

Town of Huntsville Official Plan Review - POLICY BACKGROUND PAPER

Implementation

BACKGROUND:

- The implementation section of an Official Plan typically includes policies which identify information requirements, as well as the various tools that may be used to help implement Official Plan policy.
- As the Province changes and updates legislation and policy from time to time, new requirements that municipalities must address are being identified.

POLICY CONTEXT:

Provincial Policy Statement (2014):

- 4.7 The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.

Official plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required.

Official plans should also coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial solutions. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of an official plan.

- 4.8 Zoning and development permit by-laws are important for implementation of this Provincial Policy Statement. Planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and this Provincial Policy Statement.
- 4.9 The policies of this Provincial Policy Statement represent minimum standards. This Provincial Policy Statement does not prevent planning authorities and decision-makers from going beyond the minimum standards established in specific policies, unless doing so would conflict with any policy of this Provincial Policy Statement.
- 4.15 Municipalities are encouraged to establish performance indicators to monitor the implementation of the policies in their official plans.

Current Muskoka Official Plan:

- K. Policies that describe and direct how the Official Plan will be implemented and requirements for zoning by-laws for lower tier municipalities

First Draft Muskoka Official Plan:

- L2 District Council, following the adoption of this Plan, shall determine the need to revise the Official Plan in whole or in part in consultation with prescribed public bodies and hold a special meeting of Council that is open to the public, at intervals of not more than every ten years. In considering the need for revisions, the District shall also consider Section 26 of the Planning Act, as amended that requires that Official Plans to be revised as necessary to ensure that it:
- i) Conforms with provincial plans or does not conflict with them, as the case may be;
 - ii) Has regard to the matters of provincial interest listed in section 2 of the Planning Act;
 - iii) Is consistent with policy statements issued under subsection 3 (1) of the Planning Act; and,
 - iv) Contains policies dealing with areas of employment, including, without limitation, the designation of areas of employment in the Official Plan and policies dealing with the removal of land from areas of employment, to ensure that those policies are confirmed or amended.
- L3 Area Municipal Official Plan Conformity with District Plan
- a) It is the intent of the District, and a requirement of the Planning Act, that Area Municipal Official Plans shall conform to the District Plan and be one of the primary means of implementing the policies herein.
 - b) It is recognized, however, that some time may elapse between the adoption of this Plan and the modification of the Area Municipal Official Plans to ensure conformity. The modifications may be part of the statutory review process, as defined under the Planning Act.
 - c) In the event of a conflict between the provisions of an Area Municipal Official Plan and the provisions of this Plan in the interim period, the provisions of this Plan shall prevail to the extent of that conflict.
 - d) Nothing in this Plan shall prevent the Area Municipalities from adopting more restrictive policies or standards than those outlined in this Plan, provided such policies are consistent with the general intent of this Plan and do not conflict with any Provincial Policy Statement or Provincial legislation.
- L4 Area Municipal Zoning By-Laws
- a) When this Plan or any part thereof takes effect, every zoning by-law shall be amended by the Area Municipalities to conform with this Plan pursuant to Section 27(1) of the Planning Act. The Amendments to the zoning by-laws should occur after the Area Municipal Official Plan has been amended to conform to this Plan.
 - b) Notwithstanding the above, this Plan is not intended to prevent the continuation, expansion, or enlargement of uses that do not conform to the designations and provisions of this Plan, subject to the policies of the Area Municipal Official Plan. Requires local area OPs and ZBLs to be brought into conformity with MOP
- L5 Community Planning Permits
- a) The Community Planning Permit System (CPPS) was introduced in part as a means to streamline the development approval process by combining applications for zoning, site plan approval and minor variances into one application and approval process. Under the CPPS, municipalities can regulate beyond the traditional scope of development matters to regulate additional site conditions such as landscaping and the retention of vegetation, urban design guidelines, character, and securing public amenities such as streetscape improvements. The Township of Lake of Bays has already adopted the

CPPS system, and several other Area Municipalities have included policies within their Official Plans to implement the CPPS in the future.

