

# Official Plan of the Town of Parry Sound

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# Official Plan of the Town of Parry Sound

October 1, 2013

## Section 1 Introduction and Context

### 1.1 Structure of the Plan

1.1.1 This Plan will be known as the “Official Plan for the Town of Parry Sound”.

1.1.2 This Plan consists of the text and the following Schedules:

- Schedule A - Land Use
- Schedule B - Transportation and Servicing
- Schedule C – Natural Features

1.1.3 The text and schedules are inter-related and should be read in conjunction with one another.

1.1.4 Appendices are attached to this Plan for information purposes. They do not form a formal part of the Official Plan.

1.1.5 The provisions of this Plan apply to the entire Town of Parry Sound. It replaces the Official Plan adopted December 13, 1994, and any subsequent amendments.

### 1.2 Purpose

1.2.1 The purpose of this Official Plan is to provide a planning framework to manage land use changes and to guide the physical development of the Town, while having regard to relevant social, economic, environmental and public health matters.

1.2.2 The Plan will:



- a) adopt growth management policies to guide development over the next twenty years;
- b) direct the actions of Council, the Planning Board, agencies and the public on development applications;
- c) recognize the financial capability of the Town to accommodate development and provide an appropriate level of municipal services;
- d) ensure that development occurs in a manner that will minimize public health and safety issues, including the protection of human life and property from water related hazards such as flooding and erosion;
- e) identify significant natural features and provide for their protection and conservation.

1.2.3 The policies contained in this document are not binding on the Crown. However, Crown agencies will have regard for these established policies in carrying out their respective mandates.

### **1.3 Basis**

1.3.1 This Plan has been prepared in accordance with the requirements of Section 17 of the Planning Act.

1.3.2 The Plan is intended to be consistent with the Provincial Policy Statement (2005) and to have regard to other provincial agency policies and guidelines.

1.3.3 The Town of Parry Sound functions as a regional trade and service centre for the west half of the District of Parry Sound. Its economy is greatly enhanced and quite dependent upon summer tourism, mainly generated by Georgian Bay, its 30,000 islands and numerous inland lakes.

1.3.4 Surrounded by rural and semi-rural townships, the Town provides an urban core for these areas and provides employment, services, and products to a large area. With the regional centres of Sudbury, Barrie and Bracebridge being 88 to 160

kilometres away, the Town acts as a primary location for commercial trade, health care services, government services, cultural events, educational facilities and many other needs of the area population.

- 1.3.5 The Plan builds on the successful policies of the prior approved Official Plan, Provincial Policy initiatives, and the Town's Strategic Planning directions.
- 1.3.6 Development restrictions in the urban area are the result of topographic features of the Town and elements of its historic development (e.g. through the railways).
- 1.3.7 Extensions to municipal piped services are costly because of bedrock conditions and any demand for increased development activity will be dependent on market demand. To minimize the costs of service extensions increased densities will be encouraged and development will be concentrated in areas where services are or can easily be made available. Market demand will be increased by engaging in economic development pursuits to strengthen the tourist industry and attract industry and business ventures within the Town and area.

## **Section 2      Guiding Principles**

### **2.1    Vision**

- 2.1.1 Parry Sound strives to become a modern and prosperous community that values its natural and cultural heritage and successfully integrates development within the existing community.
- 2.1.2 Growth and development will be managed and promoted while providing for the protection and enhancement of the natural and cultural features that define the inherent character of Parry Sound.

2.1.3 The policies of the Official Plan will ensure that land use changes are in the public interest, enhance quality of life, minimize public health concerns and are economically, socially and environmentally sustainable.

## **2.2 Principles**

2.2.1 Land Use changes will enhance the quality of life in the Town.

2.2.2 The stewardship of the Town's natural and cultural resources will be promoted.

2.2.3 Intensification of various land uses and more compact development forms are encouraged to more efficiently use existing infrastructure and to promote vibrant public spaces and active, healthy communities.

2.2.4 The Town will continue its commitment to develop, maintain and enhance an active and vital downtown core with a pedestrian oriented, culturally and historically rich Central Business District, integrally linked with the waterfront.

2.2.5 A vibrant and active waterfront will be developed, creating a destination for residents and visitors, with a mix of residential, tourist commercial, entertainment and recreational facilities, all developed at a sustainable scale.

2.2.6 Pedestrian access will be maintained and improved, and active transportation will be encouraged.

2.2.7 Parry Sound and its waterfront will be developed as a destination for new residents.

2.2.8 A broad range and more balanced and affordable housing opportunities will be encouraged.

2.2.9 Four season recreational amenities will be enhanced.

2.2.10 The Town will expand as a regional centre for education, arts and culture.

2.2.11 The shoreline of Georgian Bay influences and defines the character of the Town.

The Town supports the general principles of Eastern Georgian Bay Harmonized Planning, and their implementation in an urban setting.

## **2.3 Community Character**

- 2.3.1 Parry Sound has a strong character developed as a result of its history, location, function and size. It is important to preserve elements of this character and its cultural heritage resources.
- 2.3.2 Parry Sound is the meeting place for and gateway to the Georgian Bay area and Parry Sound District. It is a community of distinct neighbourhoods created as a result of topography and prior infrastructure decisions, particularly related to the railways and road system.
- 2.3.3 The character of the Town has been influenced by the natural environment, the shoreline of Parry Sound and its sheltered harbor, the Seguin River, and the varied topography of the area.
- 2.3.4 The character has been influenced by its history – as a logging centre, then as a railway and transportation centre, and more recently as a centre for commercial and community services.
- 2.3.5 It has a well established and culturally significant downtown core that continues to be economically viable, and which needs to be enhanced and protected.
- 2.3.6 The scale of development in the Town has tended to be low profile, with structures blending in to their surroundings. Building height shall be regulated through the implementing zoning by-law to be representative of the existing character of the Town and of the specific area in which the development is proposed.

## **2.4 Eastern Georgian Bay Heritage Coast**

- 2.4.1 Parry Sound is located along the eastern coast of Georgian Bay, which it shares with other municipalities, the provincial and federal governments and first nations. The Coast is an important ecological and cultural landscape that should be maintained, enhanced and restored, where necessary. It incorporates important ecological features and values, supports vibrant seasonal and year round communities, provides excellent tourism/recreation opportunities and fosters unique and valuable economies.
- 2.4.2 The importance and uniqueness of the Eastern Georgian Bay Coast was formally recognized by the Province of Ontario in the late 1990's with the inclusion of the area as part of the Great Lakes Heritage Coast, a "Featured Area" in Ontario's Living Legacy Land Use Strategy. In addition, the coast is a part of the UNESCO Georgian Bay Biosphere Reserve. The Town recognizes the importance of the Coast and shares a common vision for the Coast of preserving its unique character, and promoting sustainable development while protecting the ecological values of the area.
- 2.4.3 As the major service centre community along this Coast, the preservation of this unique area is not only important from an ecological and cultural perspective but is also important to the economy of the Town.
- 2.4.4 Given the numerous interests and jurisdictions involved with the Eastern Georgian Bay Heritage Coast, the Town supports the philosophy of cooperation, coordination and harmonized planning with its partners along the Coast.
- 2.4.5 The Town recognizes the Eastern Georgian Bay Heritage Coast as a single unique entity. The Town supports the coordination of the relevant governments

and agencies that share jurisdiction along the Coast in efforts to protect and enhance the natural beauty, wilderness landscapes, sensitive ecosystems, important heritage and cultural resources, while recognizing and facilitating new sustainable development, business opportunities, facilities and programs along the Coast.

- 2.4.6 The Town functions as the main urban portal to the Eastern Georgian Bay Heritage Coast. New development and growth will occur appropriate to the urban serviced character of the Town. New growth and development will be assessed against the broader vision for the Eastern Georgian Bay Heritage Coast and decisions made shall have regard to this vision.
- 2.4.7 As the only urban serviced centre along this portion of the Eastern Georgian Bay Heritage Coast, more intensive serviced development will occur.
- 2.4.8 Council will investigate and support economic initiatives related to tourism, outdoor recreation, and the service economy associated with the Town's strategic position along the Eastern Georgian Bay Heritage Coast.
- 2.4.9 The Town recognizes the importance of access to Georgian Bay as an important community and economic value.

## **2.5 Regional Context**

- 2.5.1 Parry Sound is the largest serviced urban centre along the eastern Georgian Bay shoreline, and will be a regional focus and service centre for economic, social, health, cultural and recreational activity in Parry Sound District and throughout the Georgian Bay region. Parry Sound is the gateway to the 30,000 islands of Georgian Bay, one of the province's major natural and recreational amenities.
- 2.5.2 Parry Sound operates as a regional centre, providing services to a broad area

along the Georgian Bay coastline and inland to the surrounding communities.

This regional influence is recognized and will be promoted.

2.5.3 The regional service function is an important component of the local economy.

The Town will maintain and strengthen its commercial service function and extend and diversify this economy to increase employment and enlarge the non-residential tax base.

## **2.6 Growth Plan for Northern Ontario**

2.6.1 This Plan builds on and supports the objectives of the Growth Plan for Northern Ontario, particularly with respect to:

- a) economic, social and environmental sustainability;
- b) accommodation of the diverse needs of all residents, now and in the future;
- c) optimized use of existing infrastructure;
- d) a high quality of place; and
- e) a vibrant, welcoming and inclusive community identity that builds on unique local features.

## **2.7 Growth Strategy**

2.7.1 This Plan identifies areas for growth that will accommodate population and household increases, commercial and industrial development generally anticipated up to and beyond the next 20 years.

2.7.2 The historical growth features of the Town have been influenced by a combination of response to its natural setting and previous land use planning programs. There has been little population growth in the Town over the past several decades. There has been additional physical development in the form of dwellings reflective of smaller household size, as well as commercial and

institutional activities reflective of the Town's regional service function.

2.7.3 The Town has infrastructure and servicing capacity to absorb additional growth.

2.7.4 The Town will focus development within the Urban Area, which is generally defined as the existing built-up community and those areas adjacent to the built-up community where services can be extended and growth contemplated. For the purposes of this plan, the Urban Area includes all land use designations with the exception of the Rural Residential designation.

2.7.5 The Town will maintain a strong infilling policy and a similarly strong intensification development policy to ensure the most efficient use of existing services and to promote vibrant public spaces and active, healthy communities.

## **2.8 Context**

### **2.8.1 Economic Development**

2.8.1.1 Economic expansion is encouraged to provide a high level of service to existing and new residents in the Town and in the surrounding area, provide employment opportunities, provide a destination for visitors and provide a sustainable revenue and taxation base.

2.8.1.2 Economic development is focused on:

- a) protection and expansion of the employment land base (commercial and industrial);
- b) strengthening the Central Business District as the prime location for commercial, office, business services and cultural activities;
- c) the transformation of the Waterfront Area into a major tourist and service centre;



- d) stimulating and encouraging the growth of the tourist industry on a four season basis through a supply of accommodation facilities, amenities, tourist destinations, activities and an attractive natural environment;
- e) encouraging the development of home based businesses provided the use is compatible with adjacent land uses; and
- f) providing training and education opportunities to enhance and develop a qualified labour force in the Town.

#### 2.8.1.3 The Town supports the existing and expanding service economy.

Industrial and manufacturing operations will be supported to help strengthen and diversify the local economy subject to the following considerations:

- a) heavier industries should be located in the Parry Sound Area Industrial Park located in Carling Township; and
- b) employment uses should be serviced with municipal water and sewer services wherever possible.

#### 2.8.1.4 The Town supports in an appropriate manner all those area-wide agencies and special purpose bodies whose objectives are designed to contribute and enhance the local economy of the region.

#### 2.8.1.5 The Town will assist, where appropriate, in the extension of sewer and water services that are intended to establish or expand manufacturing, industrial or commercial uses.

### **2.8.2 Land Use**

#### 2.8.2.1 The Town will ensure the compatibility of and between land uses as far as possible by protecting in the case of residential properties, the private enjoyment of these lands; and in the case of commercial properties, the security and continuity of these areas against non-commercial uses.

2.8.2.2 Sufficient designated land area will be provided to meet the demands for the various land uses in the Town.

2.8.2.3 A flexible land use approach will be provided in response to the unique issues and problems arising in many forms in the built-up area of the Town.

2.8.2.4 The Town is characterized by attractive amenities, both natural and man-made highlighted by the Seguin River and Georgian Bay. The Town will maintain and improve upon these amenities including expanding recreation facilities, making the waterfront areas more visually attractive, and providing a clean and aesthetically pleasant environment.

### **2.8.3 Commercial Expansion**

2.8.3.1 The Central Business District will remain the principal focus of commercial and administrative activity in the Town. This role will be supported by ensuring that the traditional advantages of the area are maintained.

2.8.3.2 Continual upgrading and redevelopment of the existing Downtown will be supported by the Town in conjunction with the business community.

Efforts will be made to:

- a) maintain an adequate supply of on street and off street parking;
- b) enhance the appearance of the Downtown through building repair and streetscape improvements;
- c) improve municipal infrastructure; and
- d) adopt improvement programs for the Downtown Area.

2.8.3.3 The commercial function of the Town is supplemented in the District

Commercial and Highway Commercial designations where developments

not able to be accommodated in the Central Business District may be located.

2.8.3.4 The planned function of the Central Business District will be protected. In the following circumstances, a market impact study shall be undertaken by a qualified professional, submitted to and approved by the Town and must demonstrate that the planned function of the Central Business District will not be prejudiced as a result of the development:

- a) any Planning Act application submitted to increase, add to or change the permissions in the existing Zoning By-law for lands designated District Commercial; and
- b) any application to amend this Plan to designate additional lands District Commercial or to add a new Commercial designation which would have the effect of allowing additional floor space over that allowed currently by this Plan.

#### **2.8.4 Servicing and Infrastructure**

2.8.4.1 An extensive and efficient system of municipal infrastructure is important to maintaining the quality of life in the Town. Existing services will be maintained to sustain the present standard and level of these services. Improvement and expansions of those services will be considered to facilitate development, within the context of sound fiscal management.

2.8.4.2 Development will be directed to locations where an appropriate level of municipal infrastructure exists or can be made efficiently available, and will occur at a density or intensity that is supportable by the Town's servicing and infrastructure.

