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# Private Roads (Lanes) Study:

## Final Report and Recommendations

**County of Frontenac, Ontario, Canada**

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## Executive Summary

The purpose of this Study is to undertake a County-wide assessment of the existing private lanes system in the County of Frontenac; to recommend a planning framework that can be used to best manage these lanes; to promote lane improvements, and to provide planning policies for Township Official Plans to act as a guide for future development on private lanes.

The Study approach includes a review of private lane policies and consultations with local and County staff to identify policy issues and trends affecting private lane development. Using GIS information obtained from the County of Frontenac, and supporting information from local Townships and relevant agencies, a detailed analysis has been carried out for the County's entire private lane network, which includes a total of 981 private lanes. This analysis includes:

- i) A detailed inventory of existing private lanes cataloguing details for each private lane including name, associated lake name, lane length, land use, infilling and extension potential.
- ii) An inventory and mapping of residential units (RU), recreational dwelling units (RDW) and vacant lands (VL) land use on private lands in order to gain an understanding of the spatial distribution of seasonal and permanent residential development on private lanes.
- iii) A Constraint Mapping Analysis involving a detailed analysis of the physical, legal, planning and land use constraints to development on existing private lanes, for the purpose of determining residential lot infilling and extension potential.
- iv) A review and analysis of supporting data associated with private lane development including population and demographic data, economic data, MPAC assessment data and an inventory of local consent and building permit data in order to gain an understanding of the social and economic drivers associated with conversion trends on private lane trends.

The main local and regional drivers affecting the spatial distribution of residential development on private lanes in Frontenac County include:

- i) Proximity to the City of Kingston and the Kingston employment market,
- ii) Net migration of individuals in the 55+ age group from major urban areas such as Kingston, Ottawa and the Greater Golden Horseshoe,
- iii) Highway 7 corridor, and
- iv) Increased opportunities for work at home employment.

The percentage of permanent residential units on private lanes is highest on lakes in South Frontenac and Howe Island. The number of permanent residential units on private lanes exceeds the number of recreational dwelling units on most of the lakes located in the southerly portion of South Frontenac, which are in close proximity to the City of Kingston as well as Howe Island. The number and percentage of recreational dwelling units exceeds the number of permanent residential units on private lanes in the northerly portion of South Frontenac and the southerly portion of Central Frontenac, with some higher concentrations of permanent residential development located in the vicinity of Sharbot Lake and Highway 7. The number and percentage of seasonal residential units greatly exceed the number of permanent residential units on private lanes located north of Highway 7.

Policy issues affecting private lane development in Frontenac County have been identified as a result of information gathering, a review of the existing Township Official Plans, review of Provincial comments and decisions regarding Township private lanes policies, interpretation of the applicable policies of the Provincial Policy Statement (PPS), and consultation meetings with staff in each of the local Townships and the County of Frontenac. These issues include:

- i) Seasonal vs. permanent residential development
- ii) Private lane standards
- iii) Rural service levels
- iv) Assumption of private lanes
- v) Limited infilling on existing lanes
- vi) Extensions to existing lanes
- vii) New private lanes
- viii) Existing lots of record
- ix) Conversions

The impact of private lane development on municipal services is a matter of municipal and provincial interest. The increasing trend toward the conversion of traditional cottages to year-round residential dwellings has resulted in increasing pressure on private lanes that were only ever intended to accommodate seasonal residential use. The imbalance between the needs of permanent residential uses and the service level provided by seasonal private lanes has led to concern in regard to public health and safety, and the impact that these lanes may have on municipal financial well-being. The increasing trend for permanent residential development on private lanes has led to the requirement for an evaluation and analysis of appropriate development policies, based on existing and anticipated land use needs. The premise that the service level of a private lane should correspond to the prevailing land use characteristics along a private lane is a guiding principle of this study, and is supported by the recommended policy framework presented in this report.

The analysis conducted in this Study supports the following conclusions and recommendations:

### **Seasonal vs. Permanent Residential Screening**

Prior to the review of an application for new lot development that would result in the infilling or minor extension of an existing private lane, an assessment of permanent and seasonal residential land use should be completed for the entire lane. Where a majority of existing development on a private lane is determined to be permanent residential, or where the private lane is located in an area where conversion rates will likely result in a majority of permanent residential development in the future, no new lot development in the form of limited infilling or minor extensions shall be permitted unless the private lane is developed within a common elements or vacant land condominium, and the lane is constructed to the Township's private lane standard.

### **Private Lane Standards**

A private lane standard has been developed in consultation with each of the Township's public works department staff. This standard should be the minimum standard accepted for new private lanes, major extensions of existing private lanes or for new lot development on existing lanes where a majority of existing land use is permanent residential. Where the Township's private lane standard is greater than the connecting public road, Council may approve development on condition that the private lane is constructed to a standard which is equal to the connecting public road. For limited infilling and minor extensions to existing private lanes, the lanes should be constructed to a standard which is considered acceptable for emergency service delivery by the Township's public works and fire department staff.

### **Rural Service Levels**

A review of legal mechanisms for the long-term maintenance of private lane standards through new lot development concludes that common element agreements should most appropriately be implemented where a new lane or a major extension to an existing lane is proposed as part of an application for subdivision or vacant land condominium. Development agreements should be implemented as a condition of consent for infilling and minor extensions to existing private lanes.

### **Infilling and Extension of New Lots on Existing Lanes**

There is limited development potential for infilling and extensions on existing private lanes. Almost 85% of all existing private lanes have no infilling or extension potential. This Study supports infilling and minor extensions of existing private lanes up to three (3) lots. Major extensions of existing private lanes involving four (4) or more new lots should

take place by a plan of subdivision or condominium. Additional consents, above the number of consents that may be granted per holding, should be allowed where the creation of additional lots will complete the development potential of the lane.

Conditions of development approval can be implemented for new lots created through infilling and extensions in order to improve the standard of existing deficient lanes. The scale of new lot development created as a result of infilling and extensions is quite limited, when compared to the scale of existing development on private lanes throughout the County. Therefore, new lot development through infilling and limited extensions will serve to increase the suitability of existing lanes for the provision of emergency service vehicles with minimal financial impacts on local municipalities over the long-term.

### **New Private Lanes**

There is still a significant amount of undeveloped shoreline in Frontenac County. A common elements condominium should be required for any new private lane development. This approach establishes the ownership and maintenance of the lane among all owners, and provides a legal obligation to ensure that sufficient funds are in place to ensure the ongoing maintenance of the lane in perpetuity.

### **Existing Vacant Lots**

A review of the mechanisms and approaches for regulating development on existing vacant lots of record concludes that where an existing vacant lot of record is already zoned for the proposed use, there is no legal authority to require private lane improvements, implement private lane standards, or require the long-term maintenance of private lane standards either as a condition to the approval of a building permit or through other legal means such as conditional zoning, site plan approval or the development permit system. A municipality could “down zone” existing vacant lots of record currently serviced by substandard private lanes, by placing them in a holding (h) zone that requires, as a condition to removal of the holding zone to allow development, that an agreement be entered into with respect to improvements to and maintenance of the private lane. For this Study, down zoning is not recommended as an approach for controlling the development of existing vacant lots of record on private lanes. This Study recommends that development on existing vacant lots on private lanes should continue to be permitted in accordance with local municipal site development requirements, and be recognized as an area of limited service within a Limited Service Zone in the municipality’s zoning by-law.

### **Assumption of Private Lanes**

Most municipalities have official plan policies which outline the conditions under which private lanes will be assumed as public roads. Few municipalities have official plan policies which assess the capital and operating costs of assuming a private lane on the long-term capital and operating costs of the municipality’s road system. Prior to the assumption of a private lane as a public road, this Study recommends that the local Councils conduct a financial assessment of the long-term capital and operating costs of assuming a private lane as a public road. No private lane should be assumed into a municipal road system unless the local Council is satisfied that the annual maintenance or long-term operating costs will not place an undue burden on the costs of operating the municipality’s road system.

### **Conversions**

A review of lot development and building permit trends within each Township, and a review of Seasonal Residential (SR) and Limited Service Residential (LSR) Zoning practices, generally indicates that it is difficult to control the conversion of seasonal residential dwellings to permanent residential use. Similar to existing lots of record, where a property is zoned to permit the existing use, there is no legal authority to require private lane improvements, implement private lane standards, or require the long-term maintenance of private lane standards as a condition to the approval of a building permit, nor through other legal means. Zoning and other legal tools are best suited to notifying property owners that their property is located on a lane which has limited services, and to controlling the adequacy of on-site services, landscaping, grading and environmental considerations that are commonly associated with renovation or enlargement of dwellings for year-round residential use.

### **Private Lane Monitoring**

Although there challenges to controlling the conversion of seasonal residential dwellings to permanent residential use, it is possible to monitor the location of where these trends are occurring and anticipate where this trend is likely to occur in the future. This Study provides a detailed inventory and data base of information on every identified private lane in the County of Frontenac. This data should be used to assess permanent and seasonal residential land use trends on an existing lane at the time that applications for new lot development are received for infilling or extension purposes. This inventory and data base should also be updated at the time that each local official plan is reviewed in order to evaluate changes in land use patterns on private lanes, and to assess development activity, future development potential, and seasonal to permanent residential conversion trends. The intent of this evaluation will be to monitor the effectiveness of the local municipal private lane policies.

## 1 Introduction and Purpose

Jp2g Consultants Inc. (Jp2g), in association with Templeman Menninga and Morehouse Associates, has been retained by the County of Frontenac to undertake a Private Roads (Lanes) Study, for all lands located within its municipal boundaries including the Townships of North Frontenac, Central Frontenac, South Frontenac, and Frontenac Islands.

The purpose of this Study is to undertake a County-wide assessment of the existing private lanes system, and to recommend a planning framework that can be used to best manage these lanes, to promote lane improvements, and to provide planning policies for Township Official Plans to act as a guide for future private lanes development.

This Study includes a review of private lane policies and identifies policy issues and trends affecting private lane development, a GIS data analysis of existing private lanes, an evaluation of identified policy issues and a recommended policy framework for reviewing proposals for development on private lanes.

## 2 Study Approach

This Study followed a project path that began with consultation and information gathering, followed by the analysis of gathered information, and then the application of this analysis to identify policy issues, concluding with the development of policies and tools for implementation of private lane development moving forward. This report represents the culmination of the tasks undertaken by the project team in the execution of this study, which are summarized in the following subsections.

### 2.1 Consultation and Data Collection

The private lanes study has been conceived as a data-driven exercise, leading to appropriate and defensible planning policies, and accordingly a significant level of effort has been directed toward the collection and analysis of relevant data. The following is a summary of tasks and associated outcomes/resources undertaken during the information gathering stage of the study:

<u>Task:</u>	<u>Outcome/Resource:</u>
a) Initial Meeting with County Staff – July 14, 2015	<ul style="list-style-type: none"><li>• County-wide GIS data related to private lanes, development constraints, and MPAC data.</li><li>• Existing lower-tier Official Plan status and supporting documents.</li><li>• Population and economic background information (i.e., Watson and Associates Economists Ltd., <u>Population, Housing and Employment Projections for the Frontenacs</u>, June 13, 2014).</li><li>• Contact information for point of contact staff for each Township.</li></ul>
b) First Round Meetings with Township staff – August 11 & 12, 2015:	<ul style="list-style-type: none"><li>• Review/validation of private lane network as identified through County GIS data.</li><li>• Review/validation of methodology for evaluating development potential using constraint mapping.</li><li>• Confirmation of status of Official Plan policies in respect of private lanes.</li><li>• Identification of key policy issues facing Township related to private lanes.</li><li>• Confirmation of current Township private lanes construction standard (or absence of one).</li><li>• Confirmation of current Township private lanes assumption practices and recent requests for assumption.</li><li>• Documentation: local private lanes public information and programs (i.e., South Frontenac Private Lane Upgrading Assistance Program); previous private lanes research (i.e., Central Frontenac, <u>Township of Oso Private Roads Study</u>, J. L. Richards &amp; Associates Ltd., 1995)</li></ul>
c) Ongoing Township, County and Agency Consultation:	<ul style="list-style-type: none"><li>• Consultation with MPAC to confirm details regarding the MPAC GIS data obtained from the County.</li><li>• Consultation with County and Townships to obtain documentation including: building permit and consent activity (2010-2014); standard private lane consent conditions and agreements; supplementary mapping data (i.e., South Frontenac consent limit mapping).</li></ul>

## 2.2 Data Analysis

Using the information obtained from the County, Townships, and relevant agencies, the project team prepared a series of analyses of the County's private lane network and adjacent lands. The following is a summary of the analytical tasks and outcomes undertaken during the course of the study.

<u>Task:</u>	<u>Outcome/Resource:</u>
a) Constraint Mapping:	<ul style="list-style-type: none"> <li>Preparation of detailed map sets for each Township illustrating the physical, legal, and ownership constraints to development on existing private lanes.</li> <li>Detailed analysis of each private lane to determine existing number and percentage of permanent residential (RU), seasonal residential (RDU) and vacant land (VL) development, and to estimate the potential for future infill and extension development on each lane.</li> </ul>
b) Existing Private Lanes Inventory Spreadsheets:	<ul style="list-style-type: none"> <li>Preparation of spreadsheets cataloguing details for each private lane including lane name, associated lake name, lane length, tallies for each existing land use type (RU, RDU, VL), and tallies for infill and extension development potential.</li> </ul>
c) Permanent Residential Unit (RU) Analysis:	<ul style="list-style-type: none"> <li>Based on constraint mapping analysis, categorization of private lanes based on number and percentage of permanent residential units (RUs) on a given lane.</li> <li>Identification of private lanes having a high number and proportion of permanent residential occupancy.</li> <li>Preparation of spreadsheets for each Township illustrating the above categorization</li> <li>Preparation of mapping illustrating roads and lakes identified in each RU development category.</li> </ul>
d) Analysis of Supporting Data:	<ul style="list-style-type: none"> <li>Review and analysis of supporting data associated with private lane development, including population and demographic data, economic data, MPAC assessment data, and Township consent and building permit data.</li> <li>Preparation of summary tables illustrating trends related to the above.</li> </ul>
e) Review of Existing Official Plan Policies:	<ul style="list-style-type: none"> <li>Detailed review of existing Official Plan private lane policies.</li> <li>Review of supplementary Official Plan policies affecting private lane development by connection to a particular private lanes policy issue.</li> </ul>
f) Second Round Meetings with Township staff – Nov. 12, 16 & 23, 2015:	<ul style="list-style-type: none"> <li>Review and confirmation of final private lanes inventory spreadsheets and RU analysis spreadsheets.</li> <li>Review and confirmation of supporting data analyses.</li> <li>Confirmation of policy issues.</li> </ul>

## 2.3 Application of Findings to Policy Issues

Based on the completed analysis of relevant information and data, the study team has been able to draw conclusions about the identified policy issues related to private lane development in the County of Frontenac. The following is a summary of the tasks and outcomes during this stage of the study.

<u>Task:</u>	<u>Outcome/Resource:</u>
a) Analysis of Policy Issues in Context of Findings:	<ul style="list-style-type: none"><li>• Based on data analysis, develop opinions regarding preferred approach to policy issues in accordance with relevant matters of provincial interest identified in the Provincial Policy Statement 2014.</li></ul>
b) Recommended Policy Approaches:	<ul style="list-style-type: none"><li>• Describe recommended policy approach in Final Report</li><li>• Preparation of Official Plan policies regarding private lanes for each Township and recommended Official Plan amendments.</li></ul>

## 3 Background and Context

### 3.1 Regional Context

The County of Frontenac is a rural upper tier municipality located in Eastern Ontario extending from the islands south of the City of Kingston to north of Highway 7. The total census population of the County is approximately 27,190 (2011) with a land area of 3,200 square kilometres. A key map showing the location of the County of Frontenac, including the Townships of North Frontenac, Central Frontenac, South Frontenac and Frontenac Islands is shown as Map 1.