- b) The CPPS affords municipalities the opportunity to implement a more conditional form of zoning where conditional permissions can be granted within municipally prescribed limits as established in a Community Permit By-law or through associated agreements with the municipality. A CPPS By-law can be applied to a specific geographic area or can be applied municipality-wide.
- c) The CPPS provides stakeholders a level of certainty, which while not as great as traditional zoning, provides the benefits of streamlining, flexibility and the convenience of a single process for planning approvals. There is also a very significant benefit for an applicant, as third-party appeals to the Ontario Municipal Board are not permitted.
- d) Similar to traditional zoning, the CPPS implements the policies of the District and Area Municipal Official Plans. In order for this occur, there must be policies incorporated within the Area Municipal Official Plan to frame such as system. The Official Plan policies for a CPPS must contain the following:
 - ii) Identify the Community Planning Permit Area;
 - iii) Set out the scope of any delegation and authority and limitations;
 - iv) For each Community Planning Permit Area, describe the municipality's goals, objectives and policies in proposing a CPPS;
 - ii) Set out types of conditions that may be included in the Community Planning Permit By-law; and,
 - iii) Set out types of criteria that may be included in the Community Planning Permit By-law for evaluating discretionary uses and variations.
- d) The Official Plan policies for a CPPS may contain the following:
 - ii) Identify additional information and material requirements for a CPPS application;
 - iii) Exempt any class of development or use of land from the complete information and material requirements; and,
 - iv) Include policies related to the provision of specified facilities, services or matters in exchange for a specified density or height of development or increases in density or height.

L6 Planning Advisory Committees

- a) District Council has established a Planning Advisory Committee under the Planning Act.
- b) The current PAC and all subsequent PACs are to be chosen by Council and shall include at least one resident that is neither a member of a municipal Council or an employee of a municipality in the District.
- c) The PAC provides review, advice and recommendations in respect of planning matters affecting the District, to the Council of the District. Recommendations shall have regard to Provincial Interests identified in the Planning Act, shall be consistent with the Provincial Policy Statement in effect, shall conform to the District Official Plan and shall respect the principles of good land use planning.
- d) The PAC is not responsible in any way for the general review of development related applications made under the Planning Act.
- e) The recommendations of the PAC are advisory only. District Council may consider any advice or recommendations of the PAC, but is in no way bound by such recommendation (requirement for upper tier under Bill 73)

L7 Community Improvement Plans

The District may request to be prescribed as an upper-tier municipality permitted to establish Community Improvement Plans (CIP) under the Planning Act. Should the District become regulated, it may prepare a CIP for infrastructure that is within its jurisdiction, for land and buildings within and adjacent to existing or planned transit corridors that have the potential to provide a focus for higher density mixed-use development and redevelopment, and/or for the provision of affordable housing. Until such time as the District is permitted to establish CIPs, the following policies apply to CIPs under the jurisdiction of the Area Municipalities

L8 Non-conforming uses should generally be phased out

As a general rule, existing uses that do not conform with the policies of this Plan should gradually be phased out so that the affected land use may change to a use that is in conformity with the goals of the Plan and the intent of the Area Municipal Zoning By-law. In some instances, it may be necessary and practical to allow the replacement, extension or enlargement of non-conforming uses through the granting of a minor variance or by placing the use in an appropriate zone in the Area Municipal Zoning By-law.

L9 Public participation strategy requirements for planning applications

- a) It is a policy of this Plan that public participation be an integral component of any land use planning process where the District is the approval authority. In circumstances such as these, the District shall be satisfied that:
 - ii) Adequate public notice in accordance with the Planning Act has been given;
 - iii) Enough information to enable a person to reasonably understand the nature of the proposal and its impacts is available prior to any public meeting;
 - iv) All public and agency comments have been assessed and analysed by staff; and,
 - v) Their decision will appropriately balance the overall public interest against the private interest expressed in the application.
- b) Proponents shall be encouraged to pre-consult with neighbouring landowners to obtain their views before a formal application is submitted.
- c) The District will consult with aboriginal communities on applications that will affect aboriginal treaty rights and aboriginal interests.
- d) The District may develop enhanced alternative notice provisions.
- e) Regulations to the Planning Act, as amended, require applicants to provide as part of a complete application to the approval authority, a strategy for consulting with the public related to applications for Plan of Subdivision, Vacant Land Condominium Description or an Amendment to the District of Muskoka Official Plan.
- f) In accordance with sub-section e), the District of Muskoka requires that as a minimum the Planning Act Requirements and generally two (2) additional public consultation methods be used as part of an applicant-developed public consultation strategy, depending on the scale and type of the proposal. Area Municipal strategy requirements must be included in the submission to the District where required by an Area Municipal Official Plan.
- g) A public consultation strategy required by sub-section f) is to include at minimum a summary of the following elements:
 - ii) The scope and objectives of consultation;

- iii) ii) The methodology to be used;
- iv) How public comments will be considered;
- v) An outline of how the results will be reviewed and documented; and
- vi) A communication plan (if required).

