.3.56 Accessory home businesses are expected to occur either as home occupations or home industries, as defined in the Zoning By-law. Such uses may be recognized where they would be at a scale consistent with existing uses, and where there would be no nuisance effects on surrounding properties, no significant environmental impacts, and no significant increase in traffic. Site plan control may be used in cases where a home business is to be recognized by Council.

3.3.4 Agricultural Land Uses

3.3.4.1 Agriculture is recognized as a traditional rural use which contributes to the character and landscape of the rural designation and supports the development of a local food system. For the purpose of this Plan, agriculture is considered in a broad sense and includes traditional agricultural uses as well as specialized or alternative operations such as maple sugar operations or hobby farms.

3.3.4.2 The preservation of existing agricultural uses will be supported, and sensitive uses should not be permitted adjacent to existing agricultural operations unless potential impacts can be mitigated.

3.3.4.3 New agricultural operations will be encouraged in the rural area where:

- they are on a parcel of land which is of sufficient size; and,
- environmentally sensitive areas and heritage areas will be protected.

3.3.4.4 New land uses and lots, and new or expanded livestock operations will comply with the Provincial minimum distance separation formulae.

3.3.4.5 Agricultural lots will be of sufficient size to:

- accommodate the agricultural use proposed.
- avoid negative impacts on the environment; and,
- avoid negative impacts on ground and surface water quality.

3.3.4.6 Adequate setbacks and buffers will be maintained on agricultural properties along property lines, to ensure compatibility with abutting uses.

3.3.5 Rural Residential

3.3.5.1 Rural Residential development is considered to be the development of a limited number of single detached dwellings serviced with individual water and septic services, located on large lots which front on existing publicly owned and year-round maintained roads.

influence area only where the impacts of mining operations can be properly mitigated. The influence areas shall be 1,000 metres (3,280 feet). The establishment or modification of the influence area should be carried out in consultation with the Ministry of Northern Development and Mines and the Ministry of Environment and may be done without an amendment of this plan.

- 3.3.9.7 Known abandoned mine sites have been identified on Schedule 'D' as a Mining Hazard. Proposals for development on or adjacent to these sites shall be prohibited until the nature and extent of any hazards have been mitigated based on a technical report prepared by a qualified professional and approved by MNDM.

3.3.10 Waste Management

- 3.3.10.1 All waste management sites operating in the Township, whether publicly or privately owned, shall be operated in a manner that safeguards the environment and protects nearby residents and sensitive land uses from undue impact. No residential use is permitted in conjunction with a licensed waste management site.
- 3.3.10.2 The Township of Minden Hills will continue to use the existing waste disposal sites identified as an Open Waste Management Site, on Schedule "E" to this Plan. Arrangements for the disposal of solid wastes will be reviewed, from time to time, by Council.
- 3.3.10.3 All operating waste management sites shall be covered by a current Certificate of Approval issued by the Ministry of Environment under the provisions of the Environmental Protection Act.
- 3.3.10.4 The establishment of new waste disposal or waste treatment facilities including landfill or recycling facilities, salvage yards, sewage lagoons, or sites used for the disposal of wastes from septic or holding tanks, shall require an amendment to the Official Plan, in order to address feasibility, site suitability, traffic, and haul routes, and to assess impacts. No such facility will be located within 500 metres of development other than compatible uses, such as an aggregate operation, a forestry use or a suitable industrial use, after the evaluation of the presence and impact of any adverse effects or risks to health and safety and the identification of any necessary remedial measures has been completed. New solid waste disposal sites will be separated from sensitive uses, such as residential and recreational uses, in accordance with applicable Ministry of the Environment and Climate Change "D" Series Guidelines.
- 3.3.10.5 If a new waste management site is proposed to be opened in the Township, an amendment to this Plan will be required. The proponent will be required to submit complete documentation to support the proposal prior to the application being considered by Council.
- 3.3.10.6 No reuse of a closed waste disposal site or a site used for the disposal of wastes may be undertaken for a period of 25 years without the consent of the Ministry of the Environment under the Environmental Protection Act, the Ontario Water Resources Act and the Environmental Assessment Act.