There are approximately 981 private lanes in the County of Frontenac with a total combined length of 769 kilometres. A total of 5,795 seasonal and permanent residential dwelling units exist along these private lanes. Municipal Property Assessment Corporation (MPAC) data for Frontenac County indicates that \$1.8 billion of the County's \$5.7 billion of municipal assessment is comprised of existing seasonal, permanent and vacant lands along private lanes. This represents almost one-third or 31.3% of the County's total assessment for tax purposes.

### 3.2 Provincial Policy Context

Frontenac County is defined as a *rural area* under the Provincial Policy Statement 2014 (PPS) which consists of rural *settlement areas*, *rural lands*, *prime agricultural areas*, natural heritage features and areas, and resource areas. Most of Frontenac County includes *rural lands* which are defined as lands located outside *settlement areas* and outside *prime agricultural areas*.

When directing development on *rural lands*, the PPS requires a planning authority to apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety. In this case, the following policies of Section 1.0 Building Strong Healthy Communities are applicable to the preparation of Official Plan policies that would permit resource-based recreational uses (including recreational dwellings) and limited residential development on private lanes:

1.1.1. a) promoting efficient development and land use patterns which sustain financial well-being of the Province and municipalities over the long term;

1.1.1. c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

1.1.1. g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;

The Provincial Policy Statement also provides policy direction for development in Rural Areas of municipalities. As previously stated, all of Frontenac County is considered a Rural Area in the PPS, and accordingly Rural Areas are viewed to have different considerations when guiding development. Specifically, Section 1.1.4.1 of the PPS directs that healthy, integrated and viable rural areas should be supported by a number of priorities including:

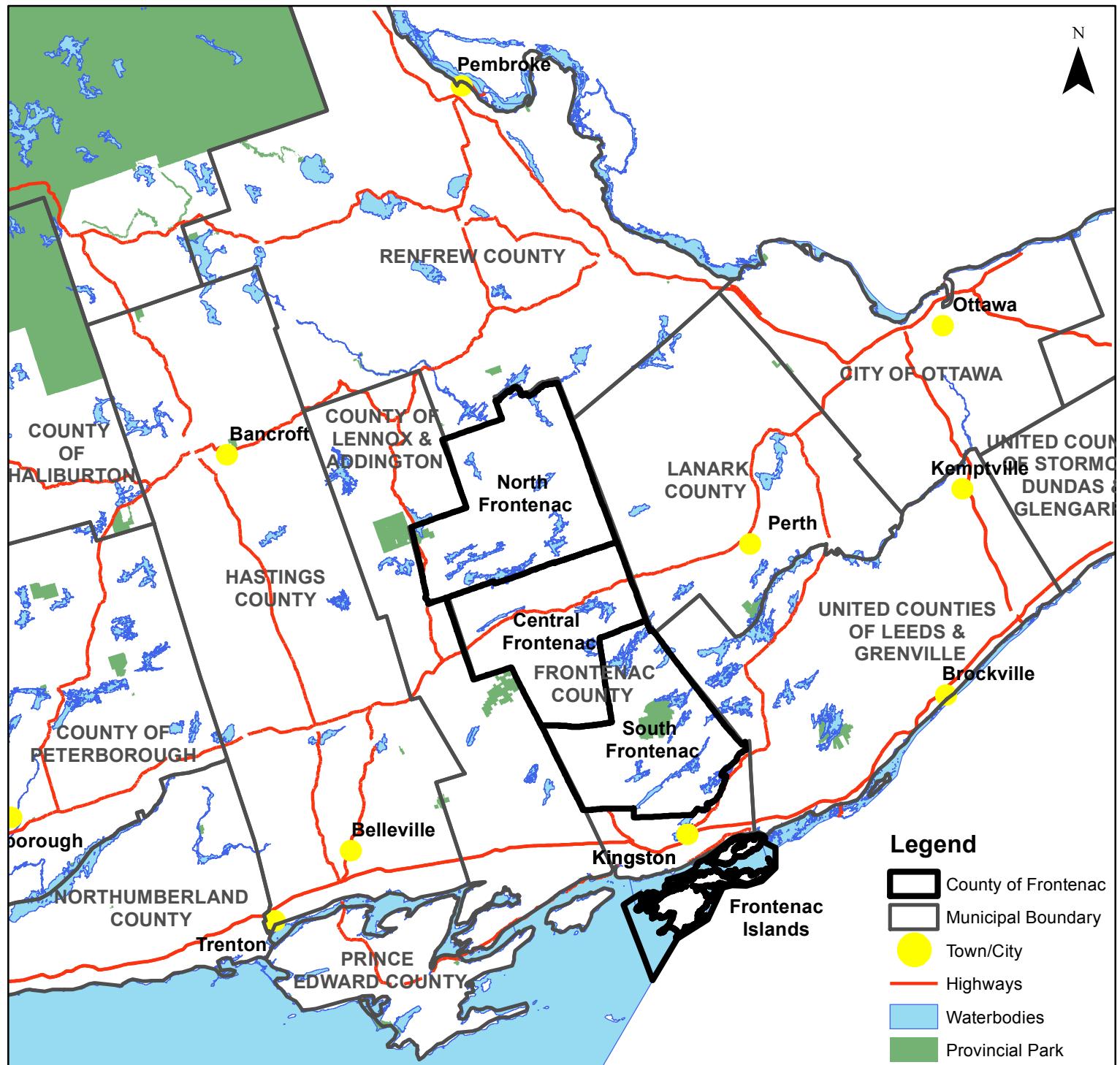
a) building upon rural character, and leveraging rural amenities and assets;

d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands;

e) using rural infrastructure and public service facilities efficiently;

Section 1.1.5 of the PPS provides more detailed direction for "Rural Lands" within "Rural Areas". While Rural Areas may include rural settlement areas (e.g., villages, hamlets), Rural Lands are those lands where low development

# Map 1: Key Map of Frontenac County



1:1,250,000

Notes:

1. Map data obtained from Land Information Ontario and Ontario Basic Mapping

0 25 50 100 Kilometers

densities, natural features, and resource-related uses dominate. These areas are unique in the level of service desired and available, appropriate forms of development, and the character of the area. These areas are viewed as being those where the impact from human development activity is least apparent, and this character is to be preserved in local planning policies. According to Section 1.1.5.2, permitted uses on Rural Lands in Municipalities include:

b) Resource-based recreational uses (including recreational dwellings).

c) Limited residential development.

Resource-based recreational uses (including recreational dwellings) and limited residential development are not defined in the PPS. The spectrum of uses ranges from hunting & fishing camps, to campgrounds and cottage establishments, traditional summer cottages, winterized cottages, extended seasonal residential use, and year-round residential uses. For this assignment, we will be focusing upon the spectrum of summer seasonal – extended seasonal – permanent residential uses in waterfront areas, since these are the predominant forms of land use along private roads in the waterfront area of Frontenac County.

The policies guiding development on Rural Lands in municipalities include:

- Recreational, tourism and other economic opportunities should be promoted. (1.1.5.3)
- Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. (1.1.5.4)
- Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure. (1.1.5.5)

Infrastructure is defined in the PPS as meaning physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes transportation corridors and facilities.

### **3.2.1 Interpretation of Provincial Policy**

For the purposes of this Study, the PPS is interpreted to mean that resource based recreational uses, including recreational dwellings and limited residential development, are permitted on rural lands within rural areas such as Frontenac County provided:

- Infrastructure in the form of road or lane access is appropriate for the proposed development.
- Development can be sustained by rural service levels for health and safety such as emergency service vehicles.
- Development does not adversely affect the municipality's financial well-being over the long term.

## **3.3 Permanent and Seasonal Residential Land Use Considerations**

The evolution of waterfront residential development in Frontenac County reflects the Post-World War II boom in waterfront development, generated by increased real income, leisure time and mobility (in turn facilitated by the automobile and improved transportation networks). Consequently the early stages of private lane development in rural Ontario and Frontenac County came as the result of seasonal residential land development, and private lanes were constructed and maintained to a standard appropriate for seasonal residential land use. Private lanes created during this time period predated the legislative authority provided by the Planning Act to govern private lane development, and private lanes had not yet become a land use planning issue warranting the consideration of land use planning controls to regulate such development. In these early decades of private lane development, municipalities enjoyed the economic benefits of seasonal residents, including taxation and community patronage, while avoiding the costs of maintaining and operating the private lane system used by these residents.

The impact of private lane development on municipal services became a matter of provincial interest to the Government of Ontario in the late 1970's and early 1980's. The increasing trend toward the conversion of traditional cottages to year-round residential dwellings, and the creation of new lots on existing private lanes for

permanent residential purposes, has resulted in increasing pressure on private lanes that were only ever intended to accommodate seasonal residential use. The imbalance between the needs of permanent residential uses and the service level provided by seasonal private lanes has led to concern in regard to public health and safety, and the impact that these lanes may have on municipal financial well-being. These concerns center on the three key policy criteria of the PPS, as identified in Section 3.2.1 of this report.

This increasing trend for permanent residential development on private lanes has led to the requirement for an evaluation and analysis of appropriate development policies, based on existing and anticipated land use needs. The premise that the service level of a private lane should correspond to the prevailing land use characteristics along a private lane is a guiding principle of this study, and is supported by the recommended policy framework presented in this report.

## 4 Inventory and Analysis

Geographic Information System (GIS) information and Municipal Property Assessment Corporation (MPAC) data provided by the County of Frontenac have been used to prepare an inventory and analysis of every private lane in the Frontenac County study area. Each private lane has been analysed according to the following:

- Municipal Assessment on Private Road Name, Lake Name and Lane Length
- Land Use by Assessment Codes for Residential RU (RU); Recreational Dwelling Unit (RDU) and Vacant Land (VL)
- Total RU/RDU by Lane and Lake
- Infilling Potential on Existing Private Lanes
- Extension Potential on Existing Private Lanes
- Analysis of Lanes by Percentage of Residential Unit (RU) Code.
- Assessment Ratio: Private Lane vs Public Roads

In addition to the GIS and MPAC data, information regarding new lot development and building permit activity over a 5 year period between 2010 and 2014 was also analysed. The analysis of this data is used to provide an overview of the spatial distribution of permanent residential development on private lanes within Frontenac County, and a description of the local and regional drivers that are contributing to this trend. This overview is followed by a private lane statistical profile; a detailed analysis of land use and development trends, and an analysis on infilling, extension and vacant lot potential for private lanes in each of the Frontenacs and Frontenac County. The detailed tables and constraint mapping used to prepare the inventory and analysis of private lanes for this Study are contained on a separate CD included as an Appendix to this Report.

### 4.1 Seasonal and Permanent Residential Use

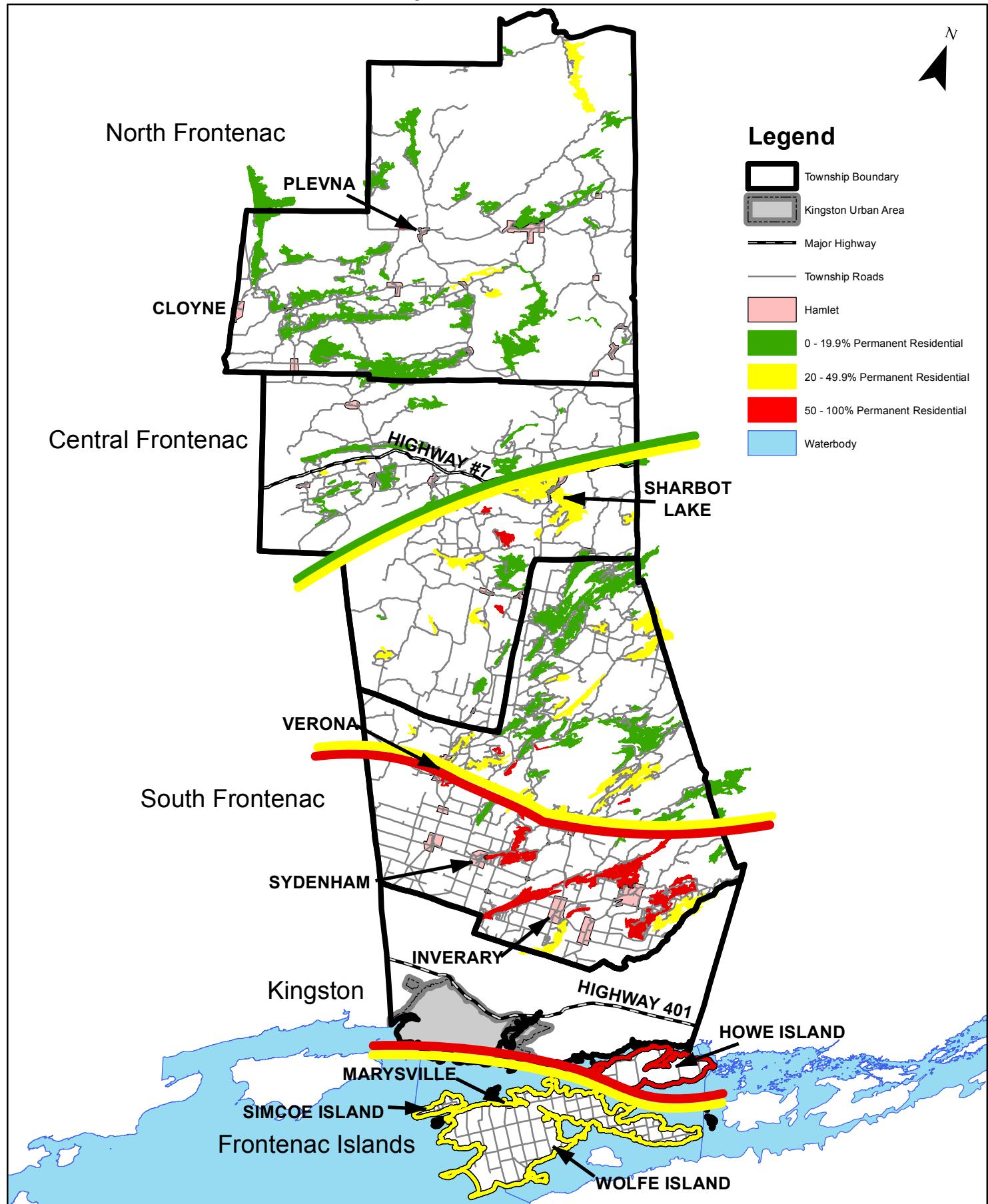
The conversion of second homes to year round residential dwellings is the focal planning concern related to the potential adverse impacts associated with development on private lanes. A review of the spatial distribution of year-round residential development on private lanes provides us with an understanding of some of the social and economic drivers for this trend.

The total number of Residential Units (RU) as a percentage of total RU/RDU's on private lanes for each lake in Frontenac County is shown on Map 2 and summarized in tables included in Appendix A. The percentages of Residential Units (RU) have been grouped according to the following percentage categories:

- 50% or more RU - Red (high conversion)
- 20% to 49% RU - Yellow (medium conversion)
- 0% to 19% RU - Green (low conversion)

The percentage of permanent residential units on private lanes is highest on lakes in South Frontenac and Howe Island. There are a total of 13 lakes in South Frontenac where the number of permanent residential units on private lanes exceeds the number of recreational dwelling units. Some of the larger lakes in South Frontenac where permanent dwellings on private lanes exceed the number of recreational dwellings include: Dog Lake (56.6%), Hambly Lake (71.4%), Loughborough Lake (51.7%) and Sydenham Lake (58%). These lakes tend to be located in the more southerly areas of South Frontenac. There are a total of 17 lakes in South Frontenac that are in the 20% to 49% (yellow) category and 21 lakes that are in the 0% to 19% category. The lakes with low or low to medium conversion percentages tend to be located in the northerly and north-easterly areas of South Frontenac Township. Some of the larger lakes in the low to medium conversion categories include: Buck Lake (25.5%), Bob's Lake (9%), and Devil Lake (22.7%).