L10 Complete applications and pre-consultation requirements

- a) To ensure that the approval authority can make an informed decision on any Planning Act applications and in order to ensure that the public understands the implications of the application, technical studies are required.
- b) The Planning Act permits municipalities to set out what their requirements are in the form of technical studies and plans to support an application to amend the District Official Plan and approve a Plan of Subdivision or Plan of Condominium. Once this required information has been submitted, the application is then deemed to be “complete” in accordance with the Planning Act, with this date being the date on which the processing time frame in the Planning Act begins. In addition, applicants cannot appeal a non-decision on their application once the application is complete until the processing time frames set out in the Planning Act have elapsed.
- c) This section of the Official Plan is specifically intended to implement the Planning Act that provides the basis for the inclusion of policies on complete applications in Official Plans.

L11 Monitoring effectiveness of OP policies

- a) The purpose of monitoring is to evaluate the effectiveness and relevance of the Plan in meeting the vision, principles and policies of this Plan. Monitoring involves recording and appraising the significance of events, trends and decisions in relation to the policies of the Official Plan.
- b) As required, the District may also prepare quarterly and annual briefings or status reports. To assist with monitoring and plan review, the District in cooperation with Area Municipalities will maintain an information system to allow for appropriate analysis of the changes in the social, economic, environmental and technological conditions in the District.
- c) The District will monitor permanent and seasonal population growth, demographic composition, and development activity in partnership with the Area Municipalities on a regular basis.

Town Strategic Documents:

Strategic Plan A vibrant, inclusive, healthy community which inspires innovation and growth, celebrates the arts, culture, and heritage, promotes recreation while developing a resilient economy founded on social caring and environmental stewardship.

Goal 2: Integrate sustainability principles into planning and development policies and processes

Objectives Continue to develop apply strict planning policies to ensure environmental protection with a particular rigor related to water quality;

Ensure planning policies and approvals consider the unique geographic features and character of the community.

Health Care and Wellness

Goal 3: Ensure Huntsville is seen as a safe, welcoming and inclusive community

Natural Environment and Sustainability

Goal 2: Integrate sustainability principles into planning and development policies and processes

Unity Plan

Goal 5: Land Use Planning: Huntsville will become a model of sustainable community development, by incorporating the principles of smart growth, sustainable design and green buildings into all land use planning decisions. This will include a commitment to the protection and maintenance of Huntsville's rural small town character and vibrant downtown, both of which are valued by the community.

Huntsville Official Plan:

13 IMPLEMENTATION AND INTERPRETATION

13.1 General

13.1.1 This Plan will be implemented through the Planning Act, other applicable provincial legislation, and appropriate local and district initiatives.

13.1.2 This plan will be implemented through a comprehensive zoning by-law and zoning by-law amendments as well as through other municipal by-laws, lot creation, site plan control or municipal agreements.

13.1.3 Supporting or technical information may be required to ensure that the official plan is properly addressed and implemented.

13.1.4 The plan may also be implemented through the development of more detailed planning policy such as specific lake plans, an open space strategy, a capacity allocation strategy, or a community design strategy.

13.1.5 Subject to section 13.1.7, any matter or proceeding mentioned in subsection 13.1.6 that was commenced before this plan comes into force shall be continued and finally disposed of under the Town Official Plan as it read on the day the matter or proceeding was commenced.

13.1.6 For the purposes of subsection 13.1.5, a matter of proceeding shall be deemed to have been commenced, in the case of,

- a) An official plan or an amendment to it or a repeal of it, on the day the by-law adopting the plan or adopting the amendment or repeal of the plan is passed;
- b) an application for an official plan amendment initiated by any person or public body, on the day the application was accepted, whether or not the official plan amendment is adopted;

- c) a zoning by-law or an amendment to it, on the day the by-law is passed;
- d) an application for an amendment to a zoning by-law that has been refused or has not been decided before the day this plan comes into force, on the day the application is made;
- e) development in a site plan control area, on the day the application for approval of a site plan has been made;
- f) an application for a minor variance on the day the application is made;
- g) an application for the approval of a plan of subdivision, on the day the application is made; and
- h) an application for consent, on the day the application is made.

13.1.7 It is acknowledged that in accordance with section 17 of the Planning Act, this plan may come into effect in portions. Notwithstanding anything to the contrary, where an application described in section 13.1.6 is received after a portion of this plan has come into effect, the portions in effect shall apply.

13.1.8 It is acknowledged that Town Official Plan Amendment No. 37 is presently in progress. Notwithstanding anything to the contrary, the provisions of Town Official Plan Amendment No. 37 shall, if and when finally approved, form part of this plan.

13.1.9 In the event of a conflict between a provision of this plan and a statute, regulation of other law, the statute, regulation or other law shall govern.

13.2 Planning Studies

13.2.1 This Official Plan or subsequent amendments may be supplemented by and implemented through the preparation of Servicing Plans, Transportation Plans, a Parks and Recreation Master Plan, Secondary Plans and other land use planning studies, where required to address specific issues of interest to the Town.