2.8.4.3 Development in the Town will be directed to areas with full municipal

sewer and water services.

2.8.4.4 New development will provide for the management of storm water runoff.

Storm water management will involve water quality control as well as disposal.

2.8.4.5 In considering priorities for extending Municipal piped services, the Town will have regard for need as well as user costs of such additions.

Opportunities to accommodate growth and development in the existing built up area on full services will be evaluated and where practicable, utilized before growth and development is permitted elsewhere.

2.8.4.6 The transportation network in the Town is highly constrained by physical features and the presence of the two railways and Highway 400. The Town will provide a transportation system that is as efficient as possible requiring an appropriate standard for access, road design, safety and convenience.

2.8.4.7 Improvements to road and pedestrian access throughout the Town will be required as development progresses, and will be identified through the preparation of appropriate traffic studies and open space initiatives.

2.8.4.8 The Town supports the development and expansion of alternative transportation solutions, including motorized and non-motorized corridors (e.g. paths, trails, sidewalks and bicycle lanes).

2.8.4.9 The Town recognizes the benefits of accessible and affordable public transportation.

## **2.8.5 Residential/Housing**

2.8.5.1 The need for and expansion of a diversified housing base reflecting the

varied needs of the residents of the Town, is recognized.

2.8.5.2 Developing more affordable housing opportunities both on a rental and home ownership basis is an important component of the Town's development strategy.

2.8.5.3 The Town will explore a variety of means to increase the supply of affordable rental and ownership housing, including:

- a) encouraging residential conversions, particularly of surplus institutional or school facilities;
- b) residential intensification in the downtown core and generally throughout the Urban Area;
- c) support for accessory apartments in existing single detached residential dwellings throughout the Town;
- d) providing opportunities for the expansion of new residential subdivision development in appropriate locations in the Town;
- e) the creation of dwellings in conjunction with retail and office commercial uses in commercial designations; and
- f) ensuring an inventory of a variety of residential lots available for development.

2.8.5.4 Residential intensification and infilling will be encouraged within existing residential neighbourhoods as a means of increasing the amount of available housing stock. Intensification initiatives may include the provision of accessory units and the use of innovative lot configurations that would allow additional lots to be created in established areas.

2.8.5.5 The Town may utilize the provisions of the Development Charges Act, and other municipal approvals and mechanisms to encourage the production of affordable housing.

2.8.5.6 The Town supports and will utilize senior government programs to assist in the creation of affordable housing opportunities.

## **2.8.6 Natural Features**

2.8.6.1 The Town is committed to the protection and enhancement of:

- a) the quality of various features of the natural environment including the shorelines of Georgian Bay, and lakes and rivers in the Town;
- b) significant natural sites including the Brigg's Lake Wetland;
- c) significant fish and wildlife habitat areas including significant habitat of threatened and endangered species, and lands affected by natural hazards; and
- d) the concept of the "urban forest" within urban areas, with a commitment to maintaining and expanding a treed environment as an integral component of the urban landscape;
- e) the view of the night sky.

2.8.6.2 This Plan endorses a stewardship ethic for shore lands that will include landscape naturalization, improved on-site retention and treatment of pollutants, improved compatibility with the natural environment.

2.8.6.3 New development will be considered within the context of sound environmental planning. The redevelopment of existing properties should adhere to current environmental, stewardship and planning standards, with a commitment to the use of "best available technology" and/or "best management practices".

2.8.6.4 The Georgian Bay shoreline and the skyline help define the inherent character of the Town.

## **2.8.7 Tourism**

2.8.7.1 Tourism will continue to play a key role in the Town. The Town is

committed to the long-term health of its tourism sector and will actively promote new tourist commercial opportunities, parks, trails and tourist destinations.

2.8.7.2 The Town will capitalize on its location along the Park-to-Park Trail and within the UNESCO Georgian Bay Biosphere Reserve.

## **2.8.8 Open Space, Recreation and Culture**

2.8.8.1 The open space and recreational resources of the Town are integral components of the quality of life in Parry Sound. The open space system will include a series of nodes and linkages. Linear corridors/trails will be developed to connect major features within and outside the Town, and will enhance the development of the Park-to-Park trail system, and/or other recreational trail systems.

2.8.8.2 Boulevards on public streets often contribute to the open space character of the street and neighbourhood, providing opportunities for open spaces and the provision of a treed streetscape. Maintaining street trees in appropriate locations is encouraged.

2.8.8.3 Public access to waterways is encouraged in appropriate locations.

2.8.8.4 The Town's cultural heritage goes beyond its historic downtown commercial core and includes buildings and areas that are of historical and architectural interest. The Town supports the identification of its cultural heritage resources and strives to conserve those resources that are of a local and regional significance.

2.8.8.5 Cultural heritage resources in the Town will be managed in a manner which perpetuates their functional use while maintaining their heritage

value and benefit to the community.

2.8.8.6 In order to achieve this goal, the Town:

- a) will limit the demolition, destruction or inappropriate alteration of cultural heritage resources within its legislative mandate;
- b) may encourage development adjacent to cultural heritage resources to be of an appropriate scale and character;
- c) will encourage and foster public awareness, participation and involvement in the conservation of cultural heritage resources;
- d) will facilitate research into the cultural heritage of the Town and identify methods for its preservation, conservation and enhancement.



## **Section 3 Land Use Policies**

### **3.1. Urban Residential**

#### **3.1.1 General**

3.1.1.1 The provisions of this section apply to the following designations:

- Low Density Residential
- Medium Density Residential
- High Density Residential

3.1.1.2 A mix of residential densities and dwellings types are permitted, from predominantly single detached dwellings in the Low Density Residential designation to higher density multiple family dwellings in the Medium and High density Residential designations.

3.1.1.3 Home based business and accessory uses that are appropriate to a residential neighbourhood will be encouraged in all residential designations and regulated in the zoning by-law.

3.1.1.4 Open space uses (parks, recreation facilities, recreational trails and natural areas) are appropriate in all residential designations, as are community gardens where the scale of the facilities is appropriate to the site and to the area.

3.1.1.5 Neighbourhood commercial facilities may be appropriate in residential designations, and can be an integral part of the neighbourhood. Such facilities will be located with direct access or close proximity to collector or arterial streets, and will be designed to be compatible with the surrounding residential area. A residential component within the neighbourhood commercial facility is encouraged.

- 3.1.1.6 Institutional uses (including schools and churches) may be permitted in all residential designations provided that such development can maintain the residential character of the area in which it is located. Such facilities will be located with direct access or close proximity to collector or arterial streets.
- 3.1.1.7 Compatibility between the various types of residential development as well as between old and new residential areas will be accomplished through appropriate design measures.
- 3.1.1.8 Residential development shall be designed in such a manner as to minimize land consumption and efficiently use infrastructure and public service facilities by encouraging cost effective development at appropriate densities and in appropriate locations.
- 3.1.1.9 Character preservation in older established well maintained residential areas is encouraged by the upkeep of older dwellings and the retention of older architecturally interesting or historically significant buildings.
- 3.1.1.10 The following criteria will be considered when evaluating proposals for housing intensification and infilling within established neighbourhoods:
- a) availability and adequacy of municipal infrastructure to accommodate the increased demand, including water, sanitary sewers, storm drainage, parkland, and landfill capacity;
  - b) off-street parking is adequate;
  - c) compatibility with the existing neighbourhood character in terms of scale, massing, height, siting, setbacks, parking and amenity area so that a transition between existing and proposed buildings is provided;
  - d) existing vegetation is maintained where possible;

- e) community services and other neighbourhood conveniences are accessible;
- f) capability to provide adequate buffering and other measures to minimize any identified impacts.

### **3.1.2 Low Density Residential**

3.1.2.1 The maximum allowable net density in the Residential Low Density designation is 25 units per hectare.

3.1.2.2 This designation will generally be limited to single detached dwellings.

3.1.2.3 Non-residential buildings and structures should be constructed in a manner which is in keeping with the character of the surrounding dwellings.

3.1.2.4 One accessory apartment will be allowed in each single detached dwelling such accessory apartment to clearly be subordinate to the main single detached dwelling use, in accordance with the provisions of Section 6.12.

3.1.2.5 A single detached dwelling may be considered for conversion into a two unit dwelling by rezoning provided that there is adequate parking, zoning standards are met and the single detached dwelling character of the dwelling is maintained.

3.1.2.6 Special Provisions applicable to 86 Waubeek Street: In addition to the provisions of this section, certain limited non-residential uses generally appealing to the walk in trade may be permitted. Uses such as a tea room, a waterworks heritage interpretive museum, an unlicensed restaurant, an artist's in residence studio, a home based business and a boutique bed and breakfast may be permitted within the existing structure.

Before any non-residential use can be permitted, supporting information must be provided to show how the proposed use will limit vehicular access to the property and its impact on the abutting recreational trails, water filtration plant and surrounding low density residential neighbourhood. In the absence of adequate evidence that the use will not result in the generation of vehicular traffic and the impact of the use on abutting uses is acceptable, the proposed non-residential use will not be permitted.

### **3.1.3 Medium Density Residential**

3.1.3.1 The maximum allowable net density in the Medium Density Residential designation is 50 units per hectare.

3.1.3.2 This designation includes single detached dwellings, converted dwellings, duplexes, triplexes, semi-detached dwellings and row houses and multiple unit dwellings to a maximum of three units. Fourplexes, row housing and small scale multiple dwellings in excess of three units are permitted in accordance with the policies of this Section.

3.1.3.3 Lands designated Residential Medium Density will be zoned to allow up to three dwelling units on a property. Additional dwellings may be permitted by rezoning up to the maximum density subject to the following criteria:

- a) the design of the project is compatible with the area in which it is situated and does not conflict with adjoining development;
- b) appropriate access, both vehicular and pedestrian, can be provided to and from the site;
- c) the development is located within close proximity to public open space or adequate on-site open space and/or recreational facilities are provided;

- d) the development is located on or in close proximity to arterial or collector roads; and
- e) there is adequate sewer and water capacity available to service the development.

3.1.3.4 Where a multiple residential development abuts a single detached property, development may be subject to increased setbacks and appropriate buffers to ensure privacy and screening, or specific lot and building designs that provide an effective transition between different types of uses.

3.1.3.5 Lots in a multiple unit residential development may be occupied by more than one building.

3.1.3.6 Special Provisions applicable to 76 River Street: In addition to the provisions of this section, non-residential uses may be permitted provided there is no negative impact between the non-residential use and the abutting residential uses. The non-residential uses shall act as a buffer between the residential uses to the west and the railway lands. Non-residential uses on this land will be permitted by rezoning. An assessment of the impact of the proposed non-residential use on the abutting residential uses by a consultant sufficiently qualified to do so showing acceptable impact, must accompany the application.

### **3.1.4 High Density Residential**

3.1.4.1 The maximum allowable net density for the high density residential policy area is 75 units per hectare.

3.1.4.2 This designation includes all those uses permitted in the Residential Medium Density designations, but apartment buildings, row housing,

stacked townhouses and all forms of multiple housing are the preferred form of development.

3.1.4.3 High density residential development will be encouraged as opposed to high rise development and the Town will impose height restrictions to implement this policy.

3.1.4.4 Where a multiple residential development abuts a single detached property, development may be subject to increased setbacks and appropriate buffers to ensure privacy and screening, or specific lot and building designs that provide an effective transition between different types of uses.

3.1.4.5 Lots in a multiple unit residential development may be occupied by more than one building.

## **3.2 Commercial**

### **3.2.1 General**

3.2.1.1 This section applies to the following commercial and employment designations:

- Central Business District
- District Commercial
- Highway/Service Commercial
- Waterfront Commercial
- Marine and Resort Residential
- Joseph Street Mixed Use Area

3.2.1.2 In areas designated Commercial, the predominant use of land shall be for commerce, which is defined as the selling of goods and/or services. Other uses may be permitted, provided the uses are compatible with commercial

development, and may include various types of residential, recreational and institutional development.

3.2.1.3 Commercial activity is divided into five types according to economic function, scale of development, range of activities and locational requirements.

- a) The Central Business District functions as the primary service centre for the Town and contains the most important concentration and broader range of services, including retail and service commercial, administrative and cultural facilities. It also functions as the historic core of the Town.
- b) The District Commercial area functions primarily as a retail commercial shopping centre, and will contain retail development for which the Central Business District is not a viable location by virtue of floor space requirements, parking requirements or other factors.
- c) The Highway Commercial area provides commercial services and facilities to the travelling public or accommodates commercial activities which may not be conveniently located elsewhere, which may require extensive land areas for buildings, vehicle parking, outdoor storage and display of goods or materials, automotive, tourist commercial (accommodation) and eating establishments.
- d) The Waterfront Commercial area is located along portions of the Georgian Bay and Seguin River shoreline and is dedicated to the provision of goods and services to the tourist and cultural service market. The major function of this area will be as a tourism generator and cultural centre in order that it may provide economic stimulation to the Town.
- e) The Marine and Resort Residential area functions as a mixed use marine, resort and residential area that incorporates marine related commercial uses with longer term resort commercial and residential development, to provide an anchor to the redevelopment of the shoreline of the Bay.

3.2.1.4 Development will be compatible with uses and structures permitted within

the respective commercial designation. Where a commercial use abuts a Residential or Open Space designation, landscape buffers and screening will be provided where appropriate in an effective and pleasing manner.

3.2.1.5 Residential dwelling units may be provided as part of any commercial development in the Urban Area. Consideration may be given to density bonuses where affordable housing units or special care housing units are provided.

3.2.1.6 In order to ensure the viability and vitality of the Central Business District, certain “core” commercial uses shall be limited to the Central Business District and not permitted elsewhere. These include: Full Service Banks; Beer and Liquor Stores; and uses whose principal function is the serving and consumption of alcohol.

### **3.2.2 Central Business District**

3.2.2.1 The Central Business District will remain the principal focus of commercial and administrative activity. The Town supports this role for the Central Business District by ensuring that the traditional advantages of the area are maintained.