3.3.10.7 New development within 500 metres (1640 feet) of a waste disposal site will provide a technical study which demonstrates that the proposed development is compatible with the Waste Management Site including for matters of public health, public safety, and environmental impact, in accordance with the applicable Ministry of the Environment and Climate Change regulations and guidelines.

3.3.10.8 Vacant lands within 500 metres of either an active or inactive waste disposal site will be zoned with a Holding (H) symbol in the Zoning By-law. To remove an 'H', the landowner must demonstrate that the water supply of the proposed development will not be negatively impacted and that there is no impact from leachates, methane or other gases, contaminants, noise, odour, dust or other nuisances.

3.3.11 Implementation

Lands within the *Rural* designation will primarily be zoned to Rural (RU) or to other specific zone categories to reflect uses permitted in the Rural designation.

3.3.12 Special Policies

3.3.12.1 Special Policy Rural One (OPA 13)

On lands located in Part Lot 12, Concession A, geographic Township of Minden, identified as 688 Bobcaygeon Road, in addition to the other permitted uses on land designated Rural, a hauled sewage disposal and treatment use shall also be permitted. This use may only operate in accordance with a current Environmental Compliance Approval.

3.6 Mineral Aggregate Resource

3.6.1 Purpose

The purpose of the *Mineral Aggregate Resource* designation is to identify those lands where aggregate extraction and processing is a permitted use.

3.6.2 Permitted Uses

Land uses within the *Mineral Aggregate Resource* designation as shown on Schedule “D” to this Plan shall primarily be limited to aggregate extraction and processing which includes the extraction of unconsolidated and consolidated material. Accessory uses such as aggregate washing, and asphalt and concrete production may also be permitted uses subject to the provisions of a zoning by-law amendment. Existing uses otherwise permitted within the *Rural* designation may also be permitted but expansion may not be permitted to such uses without an amendment to this Plan.

3.6.3 Development Policies

3.6.3.1 [Mineral aggregate resources \(licensed operations and aggregate reserves\) shall be protected for long-term use.](#) Local and regional needs for mineral aggregate shall be met with minimal disturbance to the social and natural environment.

3.6.3.2 Mineral aggregate extraction and associated uses are permitted uses within the areas designated *Mineral Aggregate Resource* on Schedule “D”. This designation identifies areas where mineral aggregate extraction is presently carried out and includes all licensed public or private pits or quarries which are currently licensed under the Aggregate Resources Act (ARA). Schedule “D” also identifies areas where mineral aggregate deposits may exist and have the potential to supply aggregate demand in the future.

3.6.3.3 All extraction operations should be undertaken in a manner that minimizes impacts on the physical environment and adjacent land uses, after issues of public health, public safety and environmental impact have been addressed.

3.6.3.4 New applications to designate or zone lands for aggregate extraction purposes shall require an Official Plan Amendment and Zoning By-law Amendment. Applications to designate or zone lands as Mineral Aggregate Resources shall provide the following information for consideration by the Township:

- a) Information required pursuant to the Aggregate Resources Act.
- b) Effect on the natural environment.
- c) A rehabilitation plan.
- d) A site development plan which includes the following information:
 - i) True shape, topography, contours, dimensions, size and location of the property to be rezoned as well as the extent of adjacent property

held for future pit or quarry operations.

- ii) The location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the property.
- iii) Existing and anticipated final grades of excavation, shown by contours where necessary, as well as excavation setbacks.
- iv) Drainage provisions.
- v) All entrances and exits.
- vi) As far as possible, ultimate pit development, progressive and ultimate road plan, any water diversion or storage, location of stockpiles for stripping and products, progressive and ultimate rehabilitation, and where possible intended use of the land after the extractive operations have ceased; and,
- vi) Cross-sections through the deposit.
- e) The physical suitability of haulage routes proposed to and from the site and their ability to sustain the traffic volumes anticipated.
- f) The effect of the operation on nearby communities and land uses.
- g) Any related planning and land use consideration.