13.3 Secondary Plans

13.3.1 Secondary Plans will be utilized by the Town to implement the policies of this Plan and will be adopted as Amendments to this Plan.

13.3.2 Secondary Plans shall be prepared for the areas designated "Future Urban" identified on Schedule A-1 prior to development proceeding, or for the expansion of tourist facilities in Hidden Valley. The Secondary Plan Process establishes a more detailed planning framework for a particular area in support of the general policy framework established in this Plan.

13.3.3 The Town may require the preparation of other Secondary Plans where deemed desirable to provide a more detailed planning process for developments that require an Amendment to the Official Plan.

13.3.4 Secondary Plans shall be prepared by the Town, in consultation with and at the expense of the affected landowners within the Secondary Plan area, or may be funded as growth related studies through the Development Charges Act.

13.3.5 As part of the preparation of Secondary Plans, additional studies may be required, and may include:

- a) A Functional or Master Servicing Plan, which includes Preliminary Storm Water Management Plan, and sewer and water distribution plans;
- b) Transportation and Infrastructure review, including required intersection improvements;
- c) Environmental Assessment/Impact review;
- d) Urban design guidelines;
- e) Parks, trails and open space plan;
- f) Planning justification report, which includes an assessment of how the secondary plan contributes to the growth management objectives of the Town, establishment of appropriate phasing and staging of development;
- g) Heritage and archaeological resource assessment;
- h) Natural heritage resource identification and assessment.

13.3.6 Secondary Plans shall incorporate the following:

- a) Clearly defined overall development concept for the area, including principles, objectives and assumptions for the development of the area;
- b) Population and household targets for the Secondary Plan area;
- c) Detailed policies on land uses, densities, housing mix and identification of residential densities;
- d) Identification of major community facilities, commercial and institutional sites, schools, parks and recreational trails;
- e) Approximate location of future arterial and collector streets, access points, walkways and bicycle paths;
- f) Appropriate storm water management facilities;
- g) Detailed urban design policies and directions to reflect the character of the area;
- h) Detailed strategy for the long term protection of the natural environment, including the preservation of natural areas, significant woodlots, ridges, valleys and stream corridors;
- i) Integration with the existing or approved surrounding land uses;
- j) Establishment of an integrated open space and trails system;
- k) Phasing plans and identification of minimum public infrastructure required for each phase; and
- l) A detailed water and sewer servicing analysis (distribution system and capacity) which is to the satisfaction of the District Municipality of Muskoka.

13.4 Lot Creation

13.4.1 Subdivision or Condominium

13.4.1.1 Land division and new lot creation in the Town will be by Registered Plan of Subdivision or Condominium, particularly where one or more of the following applies:

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

- c) a number of studies and justification reports are required to determine the suitability of the development; and
- d) long term monitoring and implementation of conditions of development are required.

13.4.1.2 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.
NOTE: wording in b) being reviewed for accuracy.
- 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.

13.4.1.3 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 continue to meet applicable Building Code regulations.

13.4.2 Consent

13.4.2.1 Notwithstanding Policy 13.4.1, 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 Bylaw are maintained;
- c) there is no extension of municipal services required, unless addressed through a development agreement; and
- d) the lots can be serviced with an appropriate water supply and sewage disposal system.

13.4.3 Part Lot Control Exemption

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

13.5 Deeming/Lot Consolidation

13.5.1 Council may deem any plan of subdivision, or part thereof that has been registered for eight years or more, not to be a registered plan of subdivision pursuant to Section 50 of the Planning Act, where it is in the public interest.

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

13.6 Site Plan Control

13.6.1 All areas of the Town are designated as Site Plan Control areas under the provisions of the Planning Act. All uses in the Town shall be subject to Site Plan Control, except the following uses, which may, at the discretion of the town, be exempted:

- a) low density residential development within the Huntsville Urban Area, Hidden Valley Settlement Area and Port Sydney Settlement Area, with the exception of residential development located on the shores of a waterbody;
- b) low density residential development outside the Waterfront designation;
- c) agricultural uses;
- d) minor renovations or extensions;
- e) public uses.

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

- a) safe, orderly and functional development;
- b) safety and efficiency of vehicular and pedestrian and wheelchair/scooter access;
- c) land use compatibility between new and existing development;
- d) the provision of functional and attractive on site amenities and facilities such as buffering, landscaping, fencing and lighting, to enhance the urban design policies of this Plan;
- e) the provision and appropriate placement of required services such as driveways, parking, loading facilities and garbage storage and collection;
- f) the provision of easements or grading and site alterations necessary to provide for public utilities and site drainage or storm water management;
- g) the proposed development is built and maintained as approved;
- h) the proposed development is universally accessible; and
- i) appropriate protection to the natural environment, including recreational water quality.