3.2.2.2 The intended planned function of the Central Business District is to provide for the residents of Parry Sound and surrounding areas the most diverse concentration of central activities in the Town. This will include retail, office, service, entertainment and other commercial activities, as well as governmental, institutional, residential and community activities. All of these uses are essential components of this mix of activities that define the role of the Central Business District.



3.2.2.3 This designation includes all types of retail and business uses including:

- a) retail and wholesale trade;
- b) professional and business offices;
- c) community, business, personal, recreational and other service operations;
- d) public and private parking areas;
- e) government and institutional uses; and
- f) parks, recreational and open spaces.

3.2.2.4 Major office buildings and administrative quarters of major businesses and service activities, large hotels and convention facilities, large and specialty retail operations and major cultural activities will be encouraged to locate in the Central Business District.

3.2.2.5 Residential uses are permitted above or behind commercial uses within the same building as the commercial use. Single detached dwellings, not associated with a commercial use, may be allowed along the shore of the Seguin River in the block bounded by Miller Street, Mary Street and extension of Rosetta Street and the Seguin River. Such development will be restricted to lots having frontage on the river and either sufficient frontage and property to allow the creation of a driveway from Miller Street or a registered right-of-way to permit adequate access to Miller Street.

3.2.2.6 Larger housing complexes without a commercial component may be considered in the Central Business District under any of the following circumstances:

- a) they contain a significant affordable housing component;
- b) they provide for special needs housing (e.g. seniors' housing);
- c) they represent a conversion from an institutional, government or office facility;

- d) such complexes are not permitted to be located on Seguin or James Street;
- e) such Residential complexes shall be subject to the provisions of Section 3.1.4 (High Density Residential).

3.2.2.7 Continual upgrading and redevelopment of the Central Business District is promoted. Efforts will be made to:

- a) maintain an adequate supply of on street and off street parking;
- b) enhance the appearance of the Central Business District through building repair and streetscape improvements;
- c) maintain and improve all public infrastructure; and
- d) adopt a community improvement program for all or part of the Central Business District.

3.2.2.8 Special consideration with regard to the provisions of off street parking facilities will be extended to the Central Business District. The Town will maintain and improve an inventory of off street and on street public parking to serve the area. The payment of a cash fee in lieu of the provision of parking may be considered for development in this area.

3.2.2.9 Adequate buffering shall be required between parking facilities and street allowances in the Central Business District.

3.2.2.10 Parking areas should not be located in front yards or between the building line and the street (lot) line.

3.2.2.11 Building setbacks shall be provided in keeping with the nature of the immediate surrounding area.

### **3.2.3 District Commercial**

3.2.3.1 Recognizing that the Central Business District cannot satisfy all the retail needs of the community and that the public desires shopping facilities

outside of this area, additional retail and service commercial development is permitted within the District Commercial designation.

3.2.3.2 The District Commercial designation applies to shopping facilities located outside of the Central Business District which are of larger significance than those serving the day to day needs of the residential areas.

3.2.3.3 The major permitted uses will be retail trade and personal service uses, offices, places of entertainment or recreation.

3.2.3.4 Automobile service stations and gas bars will be allowed in District Commercial Centres. When such uses are directly associated with other permitted commercial uses they shall be located to ensure the safety of the public who use the facility, not detract from the amenity of any nearby residential areas and not require any additional service access points.

3.2.3.5 Residential uses are permitted above or behind commercial uses within the same building as the commercial use.

3.2.3.6 Adequate buffering will be required where District Commercial development abuts or is in close proximity to residential development.

3.2.3.7 The development or expansion of District Commercial Centres will be subject to the availability of adequate municipal services.

### **3.2.4 Highway/Service Commercial**

3.2.4.1 This designation applies to limited areas as shown on Schedule "A" that because of location and accessibility are most suited to service and tourist oriented commercial uses relying on vehicular traffic for most of their business.

3.2.4.2 Permitted uses in this designation include:

- a) automobile service stations, automobile sales and service agencies, car washes, gas bars;
- b) drive in establishments, such as restaurants and theatres;
- c) hotels, motels (cabin and cottage parks) and related tourist facilities;
- d) places of amusement and recreation, such as a bowling alley, curling rink, video rental, public halls, mini-golf;
- e) equipment, and building material sales and service;
- f) restaurants, retail stores;
- g) office uses; and
- h) institutional uses including hospital/medical facilities and education facilities, churches and other places of worship.

3.2.4.3 Residential uses are permitted above or behind commercial uses within the same building as the commercial use.

3.2.4.4 Adequate vegetative buffers shall be provided between the Highway/Service Commercial use and the street. In addition, adequate buffering shall be provided between a commercial use and a residential use.

3.2.4.5 Development in the Highway/Service Commercial designation will generally be restricted to the provision of municipal services.

3.2.4.6 Retail commercial development in the Highway/Service Commercial designation will be restricted to facilities comprising no more than 3,720 square metres enclosed floor space per individual property. Retail commercial development in excess of 3,720 square metres shall be restricted to the District Commercial designation or the Central Business District designation.

3.2.4.7 Special provisions applicable to part of Parts 1 to 4, Plan 42R-14713, part

of Part 4, Plan 42R-15179, part of Part 1, Plan 42R-16628 and part of Parts 1 and 2, Plan 42R-17371 (east side of Louisa Street north of 294 Louisa Street):

These lands are adjacent to general habitat protected under the Endangered Species Act. Certain activities within or adjacent to general habitat are prohibited or require a permit or other authorizations from the Ministry of Natural Resources. The Ministry of Natural Resources should be contacted prior to any development or site alteration to prevent a contravention of the act.

a) These lands shall be zoned with a holding symbol that shall not be removed unless the following have been completed as necessary:

i. An ecological site assessment to identify any of the following:

- Significant habitat of endangered species and threatened species
- Significant wetlands
- Significant wildlife habitat
- Significant areas of natural and scientific interest

ii. If any of the above are identified, an Environmental Impact Study to determine potential impacts and mitigation measures to ensure the following:

- no development or site alteration occurs within significant habitat of endangered species and threatened species or within significant wetlands;
- no development or site alteration occurs within significant wildlife habitat or significant areas of natural and scientific interest unless there will be no negative impacts on the natural features or their ecological functions.
- no development or site alteration occurs adjacent to the identified significant natural features unless there will be no negative impacts on the natural features or on their ecological functions.

- b) Development of these lands is subject to site plan control to implement any mitigation measures recommended in the Environmental Impact Study as necessary, and in accordance with Section 8.4 of this plan.

### **3.2.5 Waterfront Commercial**

3.2.5.1 This designation permits hotels, motels, lodges or resorts, restaurants, marinas and related marine uses, service and/or commercial uses, public uses and government offices, all of which attract or service waterfront visitors and tourists to the area.

3.2.5.2 Development proposals will be reviewed on the basis of the maintenance of waterfront vistas, the provision of public access to the shore line, architectural design of facilities to complement the tourism nature of the area, and appearance of the development from land and water.

3.2.5.3 Due to the unique limitations of some development parcels in this area, the Zoning By-law may set special regulations to recognize these limitations and allow appropriate development to take place without the need for amendments or variances.

3.2.5.4 Those residential uses located on the northwest side of Bay Street will in time be converted to commercial. However, residential uses on this side of Bay Street are permitted.

3.2.5.5 Buffering between Waterfront Commercial uses and adjoining residential uses will be determined on a site by site basis. Where the use of buffering does not cause a hardship to the proposed Waterfront Commercial

development, such buffering may be required.

### **3.2.6 Marine and Resort Residential**

3.2.6.1 The area designated Marine and Resort Residential includes all those Waterfront lands on the southeast side of the Seguin River to the southerly boundary of the Town. The most significant change in the Town's Waterfront is expected to occur in this area.

3.2.6.2 This designation includes marinas, public or private; hotels, lodges or resorts which are oriented towards the waterfront; public waterfront facilities and utilities; docking for recreational boat traffic; restaurants oriented towards the waterfront; public and private open space uses including facilities for various art groups; waterfront commercial uses which attract or service visitors and tourists to the area.

3.2.6.3 Residential development will be considered subject to the policies set out below.

3.2.6.4 Residential development should consist of higher net densities (up to 75 units per hectare). Residential development should be architecturally designed and complement the natural attractiveness of the waterfront.

3.2.6.5 Lands within this designation may be zoned to allow a maximum building height of 15 metres. Structures in excess of 15 metres may be permitted by rezoning subject to the following criteria:

- a) the maintenance of waterfront vistas from private and public lands;
- b) the compatibility of the proposed structure with surrounding uses and natural terrain;
- c) the structure shall be located on a property area of 2 hectares or more; and

d) the use of site buffering and landscaping treatments to minimize the visual impact of such a structure.

3.2.6.6 Residential development which supports the “resort” theme of this area of the waterfront including condominium and time sharing residential development is appropriate.

3.2.6.7 The operation and expansion of the existing marinas is supported.

3.2.6.8 Development proposals will be reviewed on the basis of the maintenance of waterfront vistas, the provision of public access to the shoreline, architectural design of facilities to complement the tourism nature of the area and appearance of the development from land and water.

### **3.2.7 Joseph Street Mixed Use Area**

3.2.7.1 The Joseph Street Mixed Use Area is characterized by a mix of highway commercial and residential uses. Joseph Street functions as an arterial road linking north Parry Sound with the urban core. With the development of the Highway 400 interchanges and the District Commercial development at the Highway and Bowes Street, the traditional highway commercial function of this portion of Joseph Street is changing. While commercial development remains appropriate, recognizing a broader range of residential uses and intensification is also appropriate.

3.2.7.2 The permitted uses shall include:

- a) highway and service commercial uses in accordance with the provisions of Section 3.2.4 (Highway/Service Commercial);
- b) multiple unit residential development (units with 3 or more dwelling units) in accordance with the provisions of Section 3.1.4 (High Density Residential).

3.2.7.3 Commercial and residential development will be designed in such a



manner as to complement the character of the surrounding area and to minimize any potential adverse impacts between residential and commercial uses. Impacts to be considered include, but are not limited to, noise and visual impact.

### **3.3 Industrial**

- 3.3.1 In areas designated “Industrial”, the predominant use of land shall be for the manufacturing and processing of raw materials and goods, repairing and servicing operations, the wholesaling of goods, and uses accessory to the foregoing. Some of the land may be used for purposes which are complementary or accessory to industry and may include institutional or convenience commercial uses. The regulations permitting these other uses will not allow any residential or other commercial uses unless such commercial or residential use is in combination with, complementary to, and clearly secondary to the industrial use.
- 3.3.2 Industrial development abutting residential, institutional, and open space uses or industrial areas abutting provincial highways or arterial roads shall be adequately landscaped. Structures shall exhibit good visual facades or be screened from view. A high quality of building, site and streetscape design is encouraged. Outdoor storage shall be prohibited in the front yard of industrial operations. Screening of outdoor storage shall be required.
- 3.3.3 Industries whose operations may be offensive by virtue of heat, noise, glare, obnoxious emissions or appearance, may be restricted and will require a specific Zoning Amendment to ensure that the amenities of the surrounding areas are not jeopardized.

3.3.4 Off street parking and loading facilities shall be provided for all permitted uses.

3.3.5 New industrial development will generally take place on full municipal services.

However, certain industrial uses, i.e. builders supply yards, heavy equipment storage and repair transportation depots by their nature do not place a heavy load on municipal services. These types of industrial uses may be allowed on private services subject to the following:

- a) such uses shall clearly demonstrate to the Town that their proposed operation will not initially or in future, require municipal services;
- b) such uses will only be allowed where the owners agree in writing that the Town shall not be obligated to provide municipal services to the site;
- c) such development satisfies the policies identified in Section 4.3 of this Plan;
- d) all such development shall have public road access.

3.3.6 Areas designated "Future Industrial" on Schedule A are generally intended for industrial use in the future however these areas have not yet been assessed for site suitability and are subject to further study prior to designation for industrial development.

3.3.6.1 Permitted uses within the "Future Industrial" designation shall be those uses permitted within the "Rural Residential" designation and the lands shall be zoned in conformity with the "Rural Residential" designation.

Proposals for industrial uses within the "Future Industrial" designation shall require an official plan amendment and zoning by-law amendment.

3.3.6.2 An official plan amendment to change the designation from "Future Industrial" to "Industrial" or any other designation shall be assessed for compatibility with adjacent land uses and in accordance with Section 5 of

the official plan and other applicable policies.

3.3.6.3 A detailed planning analysis may determine that some or all of the areas designated “Future Industrial” are not appropriate for industrial uses.

These areas shall be appropriately designated and zoned.<sup>5</sup>

### **3.4 Open Space**

3.4.1 This designation includes public parks, open spaces, recreational uses, walkways, trails and recreational facilities. Community halls, libraries, pools, museums cultural centres and gymnasiums are permitted in the Open Space category.

3.4.2 Lands designated Open Space may not be redeveloped for a non-recreational or private use without an amendment to this Plan, except in accordance with the policies contained herein.

3.4.3 Parks and recreational facilities will be developed to meet the needs of residents and visitors to the Town. The Town will attempt, within its financial ability, to:

- a) secure additional shoreline and public access to Georgian Bay and the Seguin River;
- b) diversify its present park system to meet the needs of its senior citizens and other specialized groups;
- c) provide local neighbourhood parks where deficiencies exist;
- d) retain existing boat launch facilities;
- e) encourage development of additional public boat launch facilities as required; and
- f) provide linkages between parks and recreational facilities that will serve as recreational and functional active transportation routes and where practical, provide access to various providers of goods and services.

3.4.4 The Rotary and the Algonquin Regiment Fitness trail is a multi-use recreational

trial that is used by a number of groups. The Municipality will attempt to provide use of this trail to as many groups as is practical given the need for the safety and security of the user groups.

3.4.5 A significant viewing area of the Georgian Bay exists on Belvedere Avenue across from the Belvedere Heights Home for the Aged. It is the intent of this Plan to protect this scenic lookout through restrictions on development which may reduce vistas from this site.

3.4.6 Market Square Park is a small passive open space park that serves as the front grounds to the public library, contains the War Memorial and acts as an important buffer for the adjacent residential area from the Central Business District. The site includes the former Town Fire Hall as a component part of the park by virtue of its proximity, historical and architectural significance, and history of public use. The existing passive open space and historical values of Market Square Park will be maintained.