3.6.3.5

When considering a Planning Act approval to permit the establishment of a new extractive operation, the Township shall require that:

- a) ~~Extractive operations be generally restricted to areas not exposed to the public.~~
- ab) Excavation of sand and gravel shall be a minimum 120 metres from the property line of lands designated or used for residential use.
- be) Extraction of sand and gravel shall be setback up to 120 metres from lands designated for uses other than residential at the discretion of the Township.
- cd) Extraction of quarry stone or the processing of sand, gravel or stone shall be setback a minimum of 200 metres from the property line of lands designated for residential use.
- de) Extraction of quarry stone or the processing of sand, gravel or stone shall be setback up to 200 metres from the property line of lands designated for uses other than residential at the discretion of the Township.
- ef) No excavations shall take place within 30 metres of a right-of-way, and within 15 metres of a property line; and,
- fg) Haul routes shall maximize the use of County Roads and avoid the use of roads within the settlement areas and the Waterfront designation.

hg) No incompatible land uses and activities are permitted on site.

- 3.6.3.6 All pit and quarry use must satisfy the requirements of the Ministry of the Environment related to water supply and disposal of liquid waste. The taking of water in any pit or quarry of more than 50,000 litres per day requires a Permit to Take Water from the Ministry of the Environment. Noise and vibration levels of quarry operations including blasting, shall conform to the requirements Aggregate Resources of Ontario Provincial Standards (1997) document issued by the Ministry of Natural Resources. Equipment related to aggregate extraction may require a Certificate of Approval from the Ministry of Environment.

3.6.4 Development Policies for Adjacent Lands

- ~~3.6.34.71~~ A noise or compatibility study shall be required to assess the impact of a sensitive land use that is proposed within 500 metres of a quarry, within 300 metres of a pit below the water table, or within 150 metres of a pit above the water table. Incompatible and sensitive land uses are not permitted on lands adjacent to aggregate operations or areas of aggregate potential. For the purposes of this policy, adjacent lands are defined as any land within 500 m of a bedrock deposit within 300 m of a sand and gravel deposit.

In the absence of site-specific studies prepared at the time of licensing, adjacent lands also include lands within 500 m of the licensed boundary of a quarry and within 300 m of the licensed boundary of a pit. The area of influence for an active aggregate operation is 1000 m.

- 3.6.4.2 Where sensitive land uses are proposed on lands adjacent to licensed aggregate operations, proponents shall provide confirmation to the Township that the proposed development will not negatively impact the ability for the aggregate use to continue or potentially expand in the future. Conversely, the proponent shall also provide confirmation that the existing approved aggregate use will not negatively impact the proposed sensitive land use. Site-specific studies or investigations (noise, dust, vibration, hydrology) prepared by qualified professionals may be required as part of a complete application.

- 3.6.4.3 Incompatible and sensitive land uses are defined as buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonable expected times would experience adverse effects from an extractive use. Residential land uses are considered sensitive land uses at all times.

- ~~3.6.34.842~~ The Township, in consultation with Ministry of Natural Resources, may permit other land uses or developments in areas with aggregate resource potential as shown on Schedule "D" without amendment to this Plan provided that:

- extraction of the aggregate or resource use is not feasible due to environmental constraints, existing incompatible development, or the quantity and quality of aggregate available.
- the proposed land use or development serves a greater long-term interest of the general public than aggregate extraction.

- the proposed land use or development would not significantly preclude or hinder future extraction; and,
- issues of public health, public safety and environmental impact are addressed.
- Where development is proposed that is within or adjacent to areas of aggregate resource potential, a Mineral Aggregate Impact assessment may be required as part of a complete application.

3.6.45**Implementation**

Lands within the *Mineral Aggregate Resource* designation will primarily be zoned to permit aggregate operations and, where permissible, secondary uses such as concrete manufacturing.

proper traffic flow through the area.

- 5.18.4 The main entrances to the Village create an impression of the community and require specific design considerations to reflect the character of the Village. Streetscape improvements and regulation of signs and parking areas will be important components in any strategy to improve the visual features of the entrances.
- 5.18.5 Public open space along the shoreline of the Gull River and access to the water will be preserved, expanded and enhanced.