13.6.3 The Town shall not approve a site plan agreement until the District Engineer, or his designate has been advised and afforded a reasonable opportunity to require the owner of the land to meet District requirements where District interests would be affected.

13.6.4 Where a proposed development is within the designated site plan control area, the dedication free of all charge and encumbrance to the appropriate authority for the following road improvements may be required.

- a) Land for a widening of the road allowance to the respective Town or District standards along the abutting or immediately adjacent lot line or part thereof. Any road widening obtained under this policy shall be taken equally on both sides of the centre line of the existing travelled

surface of the road. However, 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.

- 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 may be required to meet applicable Ministry of Transportation or District of Muskoka or Town standards where such dedication would extend beyond the road allowance widths stated above.
- c) A dedication may be required for an area necessary to construct grade improvements or separations where the proposed development requires such improvements respecting traffic volume or hazards to the road onto which the proposed development abuts or is immediately adjacent to, which extends beyond the road allowance widths as stated above. Such dedication shall be to the requirements prescribed to meet applicable Ministry of Transportation, District of Muskoka, Town or Railway Company requirements.

13.6.5 The Town shall prepare and adopt Site Plan Guidelines that establish standards and regulations for development.

13.7 Zoning

13.7.1 Zoning Bylaws

13.7.1.1 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 restrictions.

13.7.1.2 It is not intended that all areas designated in this Plan will be 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.

13.7.2 Temporary Use Bylaws

13.7.2.1 The Town may pass Temporary Use Zoning Bylaws 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.

13.7.2.2 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 bylaw, the use must cease.

13.7.2.3 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.

13.7.3 Holding Bylaws

- 13.7.3.1 Council may utilize Holding (H) symbols in the Zoning By-law. Where such Holding (H) symbols are indicated, no new use may be provided, or building or structure erected on the site unless an application for amendment is made to remove the (H) symbol and such application is approved.
- 13.7.3.2 The Holding (H) symbol may be applied to vacant or underdeveloped land where the ultimate use of the land is known, but which is now considered to be premature or inappropriate for immediate development or redevelopment, or may not have adequate infrastructure currently available.
- 13.7.3.3 Application to remove the Holding (H) symbol will be considered in accordance with the provisions of the Planning Act, and will include confirmation that the proposed development is no longer premature or inappropriate.
- 13.7.3.4 Where a Holding (H) symbol is used to ensure adequate provision of sewer and water services, the approval of the District Engineer or his delegate shall be received by the Town prior to the removal of the symbol.

13.7.4 Section 37 of the Planning Act (Bonusing)

- 13.7.4.1 Council may pass by-laws authorizing increases in height and density of development, as provided in Section 37 of the Planning Act.
- 13.7.4.2 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.
- 13.7.4.3 Without limiting the generality of the foregoing, the Town may consider the use of density, height or other bonuses and related bonusing agreements in order to foster more innovative and integrated development, projects with higher standards of amenity and mixed use developments, while maintaining compliance with the principles and objectives of this Plan.

13.8 Municipal Land Acquisition

- 13.8.1 The Town may acquire, hold, develop or dispose of lands for any purpose that implements the Official Plan, in accordance with applicable Provincial statutes.
- 13.8.2 The Town will encourage the use of innovative forms of tenure and ownership of properties to encourage their long term conservation. These may include conservation easements, property acquisition by a local land trust, use of available tax incentive programs, and potential use of cluster residential development on lots where large holdings can then be preserved.

13.9 Interpretation of Land Use Designation Boundaries and Use of Numbers

- 13.9.1 The boundaries between land uses designated on the Schedules to this Plan are approximate except where they coincide with roads, railway lines, rivers, pipeline routes, transmission lines, lot lines or other clearly defined physical features and in these instances are not open to flexible interpretation. Where the general intent of the Plan is maintained, minor adjustments to boundaries will not require amendment to this Plan.
- 13.9.2 It is recognized that the boundaries of the Natural Features identified in Schedule D or the Appendices may be imprecise and subject to change or refinement. The Town shall determine the exact extent of the environmental areas on a site by site basis when considering development proposals, in consultation with the appropriate agencies. Any refinement to the designation shall not require an Amendment to this Plan.
- 13.9.3 Where a lot is within more than one designation on the Schedules to this Plan, each portion of the lot shall be used in accordance with the applicable polices of that designation.
- 13.9.4 Where numbers or values are specified in the text, such quantities are intended as guidelines. Deviation from these numerical requirements, where they are minor and restricted in nature, may be permitted provided the intent of the Plan is maintained. In these instances, the land subject to a development application must have features that compensate for the deficiencies from the requirements, and any issues must be able to be addressed through appropriate development control techniques. Where required by the Town, such a request shall be accompanied by a site evaluation report and site plan that demonstrates how the integrity of the area is addressed.