3.4.7 The objectives for Market Square Park are:

- a) to protect and enhance the passive open space function of the Park;
- b) to encourage the continued public use of the existing Market Square Park Buildings;
- c) to preserve as far as possible the cultural heritage values of the Park;
- d) to promote the conversion of the former Town Fire Hall to a non-public use as a means of preserving its historical and architectural significance provided that the conversion does not diminish the open space function of the Park.

3.4.8 With the exception of the operation of a public library, uses allowed in the former Town Fire Hall structure and certain temporary special events, Market Square Park shall be maintained as a public park only. The following additional uses

restricted to the interior of the existing former Town Fire Hall building shall be permitted by way of Special Provision zoning for the property:

- a) dwelling unit or units on the upper floor of the building;
- b) a retail store with the exception of a convenience store, a video sales and rental outlet, a flea market and a second hand shop;
- c) a business of professional office;
- d) a medical or dental clinic;
- e) a publishing establishment;
- f) a club or fraternal organization;
- g) a public use ancillary to the operation of the Town of Parry Sound or Parry Sound Power except those related to the use or storage of heavy equipment.
- h) Subject to an amendment to the zoning by-law, other uses permitted in the Central Business District may be considered provided these uses meet the intent of this policy, complement the character and use of the area and complies with the provisions of the zoning by-law.<sup>6</sup>

### **3.5 Environmentally Sensitive**

3.5.1 This designation includes those lands having a high water table, wetlands, bogs and flooded land. Important fish habitat may also be included in the Environmentally Sensitive designation.

3.5.2 No development or filling on these lands is permitted unless authorized for public works and utilities necessary for the operation of the Town.

3.5.3 Permitted uses in this designation include: conservation areas and passive parklands, accessory shoreline structures where the property abuts a shoreline.

### **3.6 Special Development Area**

3.6.1 This designation applies to lands located along the shoreline of Georgian Bay

north of the existing built up area of the Town. It is an area of approximately 75 ha and 1,400 metres of frontage on the water. It represents the largest expanse of undeveloped land along the Town's extensive shoreline area. It is expected to develop in stages over the time frame of this Plan and beyond.

- 3.6.2 The lands potentially may accommodate a variety of residential and resort commercial types of uses, and have the ability to develop and sustain a linked open space network that will provide for a variety of opportunities for parks and trails throughout the property.
- 3.6.3 Prior to approval of development on any of the lands in this designation, a Master Plan will be prepared to identify appropriate uses, density and development policy as well as natural, heritage and environmental features for the area in order to govern the long term development of the lands. The Master Plan will include the preparation of any required studies including but not limited to servicing, infrastructure and access, overall development concept, staging of development, and identification of environmental features. The Master Plan must be approved by the Town, and will then form the basis for subdivision, condominium and zoning applications that will implement the development concept.
- 3.6.4 The principles associated with future development and the preparation of the Master Plan will include consideration of:
- a) provision of waterfront vistas;
  - b) provision of a variety of means of public access and use of the shoreline;
  - c) architectural design of facilities to complement the tourism nature of the Town, and to provide a positive appearance from land and water;

- d) provision of a linked system of public trails that will accommodate active transportation as an alternative to motorized transportation; and
- e) Servicing by municipal water and sewer.

3.6.5 The Master Plan will incorporate the following:

- a) overall development concept, including principles, objectives and assumptions for the development of the lands;
- b) identification of an appropriate range of population and household targets within the area;
- c) identification of appropriate land uses for the area, focused on a range of residential types and densities and potential marine, resort and resort residential uses;
- d) identification of staging to facilitate a logical expansion of the existing urban area of the town;
- e) identification of community facilities, parks, trails, walkway and other open spaces within the area;
- f) location of appropriate storm water management facilities, which can be incorporated into the open space network on the lands;
- g) identification of significant natural and cultural heritage resources, flood prone lands, environmentally sensitive lands, drainage courses or other features, together with proposals for the protection and conservation of such features;
- h) design guidelines for both public and private features; and
- i) best management practices for shoreline development.

3.6.6 Until the Master Plan is completed and accepted by the Town, the provisions of Section 3.7 Rural Residential will apply to development in this area.

### **3.7 Rural Residential**

3.7.1 This designation includes agricultural uses, single detached dwellings on separate lots and local commercial uses.

3.7.2 Medium density housing, hospitals and institutional uses may be permitted in this category where municipal services can be supplied to the site.

3.7.3 Permitted uses may also include commercial and light industrial uses provided that:

- a) there is minimal impact on the natural environment;
- b) the nature of the commercial or light industrial use complements the service character of the Town;
- c) the site of the proposed commercial or industrial use is adequately buffered from any existing residential uses;
- d) the proposed use is capable of being adequately serviced for water and sewer;
- e) appropriate access is available which is safe and convenient including access to a publicly owned and maintained road; and,
- f) a Site Plan Agreement is entered into between the developer and the Town;

3.7.4 The use of property designated Rural Residential for types of development noted in Sections 3.7.2 and 3.7.3, will only be permitted subject to an amendment to the Zoning By-law.

3.7.5 Most development in this designation will be serviced by private water supplies and sewage treatment systems, subject to Section 4.3. For this reason, lots will be required to be larger in this area to prevent contamination of water supplies and minimize the impact on ground water supplies.

3.7.6 Before development is to be allowed in the Rural Residential designation outside



of the built up area of the Town, the Town will be satisfied that such development is justified in taking place in this area as opposed to it being located in the built up area of the Town where municipal services are available. If sufficient justification for the location of such development is not made available, approval shall not be given.

### **3.8 Waterfront Area (Overlay)**

- 3.8.1 The Waterfront Area is an “overlay” designation that recognizes the special features and characteristics of the Parry Sound Shoreline. The extent of the Waterfront Area is shown on Schedule A.
- 3.8.2 The Waterfront Area contains a variety of land uses, and has developed over time with varied densities and intensities of uses. The transformation and revitalization of portions of the Waterfront Area from industrial to a mix of residential and commercial uses is appropriate and desirable. Portions of the Area are transitioning or have transitioned from industrial types of uses to mixed uses. Many of the properties are currently vacant and would be categorized as “brownfield sites” that will require careful remediation.
- 3.8.3 Redevelopment in the Waterfront Area will exhibit a high level of urban design, incorporating extensive areas of private and public parkland, encouraging pedestrian access to and near the shoreline, and developing a linked, integrated public trail system at or near the shoreline. Development will be designed to enhance the natural aesthetics of the area.
- 3.8.4 New industrial development in the Waterfront Area is discouraged.
- 3.8.5 Existing public access and vistas to the shorelines of Georgian Bay and the Seguin River shall be maintained and enhanced. As part of a redevelopment

/development application, adjustments to such access may be considered where the Town is satisfied that the result is a more comprehensive and usable public access system.

- 3.8.6 The Town may acquire waterfront properties that are important to its redevelopment plans, where funding permits.
- 3.8.7 Waterlots in Town ownership shall be retained in public ownership. Exceptions to this policy may be made to address dry land portions of waterlots.
- 3.8.8 Existing industrial uses in the Waterfront Area are recognized as important employment generators in the Town. While the eventual transition of industrial uses to uses identified in the various designations is expected, their continued use is encouraged. Development adjacent to such existing uses will have regard to any potential compatibility issues between the uses.

## **Section 4 Services and Infrastructure**

### **4.1 General**

4.1.1 The delivery of hard and soft services in the Town is constrained as a result of the topography of the Town and other natural and man-made constraints. Existing services are expected to be retained and gradually improved, and extended to allow for and accommodate expected development.

### **4.2 Transportation**

#### **4.2.1 Road Classification/General**

4.2.1.1 Roads in the Town are classified by their jurisdiction, function and level of service into four categories, as shown on Schedule "B":

- Provincial Highway (Highway 400);
- Arterial Roads
- Collector Roads; and
- Local Roads.

4.2.1.2 There are some private access roads located in the Town that are neither owned nor maintained by the Town. The Town will only consider acquiring such roads for public maintenance where:

- a) the Town obtains clear title to the land;
- b) the roads have been constructed or brought up to the current minimum public road standards of the Town;
- c) the costs of upgrading the road are borne by the affected property owners, or, where a number of landowners are involved, the Town may proceed by way of local improvement by-laws; and
- d) the Town has the financial capability to assume operating and future capital costs.

4.2.1.3 Heavy truck traffic may be restricted to designated truck routes to minimize the negative impact that such traffic may have on residential areas.

4.2.1.4 Entrances shall only be considered where adequate sight lines can be maintained. New entrances are discouraged on hills or curves or within identified flood prone lands.

4.2.1.5 In recognition that roadways serve pedestrian and non-motorized vehicles as well as vehicular traffic, the Town will endeavour to provide an efficient system of pathways for pedestrians and non-motorized vehicles serving its residential, commercial, employment, industrial, institutional and open space lands. Where roads are being reconstructed, and where feasible, paved shoulders or trails should be considered to allow for non-motorized vehicles. The Town encourages the use of active transportation alternatives and within its financial capability, will design its infrastructure to allow these uses.

4.2.1.6 Nothing in this Plan shall limit the right of the Town to open, improve or maintain any roadway as part of its capital works programs, or to upgrade a road from local or collector status to collector or arterial status where recommended in any Town approved transportation studies or reviews.

## **4.2.2 Provincial Highway**

4.2.2.1 Highway 400 is a controlled access highway and no direct access onto the highway is permitted.

4.2.2.2 The Ministry of Transportation controls the use of land adjacent to provincial highways. Any development proposals within 46 metres of the

Highway No. 400 road allowance and within 396 metres of the centre point of an intersection of a local road with the highway, will be subject to the requirements of the Ministry and will require formal Ministry approval and permits.

4.2.2.3 Noise impact assessments shall be required for sensitive land uses adjacent to the Highway, determined in accordance with Section 8.14.

### **4.2.3 Arterial Roads**

4.2.3.1 Arterial Roads provide for through traffic across the Town and may provide limited access to abutting properties.

4.2.3.2 The Town will maintain and protect the traffic carrying capacity of arterial roads through a variety of measures, including:

- a) regulating driveway entrances, with a view toward limiting single user driveways and encouraging joint driveway access;
- b) controlling driveway access through site plan control or the provision of 0.30 metre reserves;
- c) minimizing the number and restricting the location of intersecting streets and driveways along arterial roads;
- d) encouraging driveway entrances on corner lots to be located off the arterial road.

4.2.3.3 The minimum right-of-way width shall be 26 metres, with the exception of arterial roads located within the Central Business District, where the traditional 20 metre right-of-way width will be maintained.

4.2.3.4 Sidewalks will be maintained on at least one side of an arterial road. Where practical, sidewalks should be maintained on both sides of an arterial roadway.

#### **4.2.4 Collector Roads**

4.2.4.1 Collector roads are designed to carry traffic between arterial and local roads, providing access to abutting properties and community facilities.

4.2.4.2 The minimum right-of-way width shall be 20 metres.

4.2.4.3 Sidewalks will be maintained on at least one side of a collector road.

Where practical sidewalks should be considered for both sides of a collector road.

4.2.4.4 It is recognized that boulevards within residential areas often contribute aesthetic and vegetative character to the neighbourhood. For new residential development and redevelopment of existing residential neighbourhoods, this function of the boulevard will be respected and where practical, implemented and maintained.

#### **4.2.5 Local Roads**

4.2.5.1 Local roads are designed primarily to provide local traffic movement and access to abutting properties.

4.2.5.2. The minimum right-of-way width shall be 20 metres, unless reduced right-of-way widths are considered by the Town to accomplish specific urban design objectives.

4.2.5.3 Sidewalks should be considered on at least one side of a local street, particularly where the street provides access to community facilities (e.g. schools). On smaller length streets, or on cul-de-sacs, sidewalks may not be required.

4.2.5.4 It is recognized that boulevards within residential areas often contribute aesthetic and vegetative character to the neighbourhood. For new

residential development and redevelopment of existing residential neighbourhoods, this function of the boulevard will be respected and where practical, implemented and maintained.

#### **4.2.6 Road Widenings**

4.2.6.1 In the case of development or redevelopment of property abutting a Town road, the Town may require the dedication of land for road widening purposes, as authorized by the Planning Act, in any applications dealing with plans of subdivisions, consents or site plan approval. The dedication of the following may be required:

- a) widening of the road allowance to Town standards along the abutting or immediately adjacent lot line or part thereof. The road allowance standards of any highway under the jurisdiction of the Town may be widened, as required, for such matters but not limited to, additional turning lanes, curve alignments, sidewalks, bike lanes and routes, utilities and road cuts and embankment slopes, to a width of 26 metres.
- b) dedication of sight triangles and turning lanes primarily at the intersection of public roads, to meet engineering standards or other road related by-laws of the Town or other applicable standards where such dedication would extend beyond the road allowance widths as stated in (a) above.
- c) dedication of an area necessary to construct grade improvements, separations or road alignments where the proposed development requires such improvements respecting traffic volumes or hazards to the Town road onto which the proposed development abuts or is immediately adjacent to, which extends beyond the road allowance widths as stated above. Such dedication may only be to the requirements prescribed in the road related by-law of the Town or applicable Provincial requirements.
- d) where the existing road allowance does not meet the recommended right-of-way width, dedication of sufficient land to obtain the required width.

#### **4.2.7 Municipal Transit**

4.2.7.1 The Town currently operates a limited municipal transit system. Over the time frame of this Plan, the transit system may be expanded or reduced.

4.2.7.2 Development should be designed in anticipation of possible future transit services, including reserving space for future bus stops.

#### **4.3 Sewer and Water Services**

4.3.1 Development in the Urban Area will be serviced with full municipal water and sewer services, with the exception of the lands shown on Schedule "B" as being located in an area of existing partial services, or for an existing individual lot located on the edge of the Urban Area where such services are not available. Confirmation will be required that there is uncommitted reserve sewer and water capacity to accommodate the development.