**Map 2:**  
**Percentage of Permanent Residential (RU)**  
**Development on Lakes/Islands**



1:550,000

Notes:  
1. Map data obtained from the County of Frontenac

Project No.: 2157594A  
Created By: BK  
Date: February 2016

0 5,000 10,000 20,000 30,000  
Meters

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Similar to South Frontenac, Howe Island has a higher percentage of residential units (56.9%) than recreational dwelling units (33.1%). A total of 34.4% of the dwelling units on private lanes on Simcoe Island are classified as permanent dwelling units, and a total of 31.4% of the dwelling units on private lanes on Wolfe Island are permanent dwellings.

Central Frontenac has 4 lakes where the number of permanent residential units exceeds the number of recreational dwelling units. However, the number of dwelling units on these lakes is quite low. These lakes include: Duncan Lake (2 RU's), Leggat Lake (7 RU's), Little Beaver Lake (1 RU), and O'Reilly Lake (8 RU's). A total of 10 lakes in Central Frontenac are in the 20% to 49% (yellow) category, and 24 lakes are in the 0% to 19% category. Some of the large lakes in low to medium conversion categories include: Sharbot Lake (36.9%), Big Clear Lake (10.7%), Horseshoe Lake (17.8%), Eagle Lake (4.7%) and Kenebec Lake (9.8%).

North Frontenac has only 1 lake, (as well as some private lanes not on waterbodies), where the number of permanent residential units exceeds the number of recreational dwelling units. Like Central Frontenac, the number of dwelling units on Hills Lake is small (2 RU's), while 8 RU's exist on private lanes which are not on a waterbody. A total of only 3 lakes in North Frontenac are in the 20% to 49% (yellow) category and 30 lakes are in the 0% to 19% category. Similar to Central Frontenac, lakes in North Frontenac have a percentage of residential units in the 20% to 49% (yellow) category that are smaller lakes where the number of residential units is quite low. These include: Ardoch Lake (1 RU), Mud Lake (1 RU) and Norcan Lake (5 RU's). Larger lakes in the low conversion (green) category include: Little Mississaggon Lake (13.7%), Mississippi River (15.1%), Big Gull Lake (5.3%), Kashwakamak Lake (8.9%) and Shawenegog Lake (6.9%).

The spatial distribution of residential units (RU's) in Frontenac County supports the conclusions of a Study prepared by Watson and Associates Economists Ltd. titled [Population, Housing and Employment Projections for the Frontenacs \(2014\)](#). The Watson Study includes a detailed analysis of local and regional growth drivers contributing to the trend of converting seasonal residential dwellings to year round homes. These local and regional drivers are summarized as follows:

a) Kingston Area Economic Growth

Proximity to the City of Kingston and the Kingston area employment market is one of the primary drivers of permanent population growth in Frontenac County, especially in the Township of South Frontenac and the Township of Frontenac Islands.

b) Population Growth of 55+ Age Group

Population growth in the 55+ age group is a major contributor to the County's demand for new housing (both permanent and seasonal), largely driven by the aging of the local population, and the population in nearby urban Centres such as Kingston, as well as major Ontario City/Regions such as the Greater Golden Horseshoe and the Ottawa Region. Net migration from this demographic group will be strongest during the next ten years, followed by a gradual slowdown as the larger percentage of population across the Province reaches 75+ years of age.

c) Highway 7 Corridor

Future improvements to the Highway 7 corridor from Peterborough to Carleton Place will enhance access to Frontenac County from both the GTA/Peterborough area from the west and the Ottawa Carleton area from the east. From the west, the proposed Highway 407 extension to Highway 115 south of Peterborough is expected to influence travel demand along the Highway 7 corridor. This will have a more significant impact on the seasonal market than the permanent residential market.

d) Increased Opportunities for Work at Home Employment

Approximately 33% of the overall Frontenac employment base worked at home in 2011, as compared to a 2011 provincial average for work at home employment of approximately 8%. Frontenac County will retain its comparatively high proportion of work at home employment over the 2011-2036 time period due to improved

telecommunication technology, and increased opportunities related to telecommuting in the commercial and institutional employment sectors.

e) Conversions from Seasonal to Permanent Housing

The conversion of seasonal dwellings to permanent housing units is anticipated to be a key driver of permanent population growth in Frontenac County. The result is that the permanent population growth rates will continue to be inflated between Census time periods as members of the seasonal population choose to become permanent residents.

f) Local Growth Drivers

The proximity to the Kingston area employment market is a key driver influencing the location of permanent population and housing growth at the local level. The Township of South Frontenac and the Township of Frontenac Islands have experienced the highest rates of permanent population growth. The Watson Study predicts that these local municipalities are expected to continue to experience the highest permanent population growth rates over the next 25 years. This growth is subject to housing supply opportunities and infrastructure capacity (i.e. municipal water and roads). In the case of Frontenac Islands, future development is limited by the capacity of the ferry service from the Islands to the mainland.

In addition to the population “drivers” identified in the Watson Study, the spatial distribution of year round residential development illustrated on Map 2 and summarized in Appendix A suggests that proximity to local villages and hamlets is a factor contributing to the conversion of seasonal residential units to permanent homes. For example, most of the permanent residential development in South Frontenac is located on lakes in close proximity to the settlement areas of Sydenham, Inverary and Verona. In the Township of Central Frontenac, the Village of Sharbot Lake is located at the mid-point of Sharbot Lake, which has one of the highest percentages (36.9%) of residential units on private lanes of any lake in the Township. These villages and hamlets provide essential goods and community services for the day to day needs of year round residents.

#### **4.1.1 Lanes With Greater Than 50% Permanent Residential Use**

The spatial distribution of conversion activity by lake provides a clear visual demonstration of the trends driving residential conversions. Management of this conversion trend, however, requires the ability to evaluate proposed development on a lane-by-lane basis. Lanes of particular concern are those which have a majority of permanent residential use, which are defined in this study as those lanes where 50% or more residential uses are permanent in nature. This ratio is determined in this study using the RU/RDU ratio for each private lane, as identified using the data in the inventory of private lanes in Appendix C. Those lanes identified as having 50% or more RU land use in the inventory have been isolated in a table for each Township, which are provided in Appendix B. Similar to Map 2 showing land use on lakes, those lanes included in Appendix B are included in the “red” category, representing those lanes in the County where pressure from conversions on private lanes is highest.

Identifying private lanes with a majority of permanent residential land use is important, in order to ensure that the level of road service provided is appropriate for future development proposals. Such lanes are of particular concern because the service levels required to support the current and future use of these lanes will be higher than for those lanes used primarily for seasonal purposes. The following statistics illustrate the prevalence of “red” category lanes throughout the County:

- A total of 234 of the 981 private lanes or approximately 24% of all private lanes in the County of Frontenac have greater than 50% permanent residential (RU) development (i.e., “red” category).
- 15 (6.4%) “Red” lanes are located in the Township of North Frontenac.
- 32 (13.7%) “Red” lanes are located in the Township of Central Frontenac.
- 158 (67.5%) “Red” lanes are located in the Township of South Frontenac.
- 29 (12.4%) “Red” lanes are located in Frontenac Islands.

## 4.2 Existing Private Lane Profile

Table 1 provides a summary of the total number, and percentage, of private lanes, dwelling units and lane length for each municipality in the County of Frontenac. There are a total of 981 private lanes in Frontenac County that contain 5,795 residential dwelling units (RU and RDU) with a total lane length of 769.4 km. Over half (55.6%) of all private lanes in the County are located in the Township of South Frontenac.

**Table 1: County of Frontenac –Number and Percentage of Private Lanes, Dwelling Units and Lane Length (km) for Each Municipality in the County of Frontenac**

Municipality	Number of Private Lanes		Number of Residential Dwelling Units		Lane Length (km)	
	#	%	#	%	#	%
North Frontenac	189	19.3	1401	24.2	197.3	25.7
Central Frontenac	166	16.9	1206	20.8	155.6	20.2
South Frontenac	545	55.6	2774	47.9	372.7	48.5
Frontenac Islands	81	8.3	414	7.1	43.8	5.7
<b>TOTAL</b>	<b>981</b>	<b>100</b>	<b>5795</b>	<b>100</b>	<b>769.4</b>	<b>100</b>

Table 2 provides a summary of permanent and seasonal residential land use on private lanes for each Municipality and the County of Frontenac. A total of 1,316 permanent residential (RU) units or 22.7% of the County's 5,795 seasonal and permanent residents reside on private lanes. A clear trend emerges from north to south in the County, with North Frontenac having the highest percentage of seasonal residential development (RDUs) on private lanes (90.4%), and Frontenac Islands having the highest percentage of permanent residential development (RUs) on private lanes (35.7%).

**Table 2: Permanent and Seasonal Residential Land Use on Private Lanes by Municipality**

Municipality	Permanent Residential Lots (RU)		Seasonal Residential Lots (RDU)		Total Lots (RU, RDU)	
	#	%	#	%	#	%
North Frontenac	135	9.6	1266	90.4	1401	100.0
Central Frontenac	229	19.0	977	81.0	1206	100.0
South Frontenac	804	29.0	1970	71.0	2774	100.0
Frontenac Islands	148	35.7	266	64.3	414	100.0
<b>TOTAL</b>	<b>1316</b>	<b>22.7</b>	<b>4479</b>	<b>77.3</b>	<b>5795</b>	<b>100.0</b>

## 4.3 Lot Development and Building Permit Trends

Table 3 presents a summary of lot development and building activity on private lanes for each municipality over the time period between 2010 and 2014.

**Table 3: Lot Development and Building Permit Activity on Private Lanes: 2010-2014**

Municipality	Total New Lots	Avg. New Lots/Yr.	Total Permits	Total New Dwellings & Ratio (%) to Total Permits	Avg. New Dwellings/Yr.
<b>North Frontenac</b>	40	8	124	79 (64%)	16
<b>Central Frontenac</b>	6	1	137	40 (29%)	8
<b>South Frontenac</b>	32	6	645	116 (18%)	23
<b>Frontenac Islands</b>	3	<1	30	14 (47%)	3
<b>TOTAL</b>	<b>81</b>	<b>15</b>	<b>936</b>	<b>249 (26.6%)</b>	<b>50</b>

A total of 40 new lots, or approximately 50% of all the new lots on private lanes in Frontenac County, were created in the Township of North Frontenac during the time period between 2010 and 2014. A total of 32 new lots were created along private lanes in the Township of South Frontenac during this same time period, while only 6 new lots were created along private lanes in Central Frontenac and 3 lots on the Frontenac Islands. The low number of new lots created in the Township of Central Frontenac may be attributed to the Township's Official Plan policies, which require an Official Plan amendment for any new waterfront residential lot development. The low number of lots on Frontenac Islands is likely due to local factors, including ferry access that has historically limited the amount of residential growth that can occur on the Islands.

Building permit activity related to additions and renovations is an indicator of conversion trends. Table 3 summarizes the total number of building permits for new dwellings as a ratio (%) of total building permits. The Township of North Frontenac had the highest ratio of new dwellings to total permits issued over the time period between 2010 and 2014. A total of 79 or 64% of the 124 building permits were issued for new dwellings on private lanes in North Frontenac during this time period. The Township of South Frontenac had the lowest ratio of new dwellings to total permits issued over the time period between 2010 and 2014. A total of 116 or 18% of the 645 building permits were issued for new dwellings on private lanes in South Frontenac during this time period. A total of 529 building permits in South Frontenac or 78% of all building permit activity during the time period between 2010 and 2014 were for building additions and renovations. These trends suggest a much higher conversion rate in South Frontenac than North Frontenac and the other areas of the County.

Based on consultation with Township building officials, the vast majority of building permits for new dwellings on private roads are for the construction of dwellings that are capable of being used for permanent residential purposes. Very few traditional non-winterized cottages are being constructed, based on their observations.

#### **4.4 Development Potential on Existing Private Lanes**

A development constraint analysis has been conducted in order to assess the infilling and extension potential of every private lane in Frontenac County. Using the detailed GIS data set provided by the County of Frontenac, a set of constraint maps have been prepared for each Township which show private and public roads, MPAC property assessment land use codes as well as physical and non-physical development constraints. The constraints considered for future private lane development included the following:

- Crown Land
- Provincial Park
- Conservation Area
- Public Land/Trust Holdings
- Algonquin Land Claim Settlement Lands
- Waterbody
- Lake Trout Lake (at-capacity)
- Wetlands (unevaluated, Provincially Significant and coastal)

- Land Use (Vacant, Residential Unit, Recreational Dwelling Unit, Managed Forest, Agriculture, Commercial)
- Road Network (public and private)
- Mineral Aggregate Resources and Sites
- Topography (Ontario Base Mapping Contours)

Meetings were held with staff from each Township to confirm the accuracy of the private lane network, including any additions or deletions from the network. Using the constraint maps, a visual assessment of all private lanes in each Township was undertaken by the Consultants to determine both infilling or expansion potential, based upon the Township's minimum requirements for lot frontage, water frontage and lot area. These standards included:

1. Township of North Frontenac:
  - a. Minimum Lot Frontage: 45 metres
  - b. Minimum Water Frontage: 45 metres
  - c. Minimum Lot Area: 0.4 hectares
2. Township of Central Frontenac:
  - a. Minimum Lot Frontage: 46 metres
  - b. Minimum Water Frontage: 91 metres
  - c. Minimum Lot Area: 1.0 hectare
3. Township of South Frontenac:
  - a. Minimum Lot Frontage: 76 metres
  - b. Minimum Water Frontage: 91 metres
  - c. Minimum Lot Area: 1.0 hectare
4. Township of Frontenac Islands:
  - a. Minimum Lot Frontage: 45 metres
  - b. Minimum Lot Area: 0.4 hectares

For each lane, the number of potential lots by both infill and extension of existing lanes was determined. The complete list of lanes and the associated assessment of development potential, as well as the constraint maps used to complete this assessment for each Township, are provided in Appendix C to this Report.

#### 4.4.1 Infill Potential of Existing Lanes

Table 4 summarizes the total number and percentage of private lanes by infill potential for each municipality and the County of Frontenac as a whole. The lanes in the table are categorized in intervals of development potential, ranging from no (0) development potential, to greater than five lots (>5) of development potential.

**Table 4: Number/Percentage of Lanes by Infill Potential**

Municipality	0 Lots		1 Lot		2 Lots		3 Lots		4 Lots		5 Lots		>5 Lots		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
North Frontenac	174	92.1	8	4.2	5	2.6	0	0.0	0	0.0	0	0.0	2	1.1	189	100
Central Frontenac	142	85.5	8	4.8	6	3.6	1	0.6	2	1.2	3	1.8	4	2.4	166	100
South Frontenac	442	81.7	46	8.5	19	3.5	13	2.4	4	0.7	7	1.3	10	1.8	541	100
Frontenac Islands	58	71.6	5	6.2	7	8.6	3	3.7	2	2.5	3	3.7	3	3.7	81	100
<b>TOTAL</b>	<b>816</b>	<b>83.5</b>	<b>67</b>	<b>6.9</b>	<b>37</b>	<b>3.8</b>	<b>17</b>	<b>1.7</b>	<b>8</b>	<b>0.8</b>	<b>13</b>	<b>1.3</b>	<b>19</b>	<b>1.9</b>	<b>977</b>	<b>100</b>

The analysis of infilling potential summarized in Table 4 shows that 83.5% of all existing private lanes in Frontenac County have no remaining potential for infilling of new lots. The Townships of North Frontenac (92.1%) and Central Frontenac (85.5%) have the highest percentage of private lanes with no infilling development potential. The Township

of South Frontenac (81.7%) and the Township of Frontenac Islands (71.6%) have a lower percentage of private lanes with no infilling potential. Table 4 also shows the following:

- The infilling potential on 90.4% of all private lanes would be completed with infilling of one (1) additional lot.
- The infilling potential on 94.2% of all private lanes would be completed with infilling of two (2) additional lots.
- The infilling potential on 95.9% of all private lanes would be completed with infilling of three (3) additional lots.