13.10 Official Plan Review Process

- 13.10.1 The Official Plan is not a static document and shall be amended periodically wherever necessitated by changing conditions and where the overall public interest is served.
- 13.10.2 Council will review the need for changes to the Official Plan at least every five years, as contemplated by the Planning Act. Council will convene a public meeting to consider the need for a review of the Plan.
- 13.10.3 The five year review will consist of an assessment of:
- the relevance of the principles, goals and objectives that form the basis of this Plan;
 - the extent to which the population and household guidelines are being met and whether changes to the urban area boundaries are appropriate;
 - the suitability of the policies applicable to the various land use designations; and
 - the need for potential new policy initiatives.
- 13.10.4 The Town will monitor the effect of this Plan on an annual basis through an inventory of development activity such as lot creation, building permit activity and land use categories, as well

as through review of social, economic and environmental trends, restoration activities, grants to land trusts, among other.

13.11 Official Plan Amendment Review Process

13.11.1 While the Plan is intended to provide direction for growth and conservation for a twenty year time frame, there is a recognition that an Official Plan cannot anticipate all forms of development that may be appropriate and desirable in the community. As such, Amendments to the Official Plan may be initiated or considered by the Town at any time, to ensure that the Plan remains current and relevant.

13.11.2 Requests for site specific changes to the Official Plan may be considered by Council upon application, and will be evaluated on the basis of the following criteria:

- conformity with the overall intent, philosophy, goals, principles and policies of the Official Plan;
- suitability of the location of the site for the proposed land use;
- compatibility of the proposed land use with surrounding uses;
- the need for and feasibility of the use, where considered appropriate;
- the impact of the proposal on municipal services and infrastructure;
- the economic benefits and financial implications to the Town; and
- regard for the District of Muskoka Official Plan and the Provincial Policy Statement.

13.12 Alternate Notice Requirements

13.12.1 Official Plan Amendments

13.12.1.1 Council may provide by resolution that the setting of a public meeting date and the giving of notice thereof may be delegated to a Committee of Council or an appointed official.

13.12.1.2 Where Council proposes to convene any subsequent public meeting or meetings pursuant to Section 17(15) of the Planning Act, as amended, such meetings shall be held not sooner than 10 days after compliance with the requirements for the giving of notice.

13.12.1.3 Where it is found necessary to make a technical amendment to the Plan which does not change the effect of the Plan, such as correcting clerical, grammatical or typographical errors of the numbering of provisions, Council may forego the public meeting required pursuant to Section 17(15) of the Planning Act, as amended.

13.12.1.4 If, following the giving of notice, a member of the public or an agency advises that there is insufficient time to respond, Council may proceed with the public meeting, but will defer any decision on the application until a subsequent meeting, such subsequent meeting not to be held sooner than 30 days after the given of the original notice for the public meeting.

13.12.2 Zoning Bylaw Amendment

- 13.12.2.1 Where Council proposes to convene a subsequent public meeting or meetings pursuant to Section 34 (13), of the Planning Act, as amended, such meetings shall be held not sooner than 10 days after compliance with the requirements for the giving of notice.
- 13.12.2.2 Where it is found necessary to make a technical amendment to a bylaw, such as correcting clerical, grammatical or typographical errors or the numbering of provisions, Council may forego the public meeting required pursuant to Section 34(13) of the Planning Act, as amended.
- 13.12.2.3 Council may provide by resolution that the setting of a public meeting date and the giving of notice thereof may be delegated to a Committee of Council or an appointed official.

13.12.3 Community Improvement Plans and Amendments

- 13.12.3.1 The public meeting required pursuant to Section 28(4) of the Planning Act, as amended, shall be held not sooner than 20 days after compliance with the requirements for the giving of notice.
- 13.12.3.2 Where Council proposes to convene a subsequent public meeting or meetings pursuant to Section 28(4), such meetings shall be held not sooner that 10 days after compliance with the requirements for the giving of notice.

13.13 Environmental Assessment

- 13.13.1 Separate Impact Assessments, Site Evaluations, or technical studies generally will not be required for undertakings that satisfy the Environmental Assessment Act or Section 6 of the Planning Act.