4.3.2 Development not proposed to take place on full Municipal sewer and water services shall be subject to the following:

- a) appropriate environmental studies will be required prior to approval of development. These studies must indicate that the land is capable of supporting the proposed development without environmental damage;
- b) servicing options studies to determine the most appropriate method of servicing will be necessary for developments of more than five lots or any commercial or industrial development; and
- c) limited in fill development on individual water supply and sewage disposal systems may be considered where:
  - i) municipal services are not currently available or likely to become available;
  - ii) there are no existing or potential water quality or quantity



problems identified;

iii) site conditions are suitable for private services;

iv) the development does not jeopardize the ability to upgrade to full services in the future;

v) hauled sewage pump out services are available through a licensed hauler.

4.3.3 Residential development proposed to take place on private services shall be restricted to single detached dwellings.

4.3.4 Development on private services will be limited to uses which use or produce less than 10,000 litres per day of water or 4,500 litres per day for sewage effluent or waste water, or create discharge which would be an environmental hazard or present a threat to ground or surface water.

#### **4.4 Waste Management**

4.4.1 The Town is committed to ensuring an efficient, responsible waste management strategy for the Town, which includes the reduction of the amount of solid waste being sent to landfill sites, and support for programs that regulate the disposal of household hazardous wastes and that require waste diversion through recycling and composting.

#### **4.5 Former Landfill Sites**

4.5.1 Former landfill sites are identified on Schedule "A".

4.5.2 Development proposed in the vicinity of an existing or former waste disposal site may be impacted by the waste disposal site. Prior to considering development within 500 metres of an open or closed landfill site, studies shall be required in

accordance with Section 8.14 and dealing with:

- a) ground water quality;
- b) drainage from the waste disposal site;
- c) subsurface gases; and
- d) animal pests.

4.5.3. Where such hazards are identified, development will not be approved unless effective remedial measures are available and will be undertaken.

## **4.6 Storm Water Management**

4.6.1 New development both in the Urban and Rural Area shall provide for the management of storm water runoff. Storm water management shall involve water quality control as well as disposal.

4.6.2 Where practical and feasible, storm water management facilities shall be designed for open space use and integrated, where possible, into the Town's open space network.

## **Section 5      Natural Heritage**

### **5.1    Natural Features (Environment)**

5.1.1    Natural Features have been identified on Schedule “C” and include the following features:

- Significant (Type 1) Fish Habitat;
- Briggs Lake Provincially Significant Wetland;
- Other Wetlands;
- Provincially Significant and Regionally Significant Earth Science ANSI's;
- Flood Prone Lands; and
- At capacity Lake Trout Lakes (Darlington Lake).

5.1.2    This Plan has not identified all of the natural features which exist within the Town.

To determine if natural features exist requiring development prohibition and/or protective measures, a preliminary ecological site assessment shall be required for areas of natural vegetation communities and suspected habitat features of threatened or endangered species.

5.1.3    Some of the wetlands identified on Schedule “C” have also been designated Environmentally Sensitive on Schedule “A”. Where there is a conflict between the provisions of this section, and the provisions of Section 3.5, the provisions of Section 3.5 will apply.

5.1.4    Development may occur on lands adjacent to a natural feature provided the change in land use does not negatively impact the attributes or functions of the natural features.

5.1.5    For the purposes of this plan adjacent lands are defined as lands within:

- a) 120 metres of the boundary of a PSW or 30 metres of the boundary of other wetlands;

- b) 30 metres of any watercourse;
- c) 120 metres of the boundary of Type 1 Fish Habitat;
- d) 300 metres of the shoreline of an at-capacity lake trout lake.

5.1.6 Building setbacks and/or vegetative protection areas may be imposed from the boundary of a natural feature.

## **5.2 Fish Habitat**

5.2.1 The Town recognizes the value and supports the protection of fisheries and their habitat. High quality fisheries provide benefits to the community such as:

- a) recreational benefits from fishing;
- b) economic benefits from fishing and tourism;
- c) environmental benefits from the maintenance of healthy ecosystems; and
- d) the preservation of a local food source.

5.2.2. New development, including the creation of new lots, will be permitted where it can be carried out without negative impact on fisheries and fish habitat.

5.2.3 Significant (Type 1) Fish Habitat is identified on Schedule "C".

5.2.4 Development and site alteration shall not be permitted in significant (Type 1) Fish Habitat except in accordance with federal Department of Fisheries and Oceans (DFO) and provincial requirements.

5.2.5 Development and site alteration proposed adjacent to Significant (Type 1) Fish Habitat shall be required to evaluate the ecological function of the lands and demonstrate there will be no negative impacts on the fish habitat. A Fish Habitat assessment may be necessary as part of this evaluation to determine the significance of the fish habitat if unknown. Such an assessment will demonstrate to the satisfaction of the Town that the integrity of the fish habitat is maintained. Such an assessment may consider specific measures to maintain fish habitat,

including retention of shoreline and riparian vegetation, lot design, regulating the type, size and location of shoreline structures, requiring improvements to the habitat, or considering limits to dredging, filling and removal of aquatic substrate.

5.2.6 Development will be setback and vegetative buffers provided along streams to protect potential fish habitat. Setbacks will be established in the Zoning By-law.

5.2.7 Darlington Lake is an important Lake Trout fishery and is considered an “at capacity” Lake Trout Lake. Development and site alteration shall not be permitted on properties adjacent to the Lake, unless it has been demonstrated that there will be no negative impacts on the lake or its ecological functions will occur. A Preliminary Ecological Site assessment shall be required. The ecological site assessment will determine if a detailed Ecological Site Assessment and/or an Environmental Impact Study is required for any development adjacent to Darlington Lake determined in accordance with Sections 8.2 and 8.14; to demonstrate to the satisfaction of the Town that there will be no degradation of the water quality of the Lake. Development shall not be permitted adjacent to a lake trout lake determined to be at capacity unless:

- a) connection to a municipal sewage treatment facility;
- b) tile fields for any new lots are located at least 300 metres from the shoreline of the Lake or that drainage from the tile fields would be into another drainage basin or such that drainage from the tile fields would flow at least 300 metres to the lake;
- c) where a site-specific soils investigation prepared by a qualified professional has been completed showing the following site conditions:
  - i) the site where the septic tile-bed is to be located, and the region below and 15 metres down-gradient of this site, toward the lakeshore or a permanently-flowing tributary, across the full width of the tile bed, consist of

deep (more than three metres), native and undisturbed, non-calcareous (<1% CaCO<sub>3</sub> equivalent by weight) overburden with acid-extractable concentrations of iron and aluminum of >1% equivalent by weight (following Robertson 2005, 2006, Appendix B). Soil depth shall be assessed with test pits and/or boreholes at several sites. Samples for soils chemistry should be taken at a depth adjacent to, or below, the proposed tile bed; and

- ii) an unsaturated zone of at least 1 ½ metres depth exists between the tile bed and the shallowest depth (maximum) extent of the water table. The position of the water table shall be assessed with test pits during the periods of maximum soils saturation (e.g., in the spring, following snowmelt, or late fall)
- d) restrictions on the removal of natural vegetation within 30 metres of the lake, except to accommodate a limited number of paths, water lines, docking facilities and removal of trees posing a hazard;
- e) establishment of a minimum 30 metre setback for all buildings and structures (except docking facilities);

5.2.8 Mill Lake is a cold water lake trout Lake. Development may proceed in accordance with the provisions of this Plan provided the development does not exceed the carrying capacity of the Lake.

### **5.3 Wetlands**

5.3.1 Wetlands are defined as land that is seasonally or permanently covered by shallow water, as well as land where the water table is close to or at the surface, and where the presence of abundant water has cause the formation of hydric soils and favours the dominance of either hydrophytic plants or water tolerant plants. This includes swamps, marshes, bogs and fens. Wetlands are an

important natural resource. They maintain and improve water quality, help control flooding, provide habitat for fish and wildlife, provide conditions for a wide variety of vegetation and contribute to the social and economic benefits related to hunting, fishing, wildlife viewing and appreciation of nature.

5.3.2 One Provincially Significant Wetland has been identified in the Town, and is shown on Schedule “C”. (Briggs Lake PSW).

5.3.3 Development and site alterations are not permitted within a Provincially Significant Wetland.

5.3.4 Prior to consideration being given for development of lands adjacent to a Provincially Significant Wetland, an assessment of impacts shall be prepared by a qualified wetland specialist in accordance with Sections 8.2 and 8.14.

Development on lands adjacent to Provincially Significant Wetlands shall only be permitted where such development does not result in:

- a) negative impacts on the natural features or their functions;
- b) subsequent demand for future development which will negatively impact on existing wetland function;
- c) conflict with existing site specific wetland management practices; and
- d) loss of contiguous wetland area.

5.3.5 Not all other wetlands identified on Schedule “C” require protection. However, development within or adjacent to such wetland features should only be considered where the development has been assessed in accordance with the Natural Heritage Reference Manual and it has been determined and that demonstrates that the wetland is not provincially significant, that it does not include any threatened or endangered species, and that development is suitable.

## **5.4 Habitat of Endangered and Threatened Species or Significant Wildlife Habitat**

- 5.4.1 The Town recognizes the importance and value of endangered and threatened species and supports their protection. However, within the Town, there are currently no known sites of endangered or threatened species with the exception of the Briggs Lake PSW. Appendix 1 lists current Endangered and Threatened Species that have been documented in the Town.
- 5.4.2 If sites are identified during the review of a development application, appropriate development control techniques shall be used to ensure that identified natural features, or significant portions thereof, are protected.
- 5.4.3 The identification of habitat of threatened and endangered species will occur in accordance with Sections 5.1.2 and 8.14.
- 5.4.4 Development shall only be permitted on lands adjacent to identified significant habitat of threatened or endangered species where it has been demonstrated that there would be no negative impacts on the natural features or ecological functions associated with the habitat.

## **5.5 Areas of Natural and Scientific Interest (Earth Science ANSI)**

- 5.5.1 A number of mylonite rock outcrops exist within the Town, along Highway 400 and Parry Sound Drive. These have been identified on Schedule "C" as Provincially and Regionally Significant (Candidate) Earth Science ANSIs.
- 5.5.2 The Town will have regard for the preservation of these sites when considering development proposals or alterations to the existing rock cuts.



## **5.6 Georgian Bay, Mill Lake and Seguin River Flood Protection**

### **5.6.1 Georgian Bay**

5.6.1.1 Georgian Bay is subject to periodic water level fluctuations that may result in significant property damage if adequate flood protection measures are not established. In order to minimize the risk of flood damage, no buildings shall be constructed in areas adjacent to Georgian Bay below an elevation of 178.3 m GSC.

5.6.1.2 Lands adjacent to Georgian Bay and lying below an elevation of 178.3 m GSC have been shown on Schedule "C" as Flood Prone Areas. In order to minimize the risk of flood damage, these areas shall be zoned so as to prohibit the construction of buildings or structures and identify the 178.3 m contour as the minimum building opening elevation.

5.6.1.3 Should development take place on lands below the 178.3 m contour, it shall be in accordance with the following provisions:

- a) The construction of buildings or structures below an elevation of 178.3 m GSC may be permitted where it can be demonstrated, to the satisfaction of the Town, that adequate flood proofing measures have been incorporated into the design and/or location of the building(s).
- b) All development proposed below this elevation shall require an amendment to the zoning by-law.
- c) Docks and boathouses may be permitted below an elevation of 178.3 m GSC. However, it should be recognized by the owner that such structures may be subject to damage from periodic flooding.

5.6.1.4 Lands identified below the 178.3 metre GSC elevation along the shores

of Georgian Bay, as shown on Schedule “C” to this Plan, may be zoned with the use of a holding symbol. This holding symbol will signify that no buildings or structures other than docks and boathouses will be permitted until such time in the future as the symbol is removed by an amendment to the Zoning By-law.

5.6.1.5 Removal of the “h” holding symbol from those lands zoned below the flood elevation of 178.3 metres GSC along the shores of Georgian Bay may be permitted subject to the following conditions being satisfied:

- a) all buildings and structures be flood proofed to a minimum building opening elevation of 178.3 metres GSC;
- b) that a report outlining proposed flood proofing measures, in accordance with a), and which recognizes the potential impact of wave action, be submitted by a registered professional engineer qualified in addressing structural/ hydrological flood proofing measures in the design/landscaping of buildings and structures.

## **5.6.2 Mill Lake and the Seguin River**

5.6.2.1 Mill Lake and the Seguin River are subject to periodic water level fluctuations that may result in significant property damage if adequate protection measures are not established. The flood prone areas are shown on Schedule “C” (flood prone areas). There is currently no engineered flood plain mapping for the Seguin River or Mill Lake. The flood plain areas identified on Schedule “C” represent an estimate based upon 3 metres above the controlled high water mark. Until engineered mapping of the flood plain is available, this standard will apply. If engineered mapping does become available, the engineered line will

become the boundary. Marginal refinements to the flood plain boundary may be made to correct errors in the mapping without an amendment to this Plan.

5.6.2.2 Permitted uses in the flood plain will be restricted to docks, non-habitable boathouses, flood and or erosion control structures, facilities which by their nature must locate near water or traverse water and ancillary passive non-structural facilities of adjacent land uses which do not adversely affect the ability of the flood plain to pass flood waters.

5.6.2.3 An application for new development within an identified flood plain on Mill Lake and the Seguin River will be considered only if a detailed study carried out by a qualified engineer is submitted. Such study to determine: the level, extent, and flow velocities of the regulatory flood within all inter-related portions of the watercourse (also termed the “reach”); and the off-site impacts of development within the “reach”. This study will be acceptable to the Town. The Town will determine the areas of the flood plain within the “reach” that development may be allowed to take place. These areas (if any) will be determined comprehensively at that time for the entire “reach” and will be termed the Flood Fringe. New development will be allowed within the Flood Fringe provided that it is adequately flood proofed to the level of the regulatory flood. The remaining portions of the flood plain will be termed the Floodway, and there will be no provision for new structural development within this area. Use of this approach will require an amendment to both the Official Plan and the Zoning By-law.

## **5.7 Steep Slopes and Erosion Hazards**

5.7.1 Development on steep slopes or properties that may be subject to erosion hazards will only be considered where it has been determined through appropriate study that no on-site or off-site erosion hazards will occur as a result of the development, that the site has safe access and the risks to public safety are minor and can be managed or mitigated in accordance with Provincial standards.