5.19 Additional Dwelling Units

Where permitted in this Plan, additional dwelling units are self-contained dwelling units which are accessory and subordinate, generally in height and size, to the primary dwelling unit, held under the same ownership as the primary dwelling, and may also be referred to as a secondary suite or additional residential unit.

Additional dwelling units may be located within the primary dwelling, being a single detached dwelling, semi-detached dwelling or townhome dwelling, attached to the primary dwelling, or within a permitted accessory structure (e.g. detached garage) or as a building ancillary to the primary dwelling, and as further defined in the Planning Act. The Zoning By-law shall define specific provisions for additional dwelling units, in conformity with the below criteria:

- a) a maximum of two additional dwelling units may be permitted on a property where residential uses are the principal use permitted, subject to the criteria of 5.19 b) through l);
- b) a maximum of one additional dwelling unit may be permitted in an accessory/ancillary building to the primary dwelling;
- c) a garden suite shall be discounted from the total number of additional dwelling units permitted;
- d) additional dwelling units shall only be permitted on lots which are accessed by year round publicly maintained road;
- ~~e) additional dwelling units will comply with the Ontario Building and Fire Codes as well as applicable provisions of the Township's Zoning By-law;~~
- ~~f) adequate parking is available on the lot for all dwelling units;~~
- g)e) The additional dwelling unit should be designed and located in the interest of maintaining the character of a detached dwelling as viewed from the streetscape;
- h)f) Additional dwelling units must be connected to municipal water supply and municipal sanitary sewage services where they are available, subject

to municipal service capacity and in accordance with requirements of the public works department;

- g) Where municipal services are not available, additional dwelling units may be permitted provided adequate private water supply and sanitary sewage disposal is demonstrated to the satisfaction of the Township, and which may include a technical study/assessment demonstrating that no negative impacts to groundwater or neighbouring properties will occur as a result of the development. Provision of water and sewage services can be shared with or separate from the primary dwelling.
- i)h) A minimum lot size of 1 hectare (2.5 acres) is required to permit additional dwelling units where municipal services are not available. An additional dwelling unit may be considered for an existing lot less than 1 hectare (2.5 acres) in size, without amendment to this Plan, subject to a hydrogeological assessment and an amendment to the Zoning By-law.
- j)i) Severance to divide an additional dwelling unit from the primary dwelling shall not be permitted;
- k)j) Additional dwelling units shall not be permitted to locate within the Waterfront designation ~~nor within 300 metres (984.3 feet) of an at capacity lake~~ nor within hazardous or environmentally sensitive lands.

6.1.5 Minor Variances

In accordance with the *Planning Act*, Council will appoint a Committee of Adjustment for the purpose of hearing applications for relief from a provision or provisions of the Township's Zoning By-law.

In determining whether to approve an application for a minor variance, Committee will need to be satisfied that the application meets the four tests:

- 1) That the requested variance conforms with the general intent of the Official Plan.
- 2) That the requested variance is in keeping with the spirit and intent of the Township's Zoning By-law.
- 3) That the requested variance is appropriate for the desirable development of the lot; and,
- 4) That the requested variance is minor.

In making a determination of whether a variance is minor as required in item four, Committee will have more regard for the degree of impact which could result from the relief and less regard to the magnitude of numeric or absolute relief sought by the applicant. In addition, applicants who request a minor variance should be prepared to demonstrate a need for the requested relief on the basis that the subject zoning provision is not warranted in a particular circumstance, causes undue hardship, or is otherwise impossible to comply with.

6.2 Lot Creation

6.2.1 Plans of Subdivision or Condominium Descriptions

- 6.2.1.1 This section applies to any proposal for the creation of 5 (five) or more lots or in situations where the Township identifies that it is in the public interest to proceed by way of subdivision approval or condominium description.
- 6.2.1.2 All applications must be accompanied by a hydrogeology and terrain analysis report (demonstrating that the water quality of the subject and surrounding properties will not be adversely affected and that the impact from the proposed sewage disposal systems will be acceptable), an impact assessment of septic system effluent on the groundwater, and a storm water management report (prepared by qualified professionals, to the satisfaction of the Township).
- 6.2.1.3 An aquifer evaluation report will be required to confirm that a suitable water supply can be obtained for each proposed lot.
- 6.2.1.4 Approval from the appropriate road authority for access to the development, and confirmation of road allowance widenings and reserves will be required at the time of application.