13.14 Environmental Impact Studies

- 13.14.1 Where required elsewhere in this Plan or as required by the Town or other agencies through the development review process, an Environmental Impact Study (EIS) shall be prepared in accordance with the requirements of this section, in consultation with other appropriate authorities, and to the satisfaction of the authority having jurisdiction.
- 13.14.2 An impact assessment may be required in order to determine the impact of development on natural or cultural values, whether development is appropriate and to identify any necessary mitigation measures. When required, such assessments will determine the impact of the proposed development on matters related to the situation, such as the following:
- wetlands;
 - fisheries habitat;
 - wildlife habitat;
 - natural heritage areas or sites;
 - cultural heritage resources; or
 - ground or surface water resources.

13.14.3 Technical reports may be required by the Town to ensure that the conditions for development are safe and appropriate. When required, such reports will evaluate the impact of the proposed development on relevant matters such as the following:

- flood or erosion prone sites;
- noise, dust, odour and vibration;
- storm water management and construction mitigation;
- pesticide or chemical management;
- influence of waste disposal sites or waste management systems;
- influence of sewage facilities;
- site contamination by previous uses;
- viability of resort commercial land;
- storage of bulk energy; or
- financial impact.

13.15 Site Evaluation Reports

13.15.1 A Site Evaluation Report may be required by the Town to confirm whether a lot is suitable for the development proposed, whether, development constraints can be addressed, and if so, the most appropriate manner in which the proposed development should occur. When required, a Site Evaluation Report will evaluate the suitability of a site related to matters such as the following:

- ability of a lot to accommodate and sustain the proposed development, including access;
- appropriate development on existing undersized lots;
- lot size and configuration;
- slopes;
- proximity to narrow waterbodies;
- access; or
- soil cover and vegetation retention.

13.15.2 Such a Site Evaluation Report shall be prepared to the satisfaction of the authority having jurisdiction.

13.15.3 The Town may prepare Site Evaluation Report guidelines to assist in the preparation of such reports.

13.16 Traffic Impact Studies

13.16.1 Traffic impact studies will be required at the time of preparation of a secondary plan or prior to the approval of a subdivision or major development. A traffic impact study may be required for some development proposals whether adjacent to or in the vicinity of provincial highways, arterial or collector roads, which may have an impact on the road. Such a traffic impact study will require review and approval by MTO, the Town and/or the District of Muskoka as appropriate.

13.16.2 A transportation study may be required to assess the impact of a proposed development or road on current travel patterns and/or future transportation requirements.

13.17 Site Alteration and Tree Conservation By-laws

13.17.1 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, 2001, as amended (Section 135).

13.17.2 The Town may pass by-laws respecting the dumping or placing of fill, removal of topsoil or the alteration of the grade or land as provided in the Municipal Act, 2001, as amended (Section 142).

13.18 Archaeological Assessment

13.18.1 Archaeological Impact Assessments conducted by licensed archaeologists and undertaken in accordance with the requirements of the province of Ontario may be required as a condition of development when areas of moderate to very high potential, would be affected. Such impact assessments will be completed and implemented to the satisfaction of the Ministry of Culture and the Town.

13.19 Sensitive Lighting

13.19.1 Sensitive lighting which is oriented downward, is low wattage, energy efficient, and minimizes glare will be encouraged, throughout the Town, in order to:

- prevent conflicts with abutting uses and preserve privacy;
- prevent impacts on wildlife and hazards to navigation; and
- preserve the night sky.

13.19.2 Lighting practices that help preserve the nighttime sky are encouraged for all development in the Town. The view of the nighttime sky is important to tourism and worth preserving for future generations.

13.19.3 The Town, as part of its site plan approval procedures, shall require the preparation of a lighting plan that incorporates night-sky sensitive lighting initiatives.

13.19.4 Lighting should be used to enhance the aesthetic quality of significant buildings and open spaces in the Town.

13.20 “Green Buildings and Technology”

13.20.1 Development shall be encouraged to meet the standards for Leadership in Energy and Environmental Design (LEED) or other similar programs, to ensure forward-looking design and “Green building” opportunities that benefit the community.

13.21 Boat Impact Assessment

13.21.1 A boat impact assessment may be required when any of the following are proposed:

- A new marina;
- A commercial dock in a narrow waterbody;
- A dock to accommodate 15 or more boats.

13.22 Signs

13.22.1 The municipality may adopt a Sign By-law pursuant to the provisions of the Municipal Act as amended to control the visual impact of advertising and sign design or placement on designated cultural heritage resources. Where the Sign By-law is in effect, the approval of Council shall be required before any sign is erected or altered. Community improvement plans and programs shall encourage the preservation, rehabilitation, renewal and re-use of heritage resources.