## **5.8 Archaeological Resources**

- 5.8.1 There are no known archaeological sites in the Town. However, there may be archaeological remains of prehistoric and historic habitation within the Town, particularly along the shorelines of Georgian Bay, the Seguin River or Mill Lake. The Town may require the preparation of an Archaeological Impact Assessment.
- 5.8.2 Care shall be taken to identify and protect any archaeological sites.
- 5.8.3 Development and site alterations may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration that maintain the heritage integrity of the site will be permitted.
- 5.8.4 The Town recognizes that the waters of Georgian Bay may contain marine archaeological sites, which are defined as archaeological sites that are fully or partially submerged or that lie below or partially below the high water mark of any body of water. These waters may possess a record of the earliest First Nations

peoples who travelled, traded and lived along the waterways; hold the remains of former fishing traps or weirs, campsites, settlements and docks; or contain well-preserved ships that sank. Where there is evidence of a possible marine archaeological site, an archaeological assessment and documentation should be obtained prior to development proceeding.

## **5.9 Heritage and Cultural Resources**

5.9.1 The Ontario Heritage Act will be utilized to conserve, protect and enhance the cultural heritage resources in the Town, either through the designation of individual properties or through the establishment of Heritage Conservation Districts.

5.9.2 A Municipal Heritage Committee may be established to advise and assist the Town on matters related to the Heritage Act and other matters of cultural heritage conservation.

5.9.3 The Town may, by by-law,

- a) designate properties to be of historic, and/or architectural value or interest;
- b) define specific areas within the Town, as an area to be examined for designation as Heritage Conservation Districts; and
- c) designate areas within the Town as Heritage Conservation Districts.

5.9.4 The character of the downtown area will be preserved through the maintenance of building fronts and heights along Seguin and James Streets. Development will be supported that preserves the architectural style and periods reflected in the downtown area.

5.9.5 When undertaking road widening, the Town shall consider the consequence of these widenings on important streetscapes and landscapes. In particular, the

areas of Church Street and Gibson Street may be seriously impacted in a negative manner without consideration of these landscapes.

- 5.9.6 The Town may consider the designation of portions of the urban area as Heritage Conservation Districts, in order to protect buildings and other features that reflect the history and culture of the Town. Such designations may be used in conjunction with a Community Improvement Plan to provide incentives to property owners to conserve and enhance lands and buildings. Areas that may be considered include Belvedere Ave, Downtown, Church Street, Gibson Street, Waubeek Street, River Street and Bay Street.
- 5.9.7 A Cultural Heritage resource assessment may be required as a condition of approval for any lands to be developed, particularly in older established areas of historic, architectural or landscape value, or adjacent to existing designated properties. Such an assessment will evaluate the extent to which the development minimizes negative impacts on the surrounding cultural heritage features.
- 5.9.8 The Town may consider the preparation of a Cultural Heritage Master Plan. The Master Plan will identify and map built heritage areas, provincially registered archaeological sites and lands having the potential for discovery of archaeological remains. The Plan will also outline policies, programs and strategies to protect and conserve significant cultural heritage resources in the Town.
- 5.9.9 Properties currently designated under the Heritage Act are listed in Appendix 1.
- 5.9.10 The Town will endeavour to preserve mature trees and other vegetation of heritage significance and/or scenic value. Existing landmark trees and tree and

hedge lines should be a consideration in the design of any development. The preservation of trees along streets and roads is encouraged, except where removal is necessary because of disease damage, to ensure public health or safety or for reasons related to the operation of the Town or any other utility agency.

5.9.11 Development will be designed in a manner that is sensitive to the heritage and cultural resources of the Town. Historic buildings, trails, and roadways should be preserved wherever possible.

5.9.12 New development adjacent to a heritage or cultural resource should be designed to reflect the surrounding landscape and built form. New construction should be designed in harmony with existing heritage features and buildings in terms of mass, height and setback and in the treatment of architectural details on building facades.

5.9.13 The Town may require a professional evaluation to ensure that new development is sited and designed to complement the historic features of the Town.

## **Section 6      General Policies**

### **6.1    Access**

6.1.1 All new development must have frontage on and access onto a road that is maintained on a year round basis by a public authority. The following exceptions to this policy are recognized:

- a) Islands: or parts of islands that front directly upon a navigable water;
- b) Deepwater Point: that front directly on the Georgian Bay and have legal access rights to the road maintained by Parry Island First Nation;
- c) Back Lots: lots that exist as separately conveyable lots, but because of a number of factors, cannot front upon an opened public street, may obtain access by a right-of-way registered on title of sufficient width to accommodate the development. No such lots will be created by Plan of Subdivision or Consent;
- d) Seguin River: subject to Section 3.2.2.5, single family dwellings shall be allowed with frontage on the Seguin River and a right-of-way to Miller Street registered on title of sufficient width to accommodate the development. Such lots shall only be created by Consent;
- e) Non-Residential Uses: certain commercial and industrial uses may not require direct frontage upon a public road to satisfy their business needs and access may be satisfied by a legal right-of-way having sufficient width to accommodate the development.

6.1.2 Individual units in a condominium development may be permitted to have private road access. Condominium road standards may vary from public road standards, as appropriate to the development, and provided they meet applicable Building Code requirements.



## **6.2 Affordable Housing Initiatives**

- 6.2.1 Residential intensification and infilling will be encouraged within existing residential neighbourhoods as a means of providing affordable housing alternatives. Intensification initiatives may include the provision of accessory units and the use of innovative lot configurations that would allow additional lots to be created in established areas.
- 6.2.2 Affordable housing options may include programs and policies that provide a range of opportunities for both rental and ownership markets, in order to meet identified housing needs.
- 6.2.3 The provision of dwelling units in conjunction with retail and office commercial uses is promoted in all commercial designations.
- 6.2.4 The Town may utilize the provisions of the Development Charges Act, Community Improvement initiatives and other municipal powers to encourage the production of affordable housing.
- 6.2.5 The Town may consider the use of agreements under Section 37 of the Planning Act to secure affordable housing units.

## **6.3 Bed and Breakfast Accommodation**

- 6.3.1 Bed and breakfast establishments are a form of short term tourist accommodation that is provided in private homes. These uses are deemed desirable and an asset to the community.
- 6.3.2 Bed and breakfast establishments are permitted in any residential designation or any non-residential designation where a single detached residence is a permitted use, subject to the following:

- a) the bed and breakfast establishment does not conflict with the character of the area in which it is located;
- b) the facilities are dispersed throughout the community to maintain the primary residential character of a neighbourhood;
- c) The establishment has sufficient site area to accommodate adequate on site parking and provide reasonable buffering for adjacent uses.

6.3.3 Standards of operation and location may be set out in the Zoning By-law or other applicable legislation enacted by the Town.

## **6.4 Brownfield Development**

6.4.1 Certain properties in the Town have been subject to environmental contamination as a result of existing or past land uses. Prior to such properties being reused for development, decommissioning or cleanup of the site shall be undertaken, pursuant to regulatory requirements, and in accordance with Section 8.14.

6.4.2 Where a change in land use is proposed, and the present use has the potential to have caused environmental contamination, the site shall be decommissioned and/or cleaned-up pursuant to regulatory requirements prior to or as a condition of the approval of the development.

## **6.5 Condominium Conversions**

6.5.1 The conversion of residential rental units in buildings with four or more units to condominium ownership shall only occur where:

- a) it has been confirmed that the rental vacancy rate in the Town at the time of application is 3% or higher;
- b) the property is subject to a recent site plan agreement, or alternatively either site plan approval or a development agreement pursuant to Section 51(26) of the Planning Act;

- c) the proposed conversion qualifies as affordable ownership in accordance with the provisions of the Provincial Policy Statement if the existing rental facilities qualify as affordable under the Provincial Policy Statement.

## **6.6 Dark Sky**

- 6.6.1 The Town recognizes the value of a clear view of the night sky. To maintain such a view of the night sky all new development will be required to utilize dark sky compliant lighting in its design.

## **6.7 Development Adjacent to Railways**

- 6.7.1 New sensitive land uses proposed<sup>15</sup> within 300 metres of a railway right-of-way will be required to undertake noise studies completed by a consultant sufficiently qualified to do so, and shall undertake appropriate measures to mitigate any adverse effects from noise that were identified.
- 6.7.2 New sensitive land uses proposed within 75 metres of a railway right-of-way will be required to undertake vibration studies completed by a consultant sufficiently qualified to do so, and shall undertake appropriate measures to mitigate any adverse effects from vibration that were identified.
- 6.7.3 New sensitive land uses proposed adjacent to railways will be required to implement appropriate safety measures such as setbacks, berms and security fencing to the satisfaction of the Town in consultation with the appropriate railways.
- 6.7.4 The Town will have regard to the nature of existing development in the area proposed for development. Each development application will be assessed based on its individual characteristics and the relationship of the abutting existing development to the railway right-of-way.

## **6.8 Energy Conservation**

- 6.8.1 The wise management and conservation of energy resources can be promoted by the Town through various activities. The Town will encourage the use of an orderly and compact development pattern that can minimize the need for automobile trips, encourage the use of active modes of transportation for all ages and encourage the establishment of a public transit system that is financially feasible.
- 6.8.2 The Town may investigate ways in which the Zoning By-law and subdivision and development standards can be modified to encourage energy conservation.
- 6.8.3 The use of alternative energy sources and the use of landscaping including shade tree plantings and building orientation to reduce energy costs may be included in the design of new facilities in the Town.

## **6.9 Group Homes**

- 6.9.1 A group home is a single housekeeping unit in a residential dwelling in which up to ten (10) persons, excluding staff or the receiving family, live as a household under responsible supervision consistent with the requirements of the residents and which is licensed or approved under Provincial Statute and in compliance with municipal by-laws.
- 6.9.2 Group homes are permitted in all designations that allow single detached residential uses in accordance with the respective development criteria.

## **6.10 Mineral Aggregates**

- 6.10.1 The Town lacks the type of geological characteristics which would provide any

significant sand and gravel extractive operation, however, a limited use stone quarry exists in the location shown on Schedule C. The existing quarry use of the Mill Lake Stone Quarry is recognized.

## **6.11 Mobile Homes**

6.11.1 Mobile homes may be permitted in areas specifically zoned for mobile home parks on the fringe of the urban area in the Rural Residential designation.

6.11.2 Mobile home parks must be serviced by municipal sewer and water.

6.11.3 Standards for mobile home parks will be set out in the Zoning By-law and/or a by-law passed pursuant to the Municipal Act.

6.11.4 Mobile home parks shall be designed on the basis of a Plan of Subdivision and shall be subject to Site Plan Control pursuant to The Planning Act.

## **6.12 Second Residential Units**

6.12.1 As provided in Section 16(3) and 35.1 of the Planning Act, a second residential unit may be located in a detached house, semi-detached house, rowhouse or accessory building anywhere in the Town, except as noted in this section.

6.12.2 Second units are permitted in all areas where a single detached, semi-detached or rowhouse dwelling is permitted provided:

- a) the unit meets all applicable Ontario Building Code and Fire Code Regulations,
- b) there are sufficient on site parking facilities to accommodate the primary and second units;
- c) the property has sufficient servicing capacity (sewer and water) to accommodate the second unit;
- d) the unit is clearly secondary to the main unit, having an area that in general does not exceed 75% of the area of the primary dwelling unit;

- e) the unit is not located in an area that is susceptible to flooding, except where the units are suitably flood-proofed.

6.12.3 The Zoning By-law will establish specific requirements for second units.

## **6.13 Sensitive Land Uses**

6.13.1 Where a land use change or new residential lot creation is proposed that is likely to adversely affect existing uses or be adversely affected by existing uses, a feasibility study that assesses the impacts of odour, noise, vibration, particulate or other emissions shall be required in accordance with provincial guidelines, and in accordance with Section 8.14. Some uses (e.g., residential) may be sensitive to the odour, noise, vibration or other emissions associated with facilities such as highways, arterial roads, railway corridors, pits and quarries, various types of industries and sewage treatment facilities. The feasibility study shall include recommendations on how impacts can be mitigated. The approval of the development proposals shall be based upon the achievement of adequate separation distances between land uses and other mitigation recommendations.

6.13.2 Development adjacent to a railway corridor shall ensure that appropriate safety measures, such as setbacks, berms, and security fencing are provided to the satisfaction of the Town, in consultation with the appropriate railway company.

6.13.3. In order to minimize and alleviate, wherever feasible, the conflicts of the railway network with adjacent lands uses and with the road network, the Town will require that adequate visual and/or physical separation or other techniques be provided to screen or mitigate impact of a railway right-of-way from adjacent residential land uses.

6.13.4 If the site of a proposed land use is known or suspected to be contaminated, a

study may be required in accordance with provincial legislation and guidelines to determine the nature and extent of the contamination and the identification of a remedial plan, if required. Where the need for remediation is identified, the site shall be restored in accordance with the remedial plan before development occurs to ensure there will be no adverse effects on the proposed use or adjacent land uses.

## **6.14 Shore Road Allowances**

6.14.1 To ensure public access to Georgian Bay and other waterfront areas, the remaining original shore road allowances within the Town will be retained in public ownership, unless portions are inaccessible or alternative linked open spaces are provided in public ownership, as part of a comprehensive development plan.

## **6.15 Universally Accessible Environment**

6.15.1 The development of an environment that facilitates universal access for all persons is encouraged.

## **6.16 Urban Agriculture and Community Gardens**

6.16.1 Recognizing that small scale urban agriculture within an urban area can meet a need for healthy inexpensive food, the Zoning By-law that implements this Plan shall identify opportunities to allow community gardens accessory to a main permitted use at a scale that does not conflict with surrounding uses.

Commercial agricultural operations shall only be permitted in the Rural Residential designation.