6.2.1.5 All areas of environmental constraint and significance, including but not limited to those indicated on Schedule “B”, shall be investigated and reported on by qualified professionals, the results and recommendations of which shall be implemented through conditions of draft plan approval.

6.2.1.6 Communal water and sewage systems that may service multiple lot development will require approval by the Ministry of the Environment.

6.2.2 Consents to Land Severance

6.2.2.1 ~~No more than three cumulative new lots (three new lots plus one retained) may be created through the consent process on any existing conveyable lot of record. This policy shall not apply where the severed and retained lands both have a minimum lot area of 40 hectares. Consents may be permitted for the creation of up to 5 lots (four new plus one existing), provided the policies of this plan are adhered to.~~

6.2.2.2 Council shall establish that a plan of subdivision is not required for the proper and orderly development of the land.

6.2.2.3 The intent and purpose of the Official Plan and Zoning By-law must be maintained.

6.2.2.4 The lot should be reasonably well proportioned, of regular shape and dimension, and must be of sufficient size and configuration to be serviced by private on-site water and sewage disposal systems.

6.2.2.5 The lot must front on an existing year round publicly maintained road, unless it is located in the Waterfront designation, in which case the provisions of Section 3.2 apply.

6.2.2.6 The lot shall not create a traffic hazard to sight lines, curves, or grades of existing development, as set out in accepted traffic engineering standards.

6.2.2.7 The lot shall meet Minimum Distance Separation requirements in the Rural area if there is an agricultural operation in the vicinity.

6.2.2.8 Severances will not be considered where the creation of a new lot may:

- be subject to the danger of flooding, erosion, steep slopes, high water tables or other physical hazard.
- have a negative impact on natural features and environmentally sensitive areas of surrounding lands; or,
- be in proximity to extractive industrial operations or areas identified as having mineral or aggregate resources.

6.2.2.9 Consent applications may be considered to:

- correct lot boundaries; or,

- convey additional lands to an adjacent lot provided the conveyance does not lead to the creation of an additional building lot and/or create an undersized or irregularly shaped lot.

6.2.2.10 Any application for consent to sever for commercial or industrial purposes must also be accompanied by a storm water management report prepared by a qualified professional, to the satisfaction of the Township.

6.2.2.11 New lot creation within 1000 metres (3281 feet) of an Urban or Rural Settlement Area will be generally discouraged to preserve opportunities for future settlement area expansion. Minor infilling may be considered by Council where proposed land uses are compatible with land uses in the abutting settlement area, settlement area expansion is not contemplated, the development would not create or contribute to issues with municipal servicing and the development would not inhibit future expansion of the settlement area.

6.2.3 Part Lot Control Exemption

6.2.3.1 Where the Township determines that it is appropriate, lot creation may occur through the release of Part Lot Control, in accordance with the Planning Act.

6.2.4 Use of Development Agreements

6.2.4.1 The Township may require a proponent to enter into municipal agreements as may be required in this Plan and in accordance with relevant Provincial statutes.

6.3 Deeming

6.3.1 Council may deem any plan of subdivision, or part thereof, that has been registered for eight years or more, not to be a registered plan of subdivision pursuant to Section 50 of the Planning Act, where such subdivision does not conform with the Official Plan.

6.4 Site Plan Control

6.4.1 All areas of the Township are designated as Site Plan Control areas under the provisions of the Planning Act. All uses in the Township may fall under Site Plan Control. All lands within designations that permit single detached dwellings are also designated as proposed Site Plan Control areas. Furthermore, residential apartment buildings containing fewer than 25 dwelling units located within the *Downtown*, *Downtown Transition* or *Residential* designations shall also be subject to site plan control.

6.4.2 Site Plan Control shall be utilized by the Township to ensure its compatibility with the vision and principles of this plan and to ensure:

- safe, orderly and functional development.
- safe and efficient access for all modes of transportation.
- land use compatibility between new and existing development.