13.22.2 Commercial signs along the highway shall be restricted in location, size and number.

13.22.3 Lighting of signs adjacent to highways shall be consistent with the provisions of Section 13.19.

13.23 Additional Information

13.23.1 In addition to the information prescribed by the Planning Act, or Regulations thereto, other additional information or reports as determined by the Town of Huntsville, may be required to support the application. This information may include, but is not limited to the following:

Planning:

- Planning Justification Report
- Financial Impact Assessment
- Shadow Impact Study

Environmental/Cultural:

- Biophysical Report
- Fisheries Impact Assessment
- Preliminary and or Detailed Site Assessment for Species at Risk
- Wetland Impact Assessment
- Archaeological Assessment
- Phase 1 and 2 Water Quality Impact Assessment
- Phase 1 and 2 Archaeological Assessment
- Environmental Review including Phase 1 Environmental Site Assessment
- Phase 2 Environmental Site Assessment and Record of Site Condition
- Risk Assessment

Engineering:

- Hydrogeological and Terrain Analysis Assessment
- Preliminary and Detailed Stormwater Management Assessment
- Flooding and Erosion Assessment
- Geotechnical Assessment
- Functional Servicing Options Assessment
- Transportation/Traffic Impact Assessment
- Blasting Impact Assessment
- Noise and Vibration Assessment

The applicant shall ensure that any additional requirements set out in the District of Muskoka documentation are also addressed.

CONSIDERATIONS:

- Section 13 of the current Official Plan provides policies on matter relating to both implementation and interpretation; however it must be updated to respond to changes to the Planning Act.
- New legislation has been adopted by the Province which substantively changes aspects of the Planning Act, and permits additional planning tools ([Bill 51](#) and [Bill 73](#)).
- Bill 51 implemented pre-consultation and complete application requirements. Prior to Bill 51, there were no statutory requirements regarding pre-application consultation. Generally, a municipality has an obligation to meet with applicants who request a pre-application consultation and the Town can now require an applicant to consult with the municipality prior to submitting an application. The Official Plan does not contain policies which encourage and require pre-consultation.
- Bill 51 also introduced the concept of a complete application. Municipalities must include policies which identify the types of technical studies required to accompany a development application. The official plan does not contain policies that enable a review of technical information, nor allow it to be completed in a municipally directed fashion. The latter approach is one in which the applicant and the Town agree to retain a consultant and the consultant reports to and is directed by the Town.
- Included in Bill 73 was the ability for a municipality to establish additional criteria policies for evaluating minor variances above the traditional 4 tests of a minor variance.
- Inclusionary zoning is also contemplated by the Province, although details on how it may be implemented have not yet been determined.
- The Planning Act contains provisions for the use of conditional zoning, however, this tool cannot be used as the enabling Regulation has not yet been passed.
- The Community Planning Permits System affords municipalities the opportunity to implement a more conditional form of zoning where conditional permissions can be granted within municipally prescribed limits as established in a Community Permit By-law or through associated agreements with the

municipality. The CPPS also provides stakeholders a level of certainty, which while not as great as traditional zoning, provides the benefits of streamlining, flexibility and the convenience of a single process for planning approvals. There is also a very significant benefit for an applicant, as third-party appeals to the Ontario Municipal Board are not permitted. Planning Committee endorsed exploring the use of CPPs in 2012.

SUMMARY:

A review of best practices from other municipalities across Muskoka has revealed that the following policy approaches may assist in addressing some of the considerations:

- Policies should be included to identify what constitutes a “complete application” to reflect current Planning Act requirements as well as to permit the practice of “pre-consultation”. By ensuring that development application proponents meet with municipal and commenting agency staff prior to submitting an application, they would be able to understand information requirements, the approvals process will be streamlined.
- The policies should be updated to identify and clarify the applicant’s responsibility for the preparation of technical background studies in support development applications. The policy should also enable studies to be completed in a municipally directed fashion, or if necessary enable a technical review to be completed to the satisfaction of the Town.
- Development Agreements – could include policies which discuss the various types of landowner and development agreements which might be used by the Municipality to implement development in in the public interest. This would include agreements such as pre-servicing, front-ending agreements and development agreements for subdivisions and site plans. Policies would set out the mechanics or how these agreements would be administered and how securities are collected and financial obligations are met.
- The policies should define and provide some broad principles and matters of local and strategic importance which identify the types of matters and considerations which would be considered for bonus.
- The Planning Act (Section 40) allows the Town to exempt an owner from a requirement to provide on-site parking otherwise required in accordance with the Zoning By-law in exchange for cash payments. Although the Town has a cash-in-lieu of parking by-law, a policy should be included in the Official Plan to this effect.
- Include policies to implement a community planning permit system.
- Include policies to measure and monitor effectiveness of the official plan.
- Include policies for public consultation strategies and guidelines for requirements.