## **Section 7      Community Improvement**

- 7.1 Community Improvement encompasses those public and private activities which maintain, rehabilitate and redevelop the existing physical environment to accommodate the social and economic priorities of the Town, as defined in the Planning Act.
- 7.2 All lands within the Town are potential Community Improvement Project Areas in which Community Improvement Plans may be undertaken. The Town may identify, by By-law, one or more Community Improvement Project Areas, focused on specific needs of those individual areas.
- 7.3 Community Improvement Areas will be considered on the basis of one or more of the following features:
- a) areas that show deficiencies in the availability or condition of public services, including roads (standards, parking, traffic safety), curbs, sidewalks, street lighting, sewers, water services and hydrants, storm drainage, streetscape features (including boulevards, street trees, overhead wires), public parking areas, impediments to pedestrian movement, and deficiencies in accessibility;
  - b) flood protection;
  - c) areas that are deficient in social or recreational services, including lack of parkland, trails or recreational facilities, underutilized public facilities, public access to the waterfront;
  - d) areas that no longer meet current development standards;
  - e) areas that show deficiencies in the condition of private facilities, including building condition (Building Code and Fire Code standards, accessibility), parking facilities, conflicting uses, physical appearance and visual improvements of facades, underutilized lands or buildings;
  - f) areas in need of conservation or heritage protection;



- g) areas within the Waterfront Area that are subject to land use conflicts, brownfield conditions, or require improved access to the waterfront, including uses that may require relocation; or
- h) areas that may benefit from financial incentives to encourage improvements.

7.4 Once a Community Improvement Project Area is identified, the Town may prepare a Community Improvement Plan for that area.

7.5 A Community Improvement Plan may provide for public and private property improvements and works, and may include a range of financial incentives to encourage identified community improvement initiatives.

## **Section 8 Implementation**

### **8.1 General**

- 8.1.1 This Plan will be implemented through the Planning Act, Municipal Act, Building Code Act and other applicable provincial legislation, as well as appropriate local initiatives.
- 8.1.2 This Plan will be implemented through a comprehensive zoning by-law and zoning by-law amendment(s) as well as through other municipal by-laws and policies, lot creation, site plan control and other municipal agreements.
- 8.1.3 This Plan may be supplemented by and implemented through the preparation of servicing plans, transportation plans, a parks and recreation master plan, urban design guidelines and other land use planning studies.

### **8.2 Pre-consultation Requirements and Complete Applications**

- 8.2.1 Pre-consultation between the applicant and the Town may be required prior to the submission of an application for an official plan amendment, zoning by-law amendment, draft plan of subdivision, draft plan of condominium, consent or site plan agreement unless the Town determines that pre-consultation is not necessary based on the scale of development or the complexity of planning issues associated with the proposed application.
- 8.2.2 Pre-consultation will determine what is required to be submitted for a complete application and will identify any planning issues that need to be addressed and any additional information that will need to accompany the application. Pre-consultation may involve other agencies that may have an interest in the application.

8.2.3 Where an application is submitted to the Planning Board, pre-consultation with the Town may be required prior to the submission to the Board.

8.2.4 A by-law may be adopted by Council to encourage or require pre-consultation.

8.2.5 In addition to the prescribed information required under the Planning Act related to a complete application, the following information and/or reports may be required, as determined through pre-consultation or discussions with the Town:

- a) Planning Justification Report – to demonstrate that the proposal conforms with or is consistent with the applicable provisions of the Northern Ontario Growth Plan, the Provincial Policy Statement, the Official Plan and any other relevant legislative requirements;
- b) Land Use/Market Needs Study – Any major commercial proposal or commercial development outlined in Section 2.8.3.4 should consider the existing supply of available land and future land use needs;
- c) Urban Design/Landscape Plans – proposals for infill development, redevelopment, intensification, or where a site plan agreement is required should include plans illustrating how the proposal will be compatible with the character of adjacent uses and the surrounding areas. These plans and related descriptive details may include building elevations, shadow/wind impacts and streetscaping;
- d) Archaeological Assessment – development or site alteration proposed in proximity to lands that contain known archaeological resources or areas of archaeological potential may require an assessment;
- e) Heritage Impact Analysis – development or site alteration proposed on or adjacent to lands, structures or buildings designated under the Ontario Heritage Act, listed on a heritage resource inventory approved by the Town, or located within or adjacent to a Heritage Conservation District may require an Impact Analysis to ensure that the development is compatible with the heritage features of the surrounding buildings, lands or area;

- f) Ecological Site Assessment and/or Environmental Impact Study – Development or site alteration proposed within or adjacent to any natural constraint identified on Schedule “C” or through an initial site assessment shall provide an inventory and assessment of sensitive features and functions to determine areas to be protected and any mitigation measures necessary;
- g) Tree Preservation Plan – Development or site alteration that may have adverse effects on a significant tree or group of trees, including a woodlot may require the preparation of a tree preservation plan. A significant tree may be one that because of its size, age or species is considered to be of significance to the local area, streetscape or cultural heritage landscape;
- h) Flood Plain lands – For development or site alteration proposed within or adjacent to the flood elevations identified on Schedule “C”, a flood plain study may be required to determine the elevation and boundaries of the regulatory flood, or determine the impact of such development within the floodplain;
- i) Site Remediation or Environmental Contamination Phase 1 and Phase 2 Reports – Development or site alteration on lands or adjacent to lands that were previously used for a purpose that may have caused contamination of the property should be accompanied by a report to assess existing conditions and address the need for any environmental testing or remediation in accordance with Provincial requirements;
- j) Air quality/Noise & Vibration Study – Where required by MOE Guidelines for sensitive land uses, studies will assess the impact of the development on such uses;
- k) Stormwater Management Plans – Major development or site alteration proposed should address how stormwater runoff will be handled in terms of water quality and quantify, lot grading and drainage controls, and erosion and sedimentation measures, and determine the extent to which storm water can be managed on site;

- l) Traffic/Parking Impact Analysis – Major development that may have a significant impact on traffic flow and safety, and may include an analysis of parking standards;
- m) Hydrogeological Study and Private Servicing Plans – where private services are permitted and proposed, an assessment of soil and groundwater conditions, an evaluation of the ability of the site to accommodate private services and a plan illustration the location of the services, drainage and lot grading shall be provided;
- n) Financial Impact Assessment – to address financial implications of a proposed development on the provision of municipal services and utilities to ensure that no financial or economic hardship occurs for the Town or surrounding municipalities that share in the cost of providing local services;
- o) Other Studies/ Reports – required for the Town to adequately address the suitability of a proposal.

8.2.6 Information and/or reports shall be prepared by qualified professionals and may be submitted in electronic format along with hard copies to make the information readily available to the public and review agencies.

8.2.7 Should the Town determine that any information/reports require peer review; the applicant shall be responsible for paying all costs of such review.

8.2.8 An application may be deemed to be incomplete by the Town where an application is submitted without pre-consultation, adequate supporting information and/or reports, or submission of review fees required by the Town or other public agency.

### **8.3 Zoning By-law**

#### **8.3.1 General**

8.3.1.1 This Plan will be implemented through the establishment of appropriate uses, standards and regulations in the Comprehensive Zoning By-law and

through the identification of areas with site specific regulations.

8.3.1.2 It is not intended that all areas designated in this Plan will be pre-zoned for permitted uses in an implementing by-law. Certain areas may be zoned in a limited use category, due to factors such as type and availability of services, access, etc., or where the use of a Holding By-law does not provide appropriate control.

### **8.3.2 Holding Provisions**

8.3.2.1 Section 36 of the Planning Act provides for the use of a holding symbol “H” in conjunction with any I zone found within the implementing Zoning By-Law.

8.3.2.2. The purpose of the holding provision is to prevent or limit the use of land where the future land use has been determined but where imminent development would be premature until various conditions are met, and until such time as the Town is satisfied that further development may take place.

8.3.2.3 The objective of the use of the holding symbol is to prevent or limit the use of land in order to achieve orderly, phased development, to ensure that servicing is available to the satisfaction of all government agencies and to allow for the implementation of special design criteria and policies.

8.3.2.4 Generally, the holding symbol should be applied to undeveloped or unserviced land, land being proposed for development, lands having special environmental constraints or lands having special design considerations.

8.3.2.5 In accordance with The Planning Act, the Zoning By-Law will identify

lands subject to holding provisions by the inclusion of an “H” suffix to the zone symbol.

8.3.2.6 The Zoning By-Law provisions relating to the use of the “H” suffix will specify what uses are permitted while the holding provision applies.

8.3.2.7 The holding symbol may be removed by by-law to allow development to proceed in accordance with the relevant zoning category so long as the following condition or conditions apply:

- a) extensions for services are approved by the Town;
- b) the approval of site plans in the case of commercial, and industrial mixed use and medium and high density residential developments;
- c) the phasing, timing or staging of development has been approved;
- d) all required approvals are obtained from regulatory agencies;
- e) there is sufficient reserve capacity available for sewer and water services, as confirmed by the Town; (NOTE: capacity is only assigned after the holding symbol is removed.)
- f) the objectives of the Official Plan including development criteria are met.

### **8.3.3 Temporary Use**

8.3.3.1 The Town may pass Temporary Use Zoning By-laws under Section 39 of the Planning Act permitting housing, accommodation facilities, tourist uses and facilities, parking lots, events and industrial uses related to the resource base of the area and other similar uses for a temporary period of time.

8.3.3.2 The temporary use may be authorized for the time periods provided in the Planning Act. At the expiry of the time frame, provided the temporary use has not been extended by by-law, the use must cease.

8.3.3.3 In considering a temporary use, the following criteria applies:

- a) the proposed use is of a temporary nature that can cease without undue hardship;
- b) the use is compatible with the surrounding area;
- c) the intent and purpose of the Official Plan is maintained;
- d) the use does not require the expansion of municipal services; and
- e) the site is suitable for the use.

### **8.3.4 Height and Density Increases**

8.3.4.1 The Town may pass by-laws authorizing increases in height and density of development, as provided in Section 37 of the Planning Act.

8.3.4.2 The by-law may authorize such increases in the height and density of development otherwise permitted in the zoning by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law.

8.3.4.3 Without limiting the generality of the foregoing, the Town may consider authorizing increases in density or height in exchange for the provision of the following, among other matters:

- a) foster more innovative and integrated development,
- b) develop projects with higher standards of amenity,
- c) develop mixed use developments,
- d) provide for residential intensification; and
- e) provide for the provision of affordable housing facilities,

all while maintaining compliance with the principles and objectives of this Plan.

### **8.3.5 Conditional Zoning**

8.3.5.1 Section 34(16) of the Planning Act authorizes the Town to impose one or more conditions on the use of land or the erection or locations of buildings, as prescribed in Provincial Regulation. To date, no such regulation has



been enacted that would prescribe the conditions or limitations on conditions that may be available to the Town.

8.3.5.2 Upon enactment of prescribed conditions, the Town may impose such conditions on the approval of a zoning amendment on any property in the Town. Without limiting the generality of this statement, the Town may focus conditions on development applications within the Waterfront Area shown on Schedule "A".

8.3.5.3 When a prescribed condition is imposed as part of a zoning amendment, the Town will require the owner to enter into an agreement with the Town relating to the condition(s), and to register and enforce the agreement as provided in the Planning Act.

### **8.3.6 Interim Control By-law**

8.3.6.1 In areas where the Town wishes to review the existing land uses or establish new polices, and where a study of land use planning policies for the area has been directed, the Town may adopt an Interim Control By-law. The Interim Control By-law may restrict the land use to its present use until the required studies are completed, at which time the Zoning By-law may be amended to reflect the desired use.

## **8.4 Site Plan Control**

8.4.1 All areas within the Town are designated Site Plan Control Areas under the provisions of Section 41 of the Planning Act. All uses in the Town shall be subject to Site Plan Control, except where the Town exempts specific uses by By-law.

8.4.2 Site Plan Control may be utilized by the Town to ensure that development is

compatible with the provisions of this Plan and to ensure:

- a) safe, orderly and functional development;
- b) safety and efficiency of vehicular and pedestrian access;
- c) compatibility between new and existing development;
- d) the provision of on site amenities and facilities such as buffering, landscaping, fencing and lighting;
- e) the appropriate placement of services such as driveways, parking areas, loading facilities and garbage storage and collection;
- f) the provision of easements or grading and site alterations necessary to provide for utilities and site drainage or storm water management;
- g) the development is accessible for persons with disabilities;
- h) exterior design elements are provided to the satisfaction of the Town,, particularly in the Waterfront Area and the Commercial areas;
- i) the provision of sustainable design elements on adjoining streets, including, among other matters, trees, shrubs, hedges, planting or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities;
- j) enhanced use and enjoyment of the natural features of the area, particularly in the Waterfront Area; and
- k) appropriate protection and use of the shoreline of Georgian Bay, the Seguin River and Mill Lake.

8.4.3 The Town may exempt the following lands and uses from Site Plan Control:

- a) any dwelling containing three units or less, including alterations to such buildings, or the provision of accessory buildings associated with such units;
- b) minor renovations or extensions to existing buildings;
- c) public uses.

8.4.4 The proposed development of all buildings in all areas designated for Site Plan Control, including residential buildings containing less than twenty-five dwelling

units, may require the submission of plan, elevation and cross section drawings.

8.4.5 Where a proposed development is subject to Site Plan Control, road widening may be required by the Town in the following circumstances:

- a) widening of collector and arterial roads identified on Schedule “B” to the standards set out in Section 4.2 of this Plan;
- b) a dedication for sight triangles and turning lanes at the intersection of public roads, to meet engineering standards as described in the site plan control by-law;
- c) widening on the following streets: Park Lane, Kate Street; Spruce Street; Bowes Street at its intersection with Forest Street; River Street at its intersection with Bowes Street and Joseph Street at its intersection with Isabella Street.

8.4.6 Any road widening shall be taken equally on both sides of the centre line of the existing travelled surface of the road. In circumstances where a road widening must be taken unequally, or in its entirety from one side of the road, only one-half will be taken through site plan control.

8.4.7 The Town may adopt site plan guidelines that establish standards and regulations for development.

## **8.5 Land Division/Lot Creation**

### **8.5.1 Plans of Subdivision and Condominium**

8.5.1.1 New lot creation will be by registered plan of subdivision or condominium, particularly where one of more of the following applies:

- a) the development requires the provision of new public roads or other municipal infrastructure (including parks, trails, and hard services);
- b) it is necessary to ensure that the entire land holdings or area is developed in an orderly and efficient manner; and

- c) a number of studies and justification reports are required to determine the suitability of the development;

8.5.1.2 Individual units in a condominium development may be permitted to have private interior road access with the common element road having direct access to a public road. Condominium road standards may vary from public road standards, as appropriate to the development, and provided they continue to meet applicable Building Code requirements.