The total number of potential lots that could be created by infilling for up to three lots on existing private lanes in Frontenac County is estimated as follows:

- 67 lanes having potential for the creation of 1 lot = 62 lots
- 37 lanes having potential for the creation of 2 lots = 74 lots
- 17 lanes having potential for the creation of 3 lots = 51 lots
- Total estimated potential for up to 3 lots: 187 lots.

#### 4.4.2 Extension Potential on Existing Private Lanes

Table 5 summarizes the total number and percentage of private lanes by extension potential for each municipality and the County of Frontenac as a whole. The lanes in the table are categorized in intervals of development potential, ranging from no (0) development potential, to greater than five lots (>5) of development potential.

The analysis of extension potential summarized in Table 5 shows that 83.0% of all existing private lanes in Frontenac County have no remaining potential for the extension of existing private lanes to permit new lots. The Townships of North Frontenac (88.9%) and the Township of South Frontenac (85%) have the highest percentage of private lanes with no extension potential. The Township of Central Frontenac (72.9%) and the Township of Frontenac Islands (76.5%) have a lower percentage of private lanes with no extension potential. Table 5 also shows the following:

- The extension potential on 87.2% of all private lanes would be completed with the extension of 1 additional lot.
- The extension potential on 91.2% of all private lanes would be completed with the extension of 2 additional lots.
- The extension potential on 93.6% of all private lanes would be completed with the extension of 3 additional lots.

**Table 5: Number/Percentage of Lanes by Extension Potential**

Municipality	0 Lots		1 Lot		2 Lots		3 Lots		4 Lots		5 Lots		>5 Lots		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
North Frontenac	168	88.9	4	2.1	4	2.1	2	1.1	2	1.1	3	1.6	6	3.2	189	100
Central Frontenac	121	72.9	6	3.6	15	9.0	5	3.0	3	1.8	3	1.8	13	7.8	166	100
South Frontenac	460	85	30	5.5	16	3	13	2.4	5	0.9	6	1.1	11	2.0	541	100
Frontenac Islands	62	76.5	1	1.2	4	4.9	3	3.7	3	3.7	2	2.5	6	7.4	81	100
<b>TOTAL</b>	<b>811</b>	<b>83.0</b>	<b>41</b>	<b>4.2</b>	<b>39</b>	<b>4.0</b>	<b>23</b>	<b>2.4</b>	<b>13</b>	<b>1.3</b>	<b>14</b>	<b>1.4</b>	<b>36</b>	<b>3.7</b>	<b>977</b>	<b>100</b>

The total number of potential lots that could be created by extensions for up to three lots on existing private lanes in Frontenac County is estimated as follows:

- 41 lanes having extension potential for the creation of 1 lot = 41 lots
- 39 lanes having extension potential for the creation of 2 lots = 78 lots
- 23 lanes having extension potential for the creation of 3 lots = 69 lots
- Total estimated extension potential for up to 3 lots: 188 lots

The results of the constraint analysis show that the existing private lane network in the County is substantially developed. Over 80% of all existing private lanes in Frontenac County have no infilling or extension potential. The development potential of 95.9% of all existing private lanes would be completed with the infilling of three (3) additional lots. The extension potential of 93.6% of all private lanes would be completed with the extension of three (3) additional lots.

#### 4.4.3 Vacant Lots of Record

The GIS data provided by the County of Frontenac included MPAC data identifying vacant lots by a Vacant Land (VL) land use code. The data included a wide variance among vacant lots in lot size. For the purpose of identifying vacant lots of record, vacant lots along private roads with land areas in the range of 0.4 to 2.0 hectares (1.0 to 5.0 acres) were identified.

Table 6 presents a summary of existing vacant lots on private lanes by municipality. A total of 590 vacant lots on private lanes have been identified with a lot area in the range of 0.4 to 2.0 hectares.

**Table 6: Vacant Lots by Municipality**

Municipality	Vacant Lots (VL) 0.4 ha to 2.0 ha	
	#	%
North Frontenac	178	30.2
Central Frontenac	111	18.8
South Frontenac	241	40.8
Frontenac Islands	60	10.2
<b>Total</b>	<b>590</b>	<b>100.0</b>

The Township of South Frontenac has the largest number (241) and percentage (40.8%) of vacant lots along private lanes in Frontenac County followed by North Frontenac with 178 (30.2%) vacant lots; the Township of Central Frontenac with 111 (18.8%) vacant lots and Frontenac Islands with 60 (10.2%) vacant lots. These estimates of the total number of vacant lots do not account for lots that may be merged on title with adjacent lots or lots that have on-site constraints that might preclude development. However, this inventory provides a reasonable estimate of the total number of existing vacant lots that are available for development, given that there will be some existing lots with lot areas less than 0.4 hectares that could be developed. Waterfront lots with greater than 2.0 hectares of lot area are included in the assessment of infilling potential along existing private lanes.

#### 4.5 Private Lane Assessment Ratio

Table 7 summarizes the total Municipal Assessment on private lands by unit class code for each municipality in the County of Frontenac. A total of \$1.778 billion or approximately 31.5% of the County's total \$5.651 billion in residential (RU), seasonal residential (RDU) and vacant land (VL) assessment is located on existing private lanes.

The Township of North Frontenac has the highest percentage (42.2%) of assessment on private lanes, while the Township of South Frontenac has the highest amount of assessment (\$0.927 billion) on private lanes.

A total of \$0.496 billion or 28.1% of the County's municipal assessment is from permanent residential development on private lanes. The Township of Frontenac Islands has the highest percentage (38.8%) of permanent residential assessment on private lanes followed by the Township of South Frontenac with 36.3%.

A total of \$1.113 billion or 63% of the County's municipal assessment on private lanes is from seasonal residential development. The Township of North Frontenac has the highest percentage (80.3%) of seasonal residential assessment on private lanes followed by the Township of Central Frontenac which has 73.5%.

**Table 7: Municipal Assessment on Private Lanes by Unit Class Codes (\$ Millions)**

Municipality	RDU <sup>1</sup>		RU <sup>2</sup>		VL <sup>3</sup>		Sum: RDU, RU & VL	All Unit Class Codes	Sum / All Unit Class Codes (%)
	#	%	#	%	#	%			
<b>North Frontenac</b>	313.0	80.3	44.2	11.2	33.0	8.4	391.1	921.5	42.2
<b>Central Frontenac</b>	218.4	73.5	53.5	18.0	25.1	8.5	297.0	956.8	31.0
<b>South Frontenac</b>	511.2	55.1	336.6	36.3	79.3	8.6	927.2	3206.4	28.9
<b>Frontenac Islands</b>	79.5	48.8	63.2	38.8	20.0	12.3	162.7	566.6	28.7
<b>TOTAL</b>	<b>1113.7</b>	<b>63.0</b>	<b>496.8</b>	<b>28.1</b>	<b>156.8</b>	<b>8.9</b>	<b>1778.0</b>	<b>5651.13</b>	<b>31.5</b>

<sup>1</sup>RDU means Recreational Dwelling Unit

<sup>2</sup>RU means Residential Unit

<sup>3</sup>VL means Vacant Land

#### 4.6 Comparison of Lot Potential on Private Lanes to Future Demand for New Lots

Table 8 provides a comparison of the development potential on private lanes as determined by the constraint analysis conducted by the consultants and the future demand for new lots as identified in the Watson Study.

**Table 8: Lot Development Potential and Projected Future Demand by Township (# Lots/Units)**

Municipality	Total Seasonal + Permanent Units, 2011 <sup>1</sup>	Total Units on Private Lanes <sup>2</sup>	Demand New Units to 2036 <sup>1</sup>	Potential Lot Supply on Private Lanes, By Development Type <sup>2, 3</sup>			Total Potential Lot Supply on Private Lanes <sup>2, 3</sup>
				Infill	Extensions	Vacant Lots	
<b>North Frontenac</b>	3490	1449	380	15	16	178	209
<b>Central Frontenac</b>	4010	1217	480	23	51	111	185
<b>South Frontenac</b>	9970	2774	1720	123	101	241	465
<b>Frontenac Islands</b>	1320	412	220	27	18	60	105
<b>TOTAL</b>	<b>18790</b>	<b>5852</b>	<b>4322</b>	<b>189</b>	<b>186</b>	<b>590</b>	<b>964</b>

<sup>1</sup>Source: Watson and Associates Economists Ltd., Population, Housing and Employment Projections for the Frontenacs (2014)

<sup>2</sup>Source: Private Lanes Inventory and Constraint Analysis, Jp2g Consultants Inc.

<sup>3</sup>Includes infilling up to 3 lots, extensions up to 3 lots and existing vacant lots 0.4 to 2.0 ha.

Table 8 indicates that an increase of 4322 dwelling units or approximately 23% of the existing seasonal and permanent residential development in the County is anticipated by the year 2036. Approximately 5852 or 31% of existing seasonal and permanent residential development in the County exists on private lanes. Assuming similar proportions are maintained, approximately 1340 new dwellings are anticipated on private lanes by 2036, which exceeds the current total supply of potential and existing vacant lots on private lanes. Of the total potential lot supply, a

relatively small percentage of lots are either infill or extensions of existing private lanes, being approximately 19.5% and 19.3% of the total supply of lots, respectively.

## 4.7 Summary and Conclusions

This section has evaluated the existing private lane network in Frontenac County, including existing permanent and seasonal residential development, and the potential for future development of existing private lanes through infill and extensions. The supply of vacant lots has been determined where an existing lot was of a suitable size for waterfront residential development. In addition to supply factors, development trends over the previous five year period were identified for each Township, including lot creation and building permit rates. Seasonal (RDU) and permanent (RU) residential development on existing private lanes was also compared to identify locations within the County having proportionately high permanent residential occupancy on private lanes. Private lanes lot supply, development characteristics and historical trends were compared to the projected development on private lanes to 2036, as identified by the Watson and Associates Economists Ltd. population study. The following conclusions are identified from our assessment of the private lanes data:

### Seasonal vs Permanent Residential:

- The highest concentrations of permanent residential (RU) development on private lanes (i.e. >50%) is located on lakes in the south half of South Frontenac and on Howe Island in the Township of Frontenac Islands.
- Lakes with elevated percentages of permanent residential (RU) development on private lanes (i.e. 20% to 49%) has occurred in the north half of South Frontenac, the south half of Central Frontenac (including areas near Sharbot Lake), and on Wolfe and Simcoe Islands in the Township of Frontenac Islands.
- A total of 234 of the 981 or approximately 24% of all private lanes in the County of Frontenac have greater than 50% permanent residential (RU) development. A total of 158 (67.5%) of these private lanes are located in the Township of South Frontenac, while 32 (13.7%) are located in the Township of Central Frontenac, 29 (12.4%) are located in Frontenac Islands and 15 (6.4%) in the Township of North Frontenac.
- A total of 77.3% of waterfront residential development on private lanes in the County of Frontenac is seasonal residential.
- Development along private lanes on lakes in the northerly half of Central Frontenac and all of North Frontenac (i.e. North of Hwy #7) is predominantly seasonal residential.
- A total of 48% of all permanent residential development on private lanes is located in the Township of South Frontenac.
- The proportion of permanent residential development on private lanes increases from 9.6% in North Frontenac to 35.7% in South Frontenac.

### Building Activity and Conversions:

- A review of the ratio of building permit activity for new dwellings versus additions/renovations over a 5 year period between 2010 and 2014 suggests that the highest conversion rates are occurring in the Township of South Frontenac, where 18% of building permits were issued for new dwellings, and 82% of the building permits were issued for additions or renovations. The Township of Central Frontenac was second highest with 72% additions/renovations and 28% new dwelling starts, followed by the Frontenac Islands with 53% additions/renovations and 47% new dwellings, and North Frontenac with 36% additions/renovations and 64% new dwellings.
- A total of 687 building permits were issued for additions or renovations to existing dwellings on private lanes in the County of Frontenac over a 5 year time period between 2010 and 2014, of which 529 (77%) were issued in the Township of South Frontenac.

### Infilling and Extension Potential:

- A total of 816 or 84% of all private lanes have no infill potential.
- A total of 811 or 83% of all private lanes have no extension potential.

- Infilling potential on 95.9% of all private lanes would be completed with infilling of three (3) additional lots.
- Extension potential on 93.6% of all private lanes would be completed with the extension of three (3) additional lots.
- A total of 590 vacant lots on private lanes have been identified with a lot area in the range of 0.4 to 2.0 hectares.

Assessment Ratio:

- A total of \$1.778 billion or approximately 31.5% of the County's total \$5.651 billion in residential (RU), seasonal residential (RDU) and vacant land (VL) assessment is located on existing private lanes.

Lot Supply and Demand:

- Approximately 1340 new dwellings are anticipated on private lanes by 2036, which exceeds the current total supply of potential (infill/extension) and existing vacant lots on private lanes (964).

Based on the findings of the private lanes inventory and data analysis, the following conclusions can be drawn regarding future development on private lanes in Frontenac County:

- Seasonal-to-permanent conversion activity is driven by a number of factors highlighted by the Watson and Associates Economists report, namely: the City of Kingston, age 55+ group, Highway 7 corridor, work at home opportunities, and local growth drivers (e.g., ferry service).
- High proportions of RU development on private lanes is an indicator of past seasonal-to-permanent conversion activity.
- Limited infilling and extensions to existing private lanes could result in the completion of the development potential of up to 95% of all existing private lanes.
- Where limited infilling and extension potential exists on existing private lanes, there is an opportunity to implement conditions of development approval, which would provide in an overall increase the level of lane service currently provided.
- There is an opportunity to classify each existing private lane based on the percentage of seasonal versus permanent residential development, and require private lane standards for new development which are appropriate to the level of seasonal or residential use of each lane.

## 5 Private Lane Policy Issues and Analysis

### 5.1 Identification of Private Lanes Policy Issues

The policy issues affecting private lane development on Frontenac County have been identified as a result of information gathering, a review of the existing Township Official Plans, review of Provincial comments and decisions regarding Township private lanes policies, interpretation of the applicable policies of the PPS, and consultation meetings with each of the local Townships and the County of Frontenac. These issues include:

- i. Seasonal vs permanent residential development
- ii. Private lane standards
- iii. Rural service levels
- iv. Assumption of private lanes
- v. Limited infilling on existing lanes
- vi. Extensions of existing lanes
- vii. New private lanes
- viii. Existing lots of record
- ix. Conversions

Categories of private lane development that have not been identified as an issue include policies for accessing seasonal residential development on islands or by water access only and policies for accessing resource based land uses such as forestry, agriculture, aggregates and other resource uses.

### 5.2 Seasonal vs Permanent Residential

The trend toward permanent residential development on private lanes is a matter that should be considered in evaluating development proposals on existing private lanes, in order to ensure that the level of lane service provided is appropriate for the proposed development. The level of service required on private lanes that have high percentages of permanent residential development will be greater than a private lane which is used primarily by second home owners who use their waterfront dwellings on a summer seasonal or extended seasonal basis throughout the year.

New lot development for permanent residential use would normally be considered where such development is proposed to be serviced by a public road. Where permanent residential development is proposed on a private lane, the lane should be developed within a common element condominium pursuant to the Condominium Act, 1998, as amended, and connected directly to an existing public road. The private lane should also be constructed to the Township's private lane standard, or to a standard acceptable to the Township and emergency service providers.

The inventory and analysis of private lanes in this Study provides information that can be used to categorize private lanes based on the percentage of seasonal and permanent occupancy of the dwellings using the lane. A total of 234 private lanes or 24% of all private lanes in Frontenac County have been identified as having more (>50%) permanent residential development than seasonal residential development. These lanes are listed in Appendix B. Prior to the review of an application for new lot development that would result in the infilling or extension of an existing private lane, an assessment of permanent and seasonal residential land use should be completed for the entire lane. For this assessment, the estimates of seasonal and permanent residential usage contained in Appendix C should be verified through a review of mailing addresses for tax bills, and/or a site visit.

Where a majority of existing development on a private lane is determined to be permanent residential, or where the private lane is located in an area where conversion rates will likely result in a majority of permanent residential development in the future, lot development in the form of limited infilling and extensions should be considered in accordance with the following criteria:

1. The private lane should be constructed to the Township's private lane standard.
2. The existing private lane should be developed within a common element condominium pursuant to the Condominium Act, 1998, as amended, where it connects directly to an existing public road.

The inventory of private lanes completed for this study indicates that the majority of private lanes are used predominantly for seasonal residential and recreational purposes. For these lanes, new seasonal residential lot development should be permitted, provided that the private lane is constructed to a standard acceptable to the Township and emergency service providers.

#### **Policy Recommendation:**

1. Prior to the review of an application for new lot development that would result in the infilling or minor extension of an existing private lane, an assessment of permanent and seasonal residential land use should be completed for the entire lane. Where a majority of existing development on a private lane is determined to be permanent residential, or where the private lane is located in an area where conversion rates will likely result in a majority of permanent residential development in the future, no new lot development in the form of limited infilling or minor extensions shall be permitted unless:
  - i) The private lane is constructed to the Township's private lane standard.
  - ii) The existing private lane is developed within a common element condominium pursuant to the Condominium Act, 1998, as amended, and connects directly to an existing public road.

### **5.3 Private Lane Standards**

Private lane standards in Frontenac County are currently the responsibility of the local Townships, and existing standards vary amongst the Townships. The Township of Frontenac Islands does not presently have a construction standard for private lanes, but has been instructed to prepare one by the Ministry of Municipal Affairs and Housing in its modification of the Township of Frontenac Islands Official Plan. The existing standards are summarized in Appendix D to this report.

The existing private lane standards, used by each of the Townships, were reviewed by the project team engineer, for the purpose of recommending a common private lane construction standard. The recommended private lane standard was reviewed with each of the Township's public works department staff and is included in Appendix D to this report. The recommended standard satisfies the requirements of the Ontario Building Code, the Ministry of Transportation of Ontario, and the Transportation Association of Canada (TAC) standards, and is in accordance with sound engineering principles.

For the purposes of approval of development on private lanes, two categories of private lane construction standards are applied by the Townships, depending on the circumstance and the scale of development proposed:

#### **1. Private Road Construction Standard**

This construction standard is the recommended minimum standard included in Appendix D. This standard should be the minimum standard accepted by the Townships for new private lanes, and for new lot development on existing private lanes where a majority of the existing land use is permanent residential, or the scale of infilling and extensions of development on seasonally used private lanes can justify the cost of upgrading all or part of the lane to this standard. The construction or improvement of a private lane to this standard should be required as a condition of all such development, and final approval of the construction of the lane should be issued by Township public works staff. The local municipality may require the private lane to be designed by a qualified engineer.

In some cases, the private lane construction standard will be greater than the connecting public road. In these cases, the local Council may approve development on condition that the private lane is constructed to a standard which is equal to the connecting public road.

## 2. Lane standard considered by Township public works and fire department staff to be suitable for access by emergency services.

This standard should only be considered acceptable for development proposed on existing private lanes, where the scale of proposed development is relatively minor, so as to not significantly increase the usage of the lane beyond that which exists. Where an existing lane is not determined to meet this standard of construction, proponents should be required to improve the road to an acceptable level as a condition of development approval. This standard would apply to limited infilling and minor extensions on existing private lanes.

### Policy Recommendation:

1. That the recommended private lane standard attached as Appendix D to this report be included as an Appendix to the Official Plans for the Townships of North Frontenac, Central Frontenac, South Frontenac and Frontenac Islands and referenced, where applicable, in the text of the Plans.
2. Where the Township's private lane construction standard is greater than the connecting public road, Council may approve development on condition that the private lane is constructed to a standard which is equal to the connecting public road.

## 5.4 Rural Service Levels

Once development is permitted along a private lane and the lane is constructed to a standard that is considered acceptable for the provision of emergency service delivery, there is a need to ensure that the lane is maintained to this standard over the long-term. This section reviews the legal mechanisms for the long-term maintenance of private lane standards through new lot development.

### 1. Condominium Agreements

A common elements condominium provides a framework to allow a number of land owners to share ownership of a piece of land and to use the Condominium Act to govern that relationship and the administration of the piece of land. The properties (i.e. lane) owned by the parties having interests in the common elements condominium remain as freehold property and are not condominium units. These parcels are referred to as "Parcels of Tied Land" ("POTLs"). POTL's do not need to be created concurrently with the acquisition of the common elements land. For example, a group of existing property owners along a private lane could sever and purchase a private lane and register the land as a common elements condominium and these (lane) properties would be POTLs.

To qualify as a POTL for the purpose of registering a proposed common elements condominium requires approval under the Land Titles Act, and would include an Application of Absolute Title. The interest of a POTL owner in common elements (i.e. private lane) of a common elements condominium cannot be severed from the POTL.

A common elements condominium is useful in circumstances such as private lanes, where local accountability for the long term capital and maintenance of the private lane is most appropriate. A common elements condominium can be used in conjunction with traditional subdivisions, vacant land condominiums, consents and/or existing lots of record, to permit land owners to share the care and control of the private lane. The provisions of the Condominium Act provide for better enforcement mechanisms, and greater awareness of the land owners' responsibility for the private lane than might be achieved by traditional agreements under the Municipal Act, or the Planning Act.

It is easier to create a common elements condominium when one developer owns all the parcels intended to be POTL's as well as the private lane that is proposed as the common elements condominium. A common elements condominium for a private lane would be easiest to implement as a new private lane which is included as part of a plan of subdivision or vacant land condominium. In cases where a common elements condominium is required for an extension to an existing private lane, it may be difficult, if not impossible to convince existing property owners to register their lands as POTL's. The requirement for a common element

condominium is even less practical for a minor extension of a private lane where 1 to 3 lots would complete the development potential of the lane.

Legal comments obtained for the purpose of using the provisions of the Condominium Act, 1998, Chapter 19, as a mechanism for the long-term maintenance of private lane standards through new lot development include the following:

i) **General:**

In addition to common element condominium development, there are other forms of condominium development that may also be applicable including a standard condominium and a vacant land condominium. Provided that the laneway is part of the common elements of a standard condominium and/or vacant land condominium, the statutory mechanisms for ensuring that the laneway is maintained to the required standard and that the associated costs are paid for by the condominium would be in place. This should be reinforced by conditions of draft approval that require a Condominium Agreement between the condominium corporation and the municipality on terms satisfactory to the municipality and which require that the agreement be registered on title so that the terms of the agreement (particularly those dealing with the improvement, repair and maintenance of the private lane) would be enforceable against the Condominium Corporation and subsequent owners.

ii) **Termination of Condominium Corporations:**

It should be noted that condominium corporations can be terminated by the agreement of the owners in accordance with the provisions of the Condominium Act, however, this is a difficult process requiring a high percentage of the owners to consent, which presumably/hopefully would be unlikely if the owners have a continuing interest in seeing a legally enforceable mechanism in place to ensure that the private lane is properly repaired and maintained. And of course, none of this precludes landowners along a private lane from bringing pressure to bear on their local Council to take over and assume the lane as a public road.

iii) **Cost of Creating a Common Elements Condominium:**

The legal costs, process and timing for approval of a common elements condominium under the Planning Act and the Condominium Act are the same as for other forms of condominium. The documentation, required surveys, etc. would likely be less complex as there are no actual units or unit boundaries to be dealt with. However, the need to obtain consents from all POTL owners and the registration against the POTL's lands will add further cost and complexity. It is difficult to accurately estimate the legal costs as the length of the laneway and the number of POTL's and contributing owners will vary greatly in each case. Taking into account the need for applications under the Planning Act, conversion of the lands to Land Titles Absolute, possible rezoning, and costs of preparing and negotiating the Condominium Agreement, as well as the costs of creating the necessary condominium documents and surveys, even a simple project could easily run in the range of \$20,000.

iv) **Addition of POTL's After the Creation of a Common Elements Condominium:**

Additional POTL's can be added to a common elements condominium after it is created, however this would require the consent of existing POTL owners and agreement as to the cost sharing or common expense allocation between the existing and new POTLs. Amendments to the condominium documents would also be required when new POTLs are added.

v) **Conversion of Existing Private Lanes to a Common Element Condominium:**

One of the biggest challenges associated with the conversion of an existing private lane to a common elements condominium corporation is that the owner of the fee simple of the existing private land, and all persons having an existing right-of-way (including unregistered rights of ways that have been

legally obtained over time through actual usage) over the existing private lane, will have to consent to the creation of the condominium. There may be instances where this will be problematic.

## **2. Planning Act Agreements**

Agreements for new lot development on existing and new private lanes are typically implemented under the authority of the Planning Act, R.S.O. 1990, c. P.13.

Section 51 (25) of the Planning Act allows for an approval authority to impose conditions to the approval of a plan of subdivision that are reasonable, in the opinion of the approval authority, having regard to the nature of the subdivision development proposed, including a requirement that the owner of the proposed land to be subdivided enter into one or more agreements with a municipality dealing with such matters, as the approval authority may consider necessary in the provision of municipal or other services.

Section 51 (26) of the Planning Act allows a municipality to enter into agreements imposed as a condition to the approval of a plan of subdivision and have the agreements registered against the title of the land to which it applies; the municipality is entitled to enforce the provisions of such agreements against the owner and any subsequent owners of the land.

Section 53 (12) of the Planning Act provides a council with the same powers for the issuance of consents as the approval authority has under subsections 51 (25) and (26) with respect to the approval of a plan of subdivision.

The advantages of agreements implemented as a condition to the development of new lots on private lanes include the following:

- i) Requires the Owners to construct and maintain the private lane in accordance with standards specified in the agreement.
- ii) Requires the Owners to acknowledge that the Municipality is not responsible for maintaining or providing services along the private lane.
- iii) Requires the Owners to indemnify the Municipality for all actions, cause of action, duties, claims or demands governed by the agreement, including the construction and maintenance of the works.
- iv) Requires the agreement to be registered against the title of the land to which it applies and be binding upon subsequent property owners.
- v) In the event of a default, the Township can be authorized to complete the works at the Owner's expense and add their costs as municipal taxes or by actions pursuant to Section 446 of the Municipal Act.

The disadvantages of development agreements include the following:

- i) Unlike condominiums, there is no corporate structure for the ownership and long term maintenance of the private lane.
- ii) Consent agreements are incremental, as new lots are created. Therefore, some property owners may have consent agreements registered against the title of their lands, while others do not.
- iii) Rural municipalities rarely monitor and enforce the provisions of development agreements that require the Owners to maintain their private lane.

## **3. Municipal Act Agreements**

Some municipal plans require property owners to enter into an agreement under the Municipal Act for improvements, maintenance or operation of a private lane. Section 23 of the Municipal Act provides that: "A municipality may enter into an agreement with any person to construct, maintain and operate a private road...". However, it does not appear that there is any provision under the Municipal Act that authorizes such an agreement to be registered against the land to which it applies and enforce the terms of the agreement against all subsequent owners of the land.

## Policy Recommendations:

1. Common elements condominiums should most appropriately be implemented where a new lane or a major extension to an existing lane is proposed as part of an application for subdivision or vacant land condominium. In the case of major extensions to existing private lanes, the owner of the fee simple of the existing private lane, and all persons having an existing right-of-way (including unregistered rights of ways that have been legally obtained over time through actual usage) over the existing private lane, will have to consent to the creation of the condominium. If this requirement cannot be fulfilled, then a major extension of an existing private lane cannot be granted.
2. Development agreements implemented under the authority of Section 51(26) of the Planning Act should continue to be implemented as a condition of consent for infilling and minor extensions of existing private lanes.

### 5.5 Assumption of Private Lanes

Policies which guide the assumption of private lanes and public roads are important for protecting the municipality's financial well-being over the long term.

Some municipalities, such as Frontenac Islands, have a general policy which states that the municipality has no immediate intention of assuming existing private roads. A more common approach for protecting a municipality's long-term financial position is to include policies outlining the conditions under which the municipality is prepared to assume a private lane as a public road. The most typical policy approach is to require the private lane to be upgraded to a construction standard which is acceptable to Council. Other private lane assumption criteria typically include:

1. That the design and construction of the private lane be supervised by a professional engineer or other person competent in road construction.
2. That a cost-benefit analysis be required to determine if the operational costs of assuming and maintaining the road will be offset by property tax revenues.
3. That the costs for upgrading the private lane to a Township standard will be borne by the adjacent property owners.

A municipality's costs for assuming a private lane as a public road can be significant, even if the lane is constructed to a standard which is acceptable to the municipality. If the lane is located in an area of the municipality where there are no other municipal roads, it could place significant and long-term impacts on staff and capital resources.

Few official plans have policies which are intended to assess the capital and operating costs of assuming a private lane on the long term capital and operating costs of the Township's road system.

## Policy Recommendation:

1. Council will consider the assumption of a private lane as a public road, provided that the road is brought up to the appropriate municipal standard. Prior to the assumption of a private lane as a public road, Council will conduct a financial assessment of the long-term capital and operating costs for servicing the road. This assessment will include an estimate of the annual maintenance costs, repair costs and the long term life cycle replacement costs of assuming the private lane as a public road, and the impact of these costs on the operation of the Township's roads system. The financial assessment will be carried out by a qualified professional, at the expense of the individual or group petitioning for the private lane to be assumed as a public road. No private lane will be assumed into the Township's road system unless Council is satisfied that the annual maintenance or long term capital and operating costs will not place an undue burden on the costs of operating the Township's road system.

### 5.6 Infilling on Existing Private Lanes

Limited infilling of new lots on existing private lanes is generally considered to be acceptable, provided that the proposed lot is located on a lane that will be used predominantly for seasonal residential purposes in the long term,

and that the private lane is constructed and maintained to a standard acceptable to the local Township and emergency service providers. Such development can serve to improve the standard of existing deficient lanes as a condition of development approval.

The analysis of infill development potential on existing lanes indicates that over 95% of all existing private lanes have no potential for infilling, or have infilling potential for 3 or fewer new lots. Infilling potential will also be limited by consent policies that restrict the number of lots that may be severed from a landholding, which is normally 3 new lots. For the 5% of private lanes that have infilling potential for greater than 3 lots, a plan of subdivision or condominium should be considered for further development.

It is estimated that the number of new lots that may be granted through the infilling of up to 3 lots is limited to a maximum total of 187 lots. Approximately 43 or 22.4% of these lots are located on private lanes that have been identified as having more (>50%) permanent residential development than seasonal residential development. The recommended screening process for assessing seasonal and permanent occupancy on private lanes (Section 4.3.) would require these lots to be developed within a common element condominium that would connect directly to an existing public road. The remaining 144 lots would be developed on private lanes that are predominantly seasonal residential. This scale of development, when compared to the scale of existing development on private lanes, will not adversely affect the financial well-being of local municipalities over the long term.

#### **Policy Recommendation:**

1. Consents for the severance of new “infill” waterfront lots may be permitted along existing private lanes, provided that the lane will be used predominantly for seasonal residential purposes in the long term, and that the whole of the private lane travelled to reach the proposed lot(s) will be required to be improved, at the owner’s expense, to a standard acceptable for access by emergency service vehicles, as determined by Township public works and/or emergency services staff.
2. That as a condition of development approval, the proponent be required to enter into a development agreement with the Township for the ongoing maintenance of the lane, and to protect the municipality from both liability and the provision of municipal services on private lanes.

## **5.7 Extensions of Existing Lanes**

Extension potential on existing private lanes has been assessed through constraint analysis, and similar to infilling on existing lanes, there is limited potential for extensions, with only approximately 10.5% of existing lanes having extension potential for up to 3 lots, and just approximately 6.4% of private lanes having extension potential for 4 or more lots. It is estimated that the number of new lots that could be granted as a result of minor extensions of 1 to 3 lots is limited to a maximum total of 188 lots. Approximately 35 or 18.6% of these lots are located on private lanes that have been identified as having more (>50%) permanent residential development than seasonal residential development. The recommended screening process for assessing seasonal and permanent occupancy on private lanes (Section 4.3.) would require that these lots be developed within a common element condominium that would connect directly to an existing public road. The remaining 153 lots would be developed on private lanes that are predominantly seasonal residential. This scale of development, when compared to the scale of existing development on private lanes, should not have an adverse effect on the overall financial well-being of local municipalities over the long term.

Two categories of private lane extensions are recommended when considering proposals for new lot development, based on an assessment of the extension potential of a private lane prior to submission of a development proposal. These include:

1. Category “A” Minor Extensions: A minor extension of an existing private lane is where an assessment of the development potential of the private lane concludes that one (1), two (2) or three (3) new lots will complete the development potential of the private lane.

2. Category "B" Major Extensions: A major extension of an existing private lane is where an assessment of the development potential of the private lane concludes that four (4) or more lots may be created from the private lane extension.

The rationale for this approach is that minor extensions of existing private lanes is reasonable and can be considered as good planning, provided that the creation of the proposed lot or lots will result in an overall net improvement of the level of service of the private lane for emergency service vehicles. Further, that the scale of development associated with minor extensions is not sufficient to warrant a requirement that the existing private lane be developed within a common element condominium which connects directly to an existing public road. In cases where the approval of consent for a minor extension of a private lane will exceed the total number of lots that may be permitted from a land holding, additional consents should be permitted on condition that the approval of the additional consent(s) will complete the development potential of the private lane.

Where a private lane has been assessed as having potential for extension of four (4) or more lots, the Category "A" policies will not apply and development must occur in accordance with the Category "B" policies of the Plan. The Category "B" policies will require the development of four (4) or more lots to occur by means of a plan of subdivision or condominium, and the private lane should be created as a common elements condominium and managed by a condominium corporation. In these cases, the whole of the private lane should also be constructed to the Township's standard for new private lanes, or such other standard deemed appropriate by Council. A legal challenge with the implementation of this policy is that the owner of the fee simple of the existing private land and all persons having an existing right-of-way (including unregistered rights of ways that have been legally obtained over time through actual usage) over the existing private lane will have to consent to the creation of the condominium. If this requirement cannot be fulfilled, then a major extension of an existing private lane cannot be granted.

#### **Policy Recommendation:**

- 1. Private Lane Extensions**

New lot development on "extensions" of existing private lanes may be permitted in accordance with the Category "A" or Category "B" policies for private lane extensions. The determination of whether the Category "A" or "B" policies apply to a given private lane extension shall be based upon an assessment of the overall future development potential of the private lane extension. The Category "A" private lane policies apply where an assessment of the development potential of the private lane concludes that a minor extension of one (1), two (2) or three (3) new lots will complete the development potential of the private lane. The Category "B" private lane policies will apply where an assessment of the development potential of the private lane concludes that four (4) or more lots may be created from the private lane extension. Where a private lane has been assessed as having potential for extension of four (4) or more lots, the Category "A" policies will not apply.

- 2. Category "A" (Minor) Private Lane Extensions**

- i) Severances for one (1) or two (2) new lots on an extension to an existing private lane, that would complete the development potential of the lane, may be permitted provided that the extension is designed and constructed in accordance with the Township's standards for new private lanes. In addition, the whole of the existing lane travelled to reach the proposed new lot(s) will be required to be constructed to a standard that would allow accessibility to the new lot(s) by emergency vehicles.
- ii) Severance for a private lane extension, resulting in the creation of three (3) new lots that would have the effect of completing the development potential of the lane, may be permitted provided that both the private lane extension and the whole of the existing lane travelled on to reach the new proposed lots will be required to be improved to the Township's standards for new private lanes.
- iii) The new lane may only be constructed to the point of access to the last lot on the lane rather than along the full lot frontage for the lot, as required by the implementing zoning by-law.
- iv) Notwithstanding the maximum number of land severances per holding, up to three (3) new limited service residential lots may be permitted per private lane, provided that the creation of the proposed lots completes the development potential of the private lane.

### 3. Category "B" (Major) Private Lane Extensions

- i) New development on extensions of private lanes having the potential for the creation of four (4) or more limited service residential lots shall be created by a plan of subdivision or condominium, where the private lane shall be created as a common elements condominium, and managed by a condominium corporation.
- ii) The private lane extension for the proposed lots, together with the whole of the existing lane travelled to reach the new proposed lots, will be required to be improved to the Township's standards for new private lanes, or such other standard deemed appropriate by the Township.
- iii) The owner of the existing private lane and all persons having an existing right-of-way (including unregistered rights of ways that have been legally obtained over time through actual usage) over the existing private lane will have to consent to the creation of the condominium. If this requirement cannot be fulfilled, then a major extension of an existing private lane cannot be granted.

## 5.8 New Private Lanes

While existing private lanes present challenges for improving the standard and maintenance of said lanes, the development of new private lanes presents no such challenges. These situations provide an opportunity to develop on private lanes in a comprehensive basis through a plan of subdivision or a vacant land condominium, ensuring that the preferred legal and construction means are utilized in the development.

A plan of condominium is the best legal mechanism available for new private lane development. This approach establishes the ownership and maintenance of the lane among all owners, and provides a legal obligation to ensure that sufficient funds are in place to ensure the ongoing maintenance of the lane in perpetuity. A proposal to create a new private lane, originating at a public road, affords the best opportunity to establish a condominium for the lane.

#### **Policy Recommendation:**

1. New private lanes should not be permitted unless they are included as common elements condominium as part of an application for subdivision approval, or as common element to an application for vacant land condominium approval.

## 5.9 Existing Vacant Lots

The analysis of existing private lanes shows that the number of existing vacant lots (590) is much higher than the number of new lots that may be created through minor infilling and extensions (375). It is generally accepted that development of existing vacant lots on private lanes may be permitted, provided that the lot to be developed is zoned to a Seasonal Residential or Limited Service Residential zone, and complies with all other requirements of the zoning by-law. This section reviews the legal mechanisms and approaches for regulating development on existing vacant lots of record, including mechanisms for the improvement and long-term maintenance of private lane standards.

### 1. Building Permits

In some municipalities, such as South Frontenac, the Official Plan contains a policy requiring an applicant for a building permit to enter into an agreement with the Township, at his/her expense, which is to be registered on title. The agreement is to indicate:

- i) that the owner recognizes that the lot is located on a private lane which is neither snow plowed, or in any other way maintained by the Township;
- ii) that the disposal of garbage and other road maintenance is the responsibility of the property owner; and
- iii) that the Township assumes no liability in the event that emergency vehicles are not able to access the lot because of impassable road/lane conditions.

This form of agreement serves as a notice to owner/applicants regarding the Township's limited servicing position on private lanes and attempts to limit the municipality's liability in the event of a disruption in

emergency service delivery. It does not include provisions for the construction of the private lane to an appropriate standard for municipal service delivery, or the long-term maintenance of the private lane.

The legal team for this Study advises that a municipality does not have the legal authority to require an owner, as a condition of granting a building permit, either to make private road improvements, to enter into an agreement to make private road improvements, or to limit the liability of the municipality and/or to provide notice to the owner and future owners regarding the limited municipal services available to the lot owner. Even where such an agreement is voluntarily entered into, it would be of very limited value (if any) as, at best, it would only apply to the individual or individuals who signed the agreement, and would not apply to family members of the signatories to the agreement, friends, guests, invitees etc.

## **2. Conditional Zoning**

Section 34 (16) of the Planning Act provides that if an official plan is in effect in the municipality that contains policies that permit zoning with conditions, then the municipality may, in a by-law passed under Section 34 of the Act, impose one or more "prescribed" conditions. When a prescribed condition is imposed, the municipality may require the owner of land to enter into an agreement with the municipality relating to the prescribed condition. The agreement may then be registered on title and may be enforced against the owner and subsequent owners. It should be noted that it does not appear to be a regulation under the Planning Act at present that sets out what the "prescribed conditions" are. Conditional zoning does appear to give a municipality a legally enforceable tool with respect to improvements to a substandard private lane, but will be of no assistance in situations where the lot in question is already zoned to permit development.

## **3. Holding Zones**

Where an official plan is in effect that contains provisions relating to the use of a holding (h) symbol, Section 36 of the Planning Act allows municipalities to pass holding provision by-laws. When an official plan is in effect containing such provisions, the Council may, in a zoning by-law passed under Section 34 of the Act, specify the use to which the lands, buildings or structures may be put, until such time as the holding (h) symbol is removed by an amendment to the by-law. However, even if an official plan contains provisions requiring a landowner to enter into an agreement as a condition of removing the holding symbol, there is no provision in Section 36 of the Act which authorizes the registration of such agreements on title so that they are binding on subsequent owners. Such provisions are only found in Section 34 (16) of the Act (Conditional Zoning). Agreements and through the site plan, subdivision and severance approval process provisions of the Planning Act.

## **4. Site Plan Controls**

Section 41 of the Planning Act allows municipalities to pass a by-law to designate a site plan control area in reference to one or more land use designations in a by-law passed under Section 34 of the Act (Zoning), provided there is an official plan in place that describes the proposed site plan control area. As a condition to approval of development, a municipality may require plans and drawings for buildings, structures and site development and the implementation of these works as a condition to the approval of the plans and drawings. The municipality can also require the owner to enter into agreements with the municipality to ensure that development proceeds in accordance with the approved plans and drawings; such agreements may be registered on title and enforced against the owner and subsequent owners. However, the provisions for site plan control do not provide a municipality with authority to regulate off-site works related to a private lane that provides access to a proposed site development.

## **5. Development Permit System (DPS)**

Section 70.2 (1) of the Planning Act allows municipalities to pass a by-law to establish a development permit system to control land use development. The power to establish a development permit system is prescribed in Ontario Regulation 608/06. The DPS streamlines and expedites the planning process and replaces the underlying zoning and site plan by-laws and minor variance process in areas in which it is applied. As a streamlined planning process, the DPS can facilitate appropriate development by combining zoning, site plan and minor variance processes into one application and approval. The DPS also provides the authority for a municipality to impose a broad range of prescribed conditions. Prior to the passage of a by-law to establish a

development permit system, the municipality must have an official plan in effect which identifies the area as a proposed development permit area; sets out the scope of the authority that may be delegated to staff; sets out detailed goals, objectives and policies for the permit system; sets out the types of criteria that may be included in a development permit by-law and the types of conditions that may be included in the by-law. A development permit by-law is deemed to be a by-law passed under Section 34 (zoning) of the Planning Act, and the provisions of Section 34 and 41 (site plan) apply, unless they are varied, supplemented or overridden in the Development Permit Regulation.

Conditions that may be imposed must be of a type that is permitted by the official plan; reasonable for and related to the appropriate use of land; and shall not conflict with provincial and federal statutes and regulations. Examples include conditions permitted under Section 34 (zoning) and 41 (site plan control) of the Act; removal or restoration of vegetation; alteration or restoration of the grade of land; placing or dumping of fill; ongoing monitoring for the protection of public health and safety or the natural environment; facilities and services in exchange for a specified height or density; and agreements which may be registered on title so that they are binding on subsequent owners. The conditions that may be imposed through the DPS appear to be site-related, which do not provide a municipality with authority to regulate off-site works related to a private lane that provides access to a proposed site development.

## **6. Down Zoning**

If there is an existing vacant lot of record that is zoned for the proposed use, there is no municipal authority to require the owner of that vacant lot of record to improve or contribute to the improvement of an existing lane as a condition of obtaining a building permit. If the municipality is not content with the “status quo”, the municipality could, through a comprehensive zoning by-law amendment, propose to “down zone” all lots of record accessed by substandard private lanes. Such lots could be placed in a holding, or other special zone that would require, as a condition for removal of the holding (h) symbol from the zone, that an agreement be put in place with respect to improvements and maintenance of the existing private lane. We acknowledge that there are challenges (both political and legal) with “down zoning” lands, but any such attempt could be defended as being in the public interest, ensuring that the owners and occupants of any future development on existing lots of record on substandard private lanes are protected.

## **7. Conclusion**

This review concludes that, in the absence of required zoning, there are no legal mechanisms and approaches for regulating development on existing vacant lots of record, currently are zoned for the proposed use, in order to require private lane improvements, implement private lane standards, or require the long-term maintenance of private lane standards, unless such requirements were implemented as a condition of development approval at the time of creation of the lot through conditions of zoning, consent or subdivision approval.

### **Policy Recommendation:**

1. That development on existing vacant lots on private lanes should continue to be permitted in accordance with local municipal site development requirements and be recognized as an area of limited service within a Limited Service Zone in the municipality's zoning by-law.

## **5.10 Conversions**

Many existing lots on private lanes in Frontenac County, as well as other recreational cottage areas of Ontario, were created prior to the requirement of consent approval under the Planning Act on June 1, 1971. Many of the new lots created since the requirement for consent approval do not have a development agreement registered on the title of the lots requiring the private lane to be constructed and maintained to an acceptable standard. Where lots are existing, and development agreements have not been implemented as a condition to the approval of the lot(s) under the authority Sections 53(12) and 51(26) of the Planning Act, there are no effective legal mechanisms available to a municipality to ensure that the level of road service is appropriate for an intended permanent residential use of an

existing lot. However, a variety of planning approaches are used by municipalities in an attempt to control residential conversions on private lanes.

Not all municipalities include policies in their Official Plans to regulate the conversion of a dwelling from a secondary or seasonal use to a principal or permanent residential use on an existing private lane. Where municipalities choose to implement policies to control conversions, the approaches normally includes one or more of the following requirements:

1. The dwelling is located in a Limited Service Residential zone in the implementing Zoning By-law.
2. An occupancy permit has been obtained from the Township.
3. Evidence that the dwelling is capable of being occupied on a year-round basis, in accordance with the Building Code.
4. The suitability of the lot for permanent occupancy from an environmental perspective (i.e. lot size, shape, topography, drainage, shoreline buffering).
5. The adequacy of the lot for sanitary sewage and water supply services.
6. The execution and registration of an agreement wherein the owner acknowledges that the Township will not provide any services such as snow plowing or road maintenance as a consequence of the conversion of the dwelling to a principal or permanent use, and that the Township will be held harmless for damages suffered by the owner as a result of the road inadequacy.
7. That if the dwelling is located on a private lane that is substandard in terms of permitting emergency vehicle access, the lane will be improved to a standard acceptable to the municipality.
8. The requirement of a site plan and site plan controls in support of any application for zoning by-law amendment.

The advantages and disadvantages of mechanisms available to implement policies for controlling conversions are summarized as follows:

#### **1. Seasonal Residential (SR) Zoning**

A Seasonal Residential (SR) zone restricts the permitted residential uses to a seasonal dwelling only, which is normally defined as a dwelling which contains one dwelling unit, and which is used for vacation, recreation, rest and relaxation purposes, but which is not occupied or used as a year-round, permanent home or residence. A SR Zone may be applied to existing lots along existing private lanes and/or applied to new lot development and serve as a notice to property owners that the zoning does not allow permanent residential use of any existing or proposed dwelling. However, SR Zoning is not an effective means of preventing property owners from converting their homes to permanent residential use. Property owners can renovate or reconstruct their seasonal dwellings in accordance with the definition for seasonal residential purposes and then decide to live in the dwelling on a year round basis or sell the dwelling to a new owner who decides to use the dwelling as a permanent home.

Seasonal Residential zoning can also be used to manage the conversion process, rather than to prevent conversions from occurring. In cases where an owner applies for a building permit to renovate or reconstruct a seasonal dwelling, and indicates an intention to use the dwelling for year round residential purposes, the Chief Building Official, in consultation with the Township's planner, can require a zoning by-law amendment to a Limited Service Residential zone, or other similar zone category that would permit the permanent residential use. The application for zoning by-law amendment would be reviewed in accordance with the residential conversion criteria of the Official Plan. This approach requires a good working relationship between a building department and planning staff, as well as a willingness to implement the conversion criteria of the official plan. However, even where such circumstances exist, property owners can renovate or reconstruct their seasonal dwellings in accordance with the definition for seasonal residential purposes and then decide to live in the dwelling on a year round basis or sell the dwelling to a new owner who decides to use the dwelling as a permanent home.

In some cases, a municipality may require improvements to an existing lane, prior to the approval of a zoning by-law amendment and/or require the execution and registration of an agreement wherein the owner acknowledges that the Municipality will not provide any services, such as snow plowing or road maintenance, and that the Municipality will be held harmless for damages suffered by the owner as a result of the road inadequacy. However, a Municipality has no authority to require private lane improvements or enter into a private lane agreement as a condition of approval of a zoning by-law amendment under Section 34 of the Planning Act.

An additional disadvantage with SR zoning is that most of the conversion criteria can be implemented without the requirement for a rezoning. Similar to any other existing lot of record, building permits must comply with the requirements of the Building Code, and all other provisions of the zoning by-law for requirements such as side yards and setbacks. Occupancy permits are also implemented in accordance with the Building Code, wells must comply with applicable regulations, and site plan controls can be implemented to address landscaping, buffering and/or on-site drainage.

## **2. Limited Service Residential (LSR) Zoning**

A more common approach to managing residential conversions on private lanes is through Limited Service Residential Zoning, which is an approach used in each of the Frontenac Townships. The LSR zones applied in the Frontenacs include both seasonal dwellings and permanent dwellings as permitted uses. A rezoning is only required if an existing lot being developed or redeveloped for permanent residential purposes is not located within an existing LSR zone. In such cases, building permits must comply with the requirements of the Building Code and all other provisions of the zoning by-law for requirements such as side yards, setbacks and frontage on a private lane by means of a legal right-of-way.

The Township of South Frontenac is the only Official Plan in Frontenac County with Conversion policies. These policies are implemented at the building permit stage, and include a requirement for improvements to the existing lane when it is determined that lane is substandard in terms of permitting emergency vehicle access. They also include a requirement for the execution and registration of an agreement wherein the owner acknowledges that the Township will not provide any services such as snow plowing or road maintenance, and that the Township will be held harmless for damages suffered by the owner as a result of the road inadequacy. However, a Municipality has no authority to require private lane improvements or enter into a private lane agreement as a condition of approval of a zoning by-law amendment under Section 34 of the Planning Act.

## **3. Site Plan Control and other Land Use Controls**

Site plan controls and other development controls such as building permits, occupancy permits are useful for controlling the lot intensification that may result from site works associated with conversions such as septic system upgrades, landscaping, buffering, lot grading and drainage, but not off-site works such as improvements to the private lane leading to the existing lot.

### **Policy Recommendation:**

1. That Municipalities continue use Limited Service Zoning as a means of notifying the public that properties located within this Zone are provided with municipal services such as snow plowing or road maintenance.
2. That Municipalities use zoning and other land use planning tools such as site plan controls to control the adequacy of on-site services, landscaping, grading and environmental considerations that are commonly associated with the renovation and enlargement of dwellings for year-round residential use.
3. That Municipalities not implement policies requiring private lane improvements and indemnity agreements as a condition of the issuance of a building permit for the conversion of a dwelling to permanent residential purposes.

## 6 Recommended Policy Approach

In consideration of the findings of the private lanes study, it is concluded that private lane development is integral to the County's cultural and financial well-being, and should be permitted to continue in the context of appropriate planning policies that will ensure that the interests of the public, province and municipalities are protected for the long term. To this end, the following policy framework is recommended:

### County Official Plan Policies

The County Official Plan should be amended to include the following:

#### 1. Private Lanes

Private lanes are recognized by this Plan as an established form of development that contributes fully one-third of all assessed property value for municipal taxation purposes. Private lane users are an important part of the local economy and are vital for the success of many small businesses in Frontenac County. Accordingly, this Plan supports continued development on private lanes which is reasonable in scale, promotes the safety of private lane users, and supports the financial well-being of the local Townships.

As often as Council deems appropriate, but at least as often as the Township Official Plans are reviewed, the Townships shall evaluate their private lane system to identify changes in land use patterns on private lanes, including an assessment of recent development activity, future development potential, and seasonal-to-permanent residential conversion trends. The Townships shall maintain an up-to-date inventory of private lane data, including seasonal and permanent residential land use, and lot creation and building permit activity, for the purposes of conducting such evaluations. The intent of this evaluation is to monitor the effectiveness of the Township's private lane policies.

### Transportation Policies

The transportation policies of the Township Official Plans should be amended to include the following:

#### 1. Private Lane Standards

The road construction standard included in this Plan as Appendix D shall be deemed to be the "Township's standards for new private lanes" for the purposes of Section (X) Limited Service Residential Policies and any other such policies that reference the standard."

#### 2. Private Lane Assumptions

Council will consider the assumption of a private lane as a public road provided that the road is brought up to the appropriate municipal standard. Prior to the assumption of a private lane as a public road, Council will conduct a financial assessment of the long-term capital and operating costs for servicing the road. This assessment will include an estimate of the annual maintenance costs, repair costs and the long term life cycle replacement costs of assuming the private lane as a public road, and the impact of these costs on the operation of the Township's roads system. The financial assessment will be carried out by a qualified professional, at the expense of the individual or group petitioning for the private lane to be assumed as a public road. No private lane will be assumed into the Township's road system unless Council is satisfied that the annual maintenance or long term capital and operating costs will not place an undue burden on the costs of operating the Township's road system.

## **Limited Service Residential Policies**

The Limited Service Residential policies of the Township Official Plans should be amended, or a new section added to the land use policies of the Township Official Plans, to include the following provisions:

### **1. General**

Limited service residential development is generally located in the “Rural Lands” (Waterfront, Shoreline or Lake District Designation) of the Township on a body of water or a natural watercourse, where the primary means of access is from a private lane, condominium lane or a navigable waterway.

### **2. Permitted Uses**

The uses permitted shall include limited service residential dwellings and home occupations.

### **3. Limited Service Residential Development Policies (Private Lane Development Policies)**

In addition to the Limited Service Residential Development Policies or Private Lane Development Policies of the Plan, the development of new “waterfront limited service residential lots” shall be considered for approval based on the criteria in items 4 to 7 below.

### **4. Seasonal Vs. Permanent Residential Screening Policy**

Prior to the review of an application for new lot development that would result in the infilling or minor extension of an existing private lane, an assessment of permanent and seasonal residential land use should be completed for the entire lane. Where a majority of existing development on a private lane is determined to be permanent residential, or where the private lane is located in an area where conversion rates will likely result in a majority of permanent residential development in the future, no new lot development in the form of limited infilling or minor extensions shall be permitted unless:

- a) The private lane is constructed to the Township’s private lane standard.
- b) The existing private lane is developed within a common element condominium pursuant to the Condominium Act, 1998, as amended, and connects directly to an existing public road.

### **5. Infilling**

Where a majority of existing development on a private lane is seasonal residential, severances for new “infill” lots may be permitted along existing private lanes, provided that the condition of the lane abutting the new lot(s) is improved to the Township’s “standards for new private lanes”. In addition, the whole of the lane travelled on reach the new proposed lot(s) will be required to be improved to a minimum standard to allow accessibility to the new lot(s) by emergency service vehicles.

### **6. Private Lane Extensions**

New lot development on “extensions” of existing private lanes may be permitted in accordance with the Category “A” or Category “B” policies for private lane extensions. The determination of whether the Category “A” or “B” policies apply to a given private lane extension shall be based upon an assessment of the overall future development potential of the private lane extension. The Category “A” private lane policies apply where an assessment of the development potential of the private lane concludes that minor extension of one (1), two (2) or three (3) new lots will complete the development potential of the private lane. The Category “B” private lane policies will apply where an assessment of the development potential of the private lane concludes that four (4) or more lots may be created from the private lane extension. Where a private lane has been assessed as having potential for extension of four (4) or more lots, the Category “A” policies will not apply.

**a) Category "A" (Minor) Private Lane Extensions**

- i. Severances for one (1) or two (2) new lots on an extension to an existing private lane that would complete the development potential of the lane may be permitted provided that the extension is designed and constructed in accordance with the Township's standards for new private lanes. In addition, the whole of the existing lane travelled to reach the proposed new lot(s) will be required to be constructed to a standard that would allow accessibility to the new lot(s) by emergency vehicles.
- ii. Severance for a private land extension resulting in the creation of three (3) new lots completing the development potential of the lane may be permitted provided that the private lane extension and the whole of the existing lane travelled to reach the new proposed lots will be required to be improved to the Township's standards for new private lanes.
- iii. The new lane may only be constructed to the point of access to the last lot on the lane rather than along the full lot frontage for the lot, as required by the implementing zoning by-law.
- iv. Notwithstanding any provision of the Township's Official Plans that restricts the maximum number of land severances per holding, up to three (3) new limited service residential lots may be permitted per private lane, provided that the creation of the proposed lots completes the development potential of the private lane.

**b) Category "B" (Major) Private Lane Extensions**

- i. New development on extensions of private lanes having the potential for the creation of four (4) or more limited service residential lots may be created by a plan of subdivision or condominium, where the private lane shall be created as a common element condominium and managed by a condominium corporation.
- ii. The private lane extension for the proposed lots and the whole of the existing lane travelled on to reach the new proposed lots will be required to be improved to the Township's standards for new private lanes or such other standard deemed appropriate by the Township.
- iii. The owner of the existing private lane and all persons having an existing right-of-way (including unregistered rights of ways that have been legally obtained over time through actual usage) over the existing private lane will have to consent to the creation of the condominium. If this requirement cannot be fulfilled, then a major extension of an existing private lane cannot be granted.

**7. New Private Lanes**

Lot development on new private lanes may be permitted by severance, or by a registered plan of condominium, provided that the new private lane intersects with an existing public road, and is designed and constructed in accordance with the Township's standards for new private lanes and provided that the entire lane is governed by a condominium agreement.

**8. Private Lane Condition of Severance or Condominium Approval**

As a condition of severance or condominium approval for all waterfront limited service residential lots, the owner of the subject property shall enter into an agreement with the Township to construct the private lane to the Township's private lane standards or such other standards which are determined to be appropriate for emergency service delivery. The agreement shall be registered against the title to the lots, and include the following provisions acknowledging:

- a) The Township does not maintain or repair the private lane.
- b) The Township does not provide municipal services normally associated with public roads.
- c) The owners are responsible for all costs necessary to maintain the private lane.
- d) The Township is not responsible for any loss or damage created by the owner's failure to maintain the private lane.
- e) The owners agree to indemnify the Township for any loss or damage.

The draft Official Plan Amendments for each Township Official Plan and the County Official Plan are provided in Appendix E. The implementation of the recommended policies, together with the continued commitment of the County

and Townships to the updating of information used in this study, will ensure that private lane development occurs in a safe, financially sustainable, and coordinated manner moving forward.

Yours truly,  
**Jp2g Consultants Inc.**  
**Engineers • Planners • Project Managers**



Brian Whitehead, MA, MCIP, RPP  
Principal, Director of Planning

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**On Disk:**

- Appendix A      Residential Unit Percentage Category Summary**
- Appendix B      Lanes with Greater Than 50% Permanent Residential Development**
- Appendix C      Inventory of Private Lanes and Constraint Mapping**

**Appendix D Existing and Recommended Private Lane Construction Standard**

## Appendix D: Existing Township Private Lanes Standards

Township	South Frontenac	Central Frontenac	North Frontenac	Frontenac Islands
<b>Right-of-Way width</b>	20.0 m (66 ft)	20.0 m (66 ft)	20.0 m (66 ft)	-
<b>Width of Clearing, Minimum</b>	9.0 m (30 ft)	9.0 m (30 ft)	N/A	-
<b>Surface Width, Minimum</b>	4.5 m (15 ft)	5.0 m (16.4 ft)	6.0 m	-
<b>Surface Material</b>	Crushed stone	Crushed gravel/stone	Granular "A" (crushed stone)	-
<b>Depth of Surface Material, Minimum (Gran. "A")</b>	100 mm (4 inches)	150 mm (6 inches)	100 mm (4 inches)	-
<b>Depth of Base Material/Cover over bedrock (Gran. "B")</b>	-	-	200 mm (8 inches) (depending on subgrade material)	-
<b>Shoulder, Including Rounding</b>	Nil	1.0 m each side (3.0 ft)	0.5 m (1.5 ft) each side	-
<b>Crown, Minimum</b>	1%	-	-	-
<b>Cross Culvert, Minimum</b>	400 mm (16 inches)	400 mm (16 inches)	300 mm (12 inch)	-
<b>Culvert Material</b>	Corrugated steel pipe/High density polyethylene (double wall)	Corrugated steel pipe, concrete or plastic	-	-
<b>Maximum Grade</b>	12% (1:8)	12.5% (1:8)	12%	-
<b>Geometrics</b>	Safe passage of emergency vehicles	Safe passage of emergency vehicles	As defined in by-law	-
<b>Ditches, Minimum Depth from Crown to Bottom of Ditch</b>	0.5 m (1.5 ft)	0.5 m (1.5 ft) carried to sufficient outlet	0.5 m (1.5 ft)	-
<b>Overhead Height</b>	-	-	4.3 m (14 ft)	-
<b>Additional Requirements</b>	-	-	10 m turnaround at the terminal point	-

## Appendix D: Recommended Private Lane Construction Minimum Standards

<b>Right-of-Way width</b>	20.0 m (66 ft)
<b>Width of Clearing,</b>	9.0 m (30 ft)
<b>Surface Width,</b>	6.0 m (20 ft)
<b>Surface Material</b>	Crushed stone
<b>Depth of Surface Material, (Gran. "A")</b>	100 mm (4 in)
<b>Depth of Base Material/Cover over bedrock (Gran. "B")</b>	150 mm (6 in)
<b>Depth of Base Material / (Gran. "B")</b>	300 mm (12 in)
<b>Granular Shoulder, Including Rounding</b>	1.0m (3 ft)
<b>Crown, Minimum</b>	2%
<b>Cross Culvert</b>	400 mm (16 in) - 300mm (12 in) minimum cover
<b>Culvert Material</b>	Aluminized Corrugated steel pipe/High density polyethylene (double wall)
<b>Maximum Vertical Grade</b>	12% (1:8) Minimum vertical curve length subject to design speed requirements
<b>Horizontal Turning Radius</b>	Minimum centerline radius 12.0 m (40.0 ft) – Subject to design speed requirements
<b>Ontario Building Code requirements</b>	Safe passage of emergency vehicles Maximum change of gradient not more than 1 in 12.5 (8%) over a minimum distance of 15 m (50 ft). Turnaround for dead-end portion of road more than 90.0m (295 ft) long.
<b>Ditches, Minimum Depth from Road Centerline to Bottom of Ditch</b>	0.5 m (1.5 ft) or 0.15 m (6 in) below bottom of granular B whichever is lower
<b>Overhead Clearance Height</b>	5.0 m (16 ft) minimum

**Appendix E-1 Draft County of Frontenac Official Plan Amendment**

By-Law No. \_\_\_\_\_

of

**The Corporation of the County of Frontenac**

By-law to Adopt Amendment Number \_\_\_\_\_ to the County of Frontenac

Official Plan

– File \_\_\_\_\_ – Report \_\_\_\_\_

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**Whereas** on January 11, 2016, the County of Frontenac Official Plan was approved by the Ministry of Municipal Affairs and Housing; and

**Whereas** the Council for the County of Frontenac now deems it expedient to amend the County of Frontenac Official Plan, in accordance with Sections 17 and 21 of the Planning Act, R.S.O. 1990, c.P.13.

**Now Therefore:**

1. **That** Amendment No. \_\_\_\_\_ to the Official Plan for the County of Frontenac is hereby adopted.
2. **That** Schedule “A” to Official Plan Amendment No. \_\_\_\_\_ is hereto annexed and shall be read with and form part of this by-law.
2. **That** this by-law shall take effect on the date of its final passing.

Read a first and second time this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Read a third time and finally passed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**The Corporation of the County of Frontenac**

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Frances Smith, Warden

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Jannette Amini, Clerk

**Schedule “A” to By-Law \_\_\_\_\_**

**Amendment No. \_\_\_\_\_ To The County of Frontenac  
Official Plan**

**Address**

**County of Frontenac**

**Section 1. Title and Components of the Amendment**

**Section 2. Purpose of the Amendment**

**Section 3. Location**

**Section 4. Background and Basis of the Amendment**

**Section 5. The Amendment**

**SECTION 1. TITLE AND COMPONENTS OF THE AMENDMENT**

- 1.1 Subsection 4.1.1.6 of Section 4.1 “Transportation” of the Official Plan in its entirety constitutes Amendment No. \_\_\_\_ to the County of Frontenac Official Plan.
- 1.2 Sections 1, 2, 3, and 4 do not constitute part of the formal Amendment, but provide more detailed information with respect to the Amendment.

**SECTION 2. PURPOSE OF THE AMENDMENT**

- 2.1 The purpose of the Amendment is as follows:

Item (1)      New Policy

The purpose of Amendment No. \_\_\_\_ is to amend the County of Frontenac Official Plan to include new Private Lane policies in the County of Frontenac.

**SECTION 3. LOCATION**

- 3.1 Private Lane policies will apply to all existing and proposed private lanes in all parts of the County.

**SECTION 4. BACKGROUND AND BASIS OF THE AMENDMENT**

- 4.1 The purpose of the amendment is to implement the recommendations of the Private Roads (Lanes) Study: Final Report prepared for the County of Frontenac, dated June 15, 2016. The recommendations of the Private Roads (Lanes) Study will include the addition of new Private Lane policies to the Transportation policies of the Plan in order to guide development on new and existing private lanes in the County.

The Private Roads (Lanes) Study recommends a planning framework that can be used to best manage private lanes, to promote private lane improvements, and to provide planning policies that serve as a guide for future development on private lanes. These planning policies will be implemented through the local Township Official Plans.

The Private Roads (Lanes) Study provides a detailed inventory and data base of information on every identified private lane in the County of Frontenac. The Study recommends that this data be used by local Townships to assess permanent and seasonal residential land use trends on an existing lane at the time that applications for new lot development are received for infilling or extension purposes. This inventory and data base should also be updated at the time that each local official plan is reviewed in order to evaluate changes in land use patterns on private lanes, and to assess development activity, future development potential, and seasonal to permanent residential conversion trends. The intent of this evaluation will be to monitor the effectiveness of the local municipal private lane policies.

The Private Roads (Lanes) Study includes a recommendation that the Frontenac County Official Plan include a policy that requires the inventory of private lane information to be maintained and updated in order to monitor and evaluate the effectiveness of private lane policies in local Township Official Plans.

## SECTION 5. THE AMENDMENT

### 5.1 Details of the Amendment

The Official Plan is amended as follows:

#### Item (1) New Policy

Subsection 4.1.1.6 of Section 4.1 “Transportation” of the Official Plan is amended by deleting this Subsection in its entirety and adding a new subsection 4.1.1.6 immediately after Subsection 4.1.1.5 as follows:

#### **“4.1.1.6 Private Lanes**

*Private lanes are recognized by this Plan as an established form of development that contributes fully one-third of all assessed property value for municipal taxation purposes. Private lane users are an important part of the local economy and are vital for the success of many small businesses in Frontenac County. Accordingly, this Plan supports continued development on private lanes which is reasonable in scale, promotes the safety of private lane users, and supports the financial well-being of the local Townships.*

*As often as Council deems appropriate, but at least as often as the Township Official Plans are reviewed, the Townships shall evaluate their private lane system to identify changes in land use patterns on private lanes, including an assessment of recent development activity, future development potential, and seasonal-to-permanent residential conversion trends. The Townships shall maintain an up-to-date inventory of private lane data, including seasonal and permanent residential land use, and lot creation and building permit activity, for the purposes of conducting such evaluations. The intent of this evaluation is to monitor the effectiveness of the Township’s private lane policies.”*

**Appendix E-2 Draft Township of North Frontenac Official Plan Amendment**

**AMENDMENT NUMBER \_\_\_\_ TO THE OFFICIAL PLAN  
FOR THE  
CORPORATION OF THE TOWNSHIP OF NORTH FRONTENAC**

**BY-LAW NO. \_\_\_\_\_**

**Private Lane Policies  
OFFICIAL PLAN AMENDMENT**

**AMENDMENT NUMBER \_\_\_\_ TO THE OFFICIAL PLAN  
FOR THE  
CORPORATION OF THE TOWNSHIP OF NORTH FRONTENAC**

The attached explanatory text, constituting Amendment Number \_\_\_\_ to the Official Plan of the Township of North Frontenac was prepared by the Council of the Township of North Frontenac under the provisions of Sections 17 and 21 of the *Planning Act, R.S.O. 1990, as amended*.

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Mayor, Ron Higgins

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Clerk, Tara Mieske

THE CORPORATION OF THE TOWNSHIP OF NORTH FRONTENAC

BY-LAW NUMBER \_\_\_\_\_

**Being a By-law to Adopt Official Plan Amendment Number \_\_\_\_\_ to the Official Plan for the Township of North Frontenac**

---

**WHEREAS** Amendment Number \_\_\_\_\_ to the Official Plan for the Township of North Frontenac has been supported by the Council of the Corporation of the Township of North Frontenac;

**AND WHEREAS** the Minister of Municipal Affairs and Housing is the approval authority for Official Plan Amendments for the Township of North Frontenac under the *Planning Act, R.S.O. 1990, as amended*;

**AND WHEREAS** The Corporation of the Township of North Frontenac has provided a copy of the proposed Amendment Number \_\_\_\_\_, to the Ministry of Municipal Affairs and Housing pursuant to 17(15)(a) of the *Planning Act, R.S.O. 1990 as amended*;

**NOW THEREFORE**, the Council of the Corporation of the Township of North Frontenac, in accordance with the provisions of Sections 17 and 21 of the *Planning Act, R.S.O. 1990, as amended*, hereby enacts as follows:

1. THAT Amendment Number \_\_\_\_\_ to the Official Plan of the Township of North Frontenac, consisting of the attached explanatory text and text amendments, is hereby adopted.
2. THAT the Clerk be authorized and directed to make application to the Ministry of Municipal Affairs and Housing for approval of Official Plan Amendment Number \_\_\_\_\_ for the Corporation of the Township of North Frontenac.
3. THAT this by-law shall come into force and take effect on the date of the final passing, subject to the provisions of Section 17 and the regulations under the *Planning Act, R.S.O. 1990 as amended*.

**READ a first and second time this \_\_\_\_\_ day of \_\_\_\_\_, 2016**

**READ a third time and finally passed this \_\_\_\_\_ day of \_\_\_\_\_, 2016**

---

\_\_\_\_\_  
Mayor, Ron Higgins

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\_\_\_\_\_  
Clerk, Tara Mieske

**AMENDMENT NUMBER \_\_\_\_ TO THE OFFICIAL PLAN  
FOR THE CORPORATION OF THE TOWNSHIP OF NORTH FRONTENAC**

**INDEX**

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**PART A – THE PREAMBLE** does not constitute part of this amendment.

Purpose	5
Location	5
Basis of the Amendment	5

**PART B – THE AMENDMENT** consisting of the following text constitutes Amendment Number \_\_\_\_ to the Official Plan for Township of North Frontenac.

Introductory Statement	7
Details of the Amendment	7
Implementation and Interpretation	12

**THE APPENDICES** – The appendices do not constitute part of this amendment.

APPENDIX A- Certification of Compliance with Public Involvement and Notice Requirements	
APPENDIX B- Notice of Public Meeting	(Not Attached)
APPENDIX C- Minutes of the Public Meeting	(Not Attached)
APPENDIX D- Written Submissions	(Not Attached)
APPENDIX E- Certification of True Copy	(Not Attached)

**PART A – THE PREAMBLE**

The title of this amendment is "AMENDMENT NO. \_\_\_\_" to the Official Plan of the Township of North Frontenac hereinafter referred to as "AMENDMENT NO. \_\_\_\_".

- PURPOSE

The purpose of Amendment No. \_\_\_\_ is to amend the Official Plan of the Township of North Frontenac to include new Private Lane policies and update existing Transportation policies in the Township of North Frontenac.

- LOCATION

Private Lane policies will apply to all existing and proposed private lanes in all parts of the Township.

- BASIS OF THE AMENDMENT

The purpose of the amendment is to implement the recommendations of the Private Roads (Lanes) Study: Final Report prepared for the County of Frontenac and the Township of North Frontenac, dated June 15, 2016. The recommendations of the Private Roads (Lanes) Study will include amendments to the Transportation policies of the Plan and the addition of new Private Lane policies to the Lake Development Area policies of the Plan in order to guide development on new and existing private lanes in the Township.

The Private Roads (Lanes) Study contains the following conclusions and recommendations applicable to the Township of North Frontenac:

### **Seasonal vs. Permanent Residential Screening**

Prior to the review of an application for new lot development that would result in the infilling or minor extension of an existing private lane, an assessment of permanent and seasonal residential land use should be completed for the entire lane. Where a majority of existing development on a private lane is determined to be permanent residential, or where the private lane is located in an area where conversion rates will likely result in a majority of permanent residential development in the future, no new lot development in the form of limited infilling or minor extensions shall be permitted unless the private is developed within a common element or vacant land condominium and the lane is constructed to the Township's private lane standard.

### **Private Lane Standards**

A private lane standard has been developed in consultation with each of the Township's public works department staff. This standard should be the minimum standard accepted for new private lanes, major extensions of existing private lanes or for new lot development on existing lanes where a majority of existing land use is permanent residential. Where the Township's private lane standard is greater than the connecting public road, Council may approve development on condition that the private lane is constructed to a standard which is equal to the connecting public road. For limited infilling and minor extensions to existing private lanes, the

lanes should be constructed to a standard which is considered acceptable for emergency service delivery by the Township's public works and fire department staff.

## **Rural Service Levels**

A review of legal mechanisms for the long-term maintenance of private lane standards through new lot development concludes that common element agreements should most appropriately be implemented where a new lane or a major extension to an existing lane is proposed as part of an application for subdivision or vacant land condominium. Development agreements should be implemented as a condition of consent for infilling and minor extensions to existing private lanes.

### **Infilling and Extension of New Lots on Existing Lanes**

There is limited development potential for infilling and extensions on existing private lanes. Approximately 92% of all existing private lanes in the Township of North Frontenac have no infilling potential and approximately 89% of all existing private lanes have no extension potential. This Study supports infilling and minor extensions of existing private lanes up to three (3) lots. Major extensions of existing private lanes involving four (4) or more new lots should take place by a plan of subdivision or condominium. Additional consents, above the number of consents that may be granted per holding, should be allowed where the creation of additional lots will complete the development potential of the lane.

Conditions of development approval can be implemented for new lots created through infilling and extensions in order to improve the standard of existing deficient lanes. The scale of new lot development created as a result of infilling and extensions is quite limited, when compared to the scale of existing development on private lanes throughout the Township of North Frontenac. Therefore, new lot development through infilling and limited extensions will serve to increase the suitability of existing lanes for the provision of emergency service vehicles with minimal financial impacts on local municipalities over the long-term.

### **New Private Lanes**

There is still a significant amount of undeveloped shoreline in the Township of North Frontenac. A common elements condominium should be required for any new private lane development. This approach establishes the ownership and maintenance of the lane among all owners, and provides a legal obligation to ensure that sufficient funds are in place to ensure the ongoing maintenance of the lane in perpetuity.

### **Assumption of Private Lanes**

Prior to the assumption of a private lane as a public road, this Study recommends that Council conduct a financial assessment of the long-term capital and operating costs of assuming a private lane as a public road. No private lane should be assumed into a municipal road system unless Council is satisfied that the annual maintenance or long-term operating costs will not place an undue burden on the costs of operating the municipality's road system.

## **Private Lane Monitoring**

Although there are challenges to controlling the conversion of seasonal residential dwellings to permanent residential use, it is possible to monitor the location of where these trends are occurring and anticipate where this trend is likely to occur in the future. This Study provides a detailed inventory and data base of information on every identified private lane in the Township of North Frontenac. This data should be used to assess permanent and seasonal residential land use trends on an existing lane at the time that applications for new lot development are received for infilling or extension purposes. This inventory and data base should also be updated at the time that each local official plan is reviewed in order to evaluate changes in land use patterns on private lanes, and to assess development activity, future development potential, and seasonal to permanent residential conversion trends. The intent of this evaluation will be to monitor the effectiveness of the local municipal private lane policies.

## **PART B – THE AMENDMENT**

- INTRODUCTORY STATEMENT

All of this part of the document entitled “Part B – The Amendment” consisting of the following text is AMENDMENT NO. \_\_\_ to the Official Plan of the Township of North Frontenac.

- DETAILS OF THE AMENDMENT

### **Item 1:**

The second sentence of the second paragraph of Subsection 4.10.1. of Section 4.10 “Lake Development Area” of the Official Plan is amended by adding “limited service residential development” to the list of permitted uses as follows:

*“Permitted uses in this land use designation include low-density residential development, limited service residential development, tourist commercial uses listed in Section 4.7, and recreational vehicle parks and campground uses listed in Section 4.8.”*

### **Item 2:**

Subsection 4.10.2. of Section 4.10 “Lake Development Area” of the Official Plan is amended by adding a new Subsection 4.10.2 G. immediately after Subsection 4.10.2 F. as follows:

#### **“G. *Private Lane Policies***

*Limited service