8.5.1.3 Where property is developed by way of condominium description, the following provisions shall apply:

- a) Vacant Land Condominium - Each unit within the condominium shall be considered as one lot for the purpose of compliance with the zone provisions for the zone in which it is located.
- b) Common Elements Condominium – The entire description shall be considered as one lot for the purpose of compliance with the zone provisions for the zone in which it is located, and those zone provisions shall reflect that each interest in the condominium is attached to another parcel of tied land inside or outside the condominium description.
- c) Other Condominium – For any condominium to which (a) and (b) do not apply, the entire description shall be considered as one lot for the purpose of compliance with the zone provisions for the zone in which it is located.
- d) All Condominiums – Access within any type of condominium may be by private road. Access to any type of condominium shall comply with the access requirements of the applicable land use designation set out in this Plan.

## **8.5.2 Consent**

8.5.2.1 Notwithstanding the provisions of Section 8.5.1, new lots for any permitted use may be created by consent provided:

- a) it has been determined that a plan of subdivision is not required for the proper and orderly development of the land;
- b) the intent and purpose of the official plan and zoning by-law are maintained; and
- c) there is no extension of municipal services required, unless addressed through a development agreement.

8.5.2.2 The consent process may be utilized to accommodate and encourage lot consolidation, lot additions, or the provision of easements or rights-of-way.

### **8.5.3 Part Lot Control**

8.5.3.1 Where the Town determines that it is appropriate, lot creation may occur through the use of Part Lot Control Exemption by by-law, in accordance with the provisions of the Planning Act.

### **8.5.4 Deeming/Lot Consolidation**

8.5.4.1 The Town 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 it is in the public interest.

8.5.4.2 Where it is in the public interest, other methods of lot consolidation (e.g. through judge's order) may be considered.

## **8.6 Parkland Dedication and Recreational Trails**

### **8.6.1 Parkland**

8.6.1.1 The Town will establish provisions for the dedication and use of lands for park or other public recreational purposes as provided for in the Planning Act.

8.6.1.2 In considering lot creation by registered plan of subdivision, condominium

or consent, the Town may require the dedication of up to 5% of the gross area to the provision of public open space in residential developments and up to 2% for non residential developments. At the discretion of the Town, this dedication may take the form of land or as a cash payment under the provisions of the Planning Act.

8.6.1.3 It is the Town's first choice to acquire land for the purposes of enhancing the parkland system in the Town.

8.6.1.4 A Cash-in-Lieu of Parkland dedication may be requested where according to the Culture, Parks and Recreation Master Plan an area is adequately served by existing parklands. Such cash-in-lieu of parkland acquired shall be used to provide parklands in areas not adequately served by existing parklands.

8.6.1.5 Cash-in-Lieu of Parkland dedication may also be requested where, due to the limited amount or poor condition of the land, land acquisition is not practical.

8.6.1.6 For the purpose of Consents, the Town may adopt a schedule of fees to make parkland cash-in-lieu dedications expeditious and convenient.

8.6.1.7 The Town recognizes the importance of local public and private schools meeting recreational needs in the community. Council supports the continuation of these facilities in terms of shared use, expanded programs and available open space.

8.6.1.8 Wherever possible the Town will attempt to link parkland areas and facilities with continuous corridors of open spaces.

8.6.1.9 Natural areas, including hazard lands, creek valleys, other

environmentally sensitive areas, or significant ridges will be set aside as permanent open space and shall not necessarily constitute part of the statutory dedication for public open space use. The Town may consider acquiring natural areas where it is in the public interest to do so and where such lands contribute to the provision of continuous corridors or to preserve the character of the area.

### **8.6.2 Recreational Trails**

8.6.2.1 The Town is committed to the provision and expansion of a linked recreational trail system, throughout the Town, particularly in the Waterfront Area.

8.6.2.2 In order to enhance the potential for a network of linked multi-use recreational trails throughout the Town, all development applications will be reviewed and evaluated on the extent to which the creation, expansion and preservation of such a network can be accomplished as part of that development application, and whether it is appropriate to acquire such facilities as part of a parkland dedication.

8.6.2.3 Municipal road allowances which could become a link in a trail system will not be conveyed out of public ownership.

8.6.2.4 Where application is made to close and convey a road allowance, if the road allowance would not contribute to a trail system, the Town may dispense of it or regard shall be had for conducting an exchange for alternative land that could become part of a trail system where deemed appropriate.

## **8.7 Existing Land Uses**

8.7.1 Lands that are being used and conform to the policies of this Plan will be zoned in a category that permits their ongoing use in the Zoning By-law.

8.7.2 Lands that are not being used in conformity with the policies of this Plan may be placed in a zoning category that results in a legal non-conforming status of these uses. Alternatively, these uses may be placed in an appropriate zoning classification so long as the spirit and intent of this Plan are maintained.

## **8.8 Site Alteration and Tree Conservation**

8.8.1 The Town may pass by-laws to prohibit or regulate the destruction or injuring of trees, require that a permit be obtained to injure or destroy trees, and impose conditions to a permit, as provided in the Municipal Act (Section 135).

8.8.2 The Town may pass by-laws respecting the dumping or placing of fill, removal of topsoil or the alteration of the grade of land as provided in the Municipal Act (Section 142).

## **8.9 Property Standards**

8.9.1 The Town may enact and enforce a Property Standards By-law in accordance with the Ontario Building Code Act, regarding minimum standards for the following:

- a) The physical condition of buildings and structures;
- b) the physical condition of lands;
- c) the adequacy of sanitation;
- d) the physical condition of accessory buildings, fences, signs and open storage areas;



- e) the control of garbage, rubbish and abandoned vehicles, machinery and equipment; and
- f) the fitness of buildings and structures for occupancy.

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

8.9.3 The by-law may contain requirements with respect to:

- a) the maintenance of all types of property including the condition of yards, the provision of sewage and drainage facilities, the condition of accessory buildings, fences, signs and open storage areas and the control of garbage, rubbish and abandoned vehicles, machinery and equipment;
- b) the structural and health standards of all buildings and structures in the Town with the emphasis placed on ensuring that dwelling units provide safe and healthy living conditions and that commercial, industrial and institutional buildings are kept in a condition which is safe for both the inhabitants and the public; and
- c) the provision of safe and healthy conditions of occupancy for all tenants renting, leasing or occupying dwelling units in the Town.

## **8.10 Design Guidelines**

8.10.1 Design guidelines are increasingly being used to ensure that development contributes to the well being of residents, improve the visual and aesthetic standards of development and enhance the positive aspects of community character. Such guidelines provide direction for both the public and private sectors when preparing development plans or public works improvements.

8.10.2 The Town may prepare design guidelines for specific locations or for specific

uses in the Town.

### **8.11 Development Standards By-law**

8.11.1 The Town may adopt a by-law or by-laws to establish standards for the provision of municipal services.

### **8.12 Development Charges**

8.12.1 The Town may pass a By-law under The Development Charges Act to assess and recover their anticipated expenses for new growth for both hard and soft services.

8.12.2 Development charges may be levied against Plans of Subdivision, Consents, Condominiums, Zoning By-law Amendments, Minor Variances, Building Permits, and lands exempted from Part Lot Control (Existing)

### **8.13 Tariff of Fees**

8.13.1 The Town will prescribe a tariff of fees to offset the cost of processing any planning application. These fees are intended to meet the cost to the Town or its Committee of Adjustment in processing such applications.

8.13.2 The Town may be required to retain professionals in connection with specific development applications and the review and processing of such applications. In these instances, the applicant will be required to deposit an appropriate amount with the Town to offset anticipated and actual professional fees.

### **8.14 Agency Guidelines and Standards**

8.14.1 In the implementation of the policies contained in this Plan and the review of development proposals, the Town will have regard for guidelines and standards provided by appropriate Ministries and agencies who have expertise in the

particular area under consideration. The Town may employ alternate standards consistent with the Provincial Policy Statement.

8.14.2 The following guidelines, among others, will be referenced where appropriate:

- a) MOE D-Series Guidelines related to land use compatibility and sensitive land uses;
- b) Minimum Distance Separation Implementation Guidelines (OMAFRA);
- c) MOE LU-131 and NPC-series guidelines;
- d) Natural Heritage Reference Manual (MNR);
- e) Record of Site Conditions (MOE); and
- f) Lakeshore Capacity Assessment Handbook.

## **Section 9 Administration and Interpretation**

### **9.1 Boundaries**

- 9.1.1 The boundaries of the land use designations shown on Schedule “A” are approximate. Such boundaries should be considered absolute only where they are clearly bounded by railways, rivers, highways or other clearly marked geographical barriers.
- 9.1.2 The location of roads, trails and other features shown on the Schedules is approximate.
- 9.1.3 The boundaries of Natural Features identified on Schedule “C” may be imprecise and subject to change or refinement. The Town shall determine the exact extent of the natural features on a site by site basis when considering development proposals, in consultation with the appropriate agencies.
- 9.1.4 An amendment to this Plan will not be required in order to make minor adjustments to the approximate land use boundaries or to the location of roads and other natural features provided that the general intent of the Plan is preserved.
- 9.1.5 Where a land use designation or natural feature abuts any waterbody, that designation is deemed to extend out into such waterbody and apply to any flooded lands, or private water lot, subject to the policies contained in Section 5.6.

### **9.2 Numerical Interpretation**

- 9.2.1 Where number or values are specified in the text, such quantities are intended as guidelines. Deviation from these numerical requirements, where they are minor

and limited in nature, may be permitted provided the intent of the Plan is maintained.

### **9.3 Public Notice provisions**

9.3.1 Council may delegate the responsibility of the holding of any public meeting required under the Planning Act to a Committee of Council.

9.3.2 The Town, by way of Council resolution, may forego public notification and public meeting(s) in connection with Official Plans, Community Improvement Plans or Zoning By-laws or Amendments thereto if such amendments relate to matters which will not affect the policies and intent of the Official Plan or Community Improvement Plan, or the provisions of the Zoning By-law in any material way, and will be restricted to the following matters:

- a) deleting obsolete provisions;
- b) altering the number and arrangement of any provision;
- c) altering punctuation or language to obtain a uniform mode of expression;
- d) correcting clerical, grammatical or typographical errors;
- e) inserting historical footnotes or similar annotations to indicate the origin and approval of each provision;
- f) consolidating amendments;
- g) transferring Official Plan, Community Improvement Plan and Zoning By-law designations to new base maps which might be prepared in conjunction with a specific study; and
- h) adding technical information such as plans of subdivision, buildings contours and elevations to base maps.

### **9.4 Official Plan Review Procedure**

9.4.1 The Official Plan is not a static document and shall be amended periodically whenever necessitated by changing conditions and where the overall public

interest is served

9.4.2 The Town will review the need for revisions to the Official Plan at least every five years from the approval of the Official Plan. The review will consist of an assessment of:

- a) the need for revisions to the vision and principles that form the basis of the Plan;
- b) the extent to which changes to the land use designations and policies are needed to accommodate changes in both the demographics and economy of the Town; and
- c) the need for potential new policy initiatives.

9.4.3 The Plan will be revised as required to ensure that it continues to conform with any provincial plans, has regard to matters of provincial interest and is consistent with the Provincial Policy Statement.

9.4.4 Before revising the official plan, the Town will consult with the approval authority and with other agencies with respect to the revisions that may be required; and will hold a public meeting to discuss the revisions that may be required. Notice of the public meeting shall be in accordance with the requirements of the Planning Act.

## **9.5 Joint Planning Board and Delegation of Authority**

9.5.1 The Town is a member of the Parry Sound Area Planning Board. The Board is responsible for land division, and plan of subdivision and condominium approval for the member municipalities, and advises on any planning applications when requested by the participating agencies.

9.5.2 The Board is the only area-wide land use planning body. The Town supports area-wide planning and will continue to seek opportunities to broaden the

functions of the Board to include other delegated planning approval functions.

9.5.3 The Town will seek to have all those authorities available from the Minister of Municipal Affairs delegated to the Town or the Planning Board.

## **9.6 Stewardship**

9.6.1 The quality of life throughout the Town will be enhanced through the adoption and support of stewardship ethics that focus on the enhancement of the Town's living environment.

9.6.2 Members of the public are encouraged to maintain and improve their properties.

## **9.7 Repeal of Existing Official Plan and Amendments**

9.7.1 Upon approval of this Plan by the Minister of Municipal Affairs and Housing, all prior official plan and official plan amendments are repealed.

9.7.2 Any Community Improvement Plan adopted and implemented in accordance with the provisions and direction of a prior official plan shall remain in full force and effect, unless replaced in accordance with the provisions of the Planning Act.

Schedule A - Land Use Schedule

Schedule B - Transportation and Servicing Schedule

Schedule C – Natural Features



Appendix 1 – (Threatened and Endangered Species)

1. Threatened Species documented within the Town of Parry Sound boundaries.

- Blanding's Turtle
- Chimney Swift
- Eastern Foxsnake
- Massasauga
- Barn swallow
- Little Brown Myotis
- Northern Myotis

2. Threatened Species not documented within the Town of Parry Sound, but documented in the area.

- Eastern Hog-nosed Snake
- Whip-poor-will

Source: Ministry of Natural Resources, and Ministry of Municipal Affairs and Housing, updated to July, 2013.

Appendix 2 – Properties Designated under the Ontario Heritage Act

10 Ashwood Drive

14 Bay Street

1 Belvedere Avenue

14 Belvedere Avenue

Belvedere Lookout

Canadian Pacific Railway Station (Avenue Road)

1 Cascade Street

40 Cascade Street

13 Church Street

43 Church Street

70 Church Street

17 George Street

62 Gibson Street

64 Gibson Street

29 - 33 James Street

25 Mary Street

5 McMurray Street

11 McMurray Street

10 Redwood Drive

86 Waubeek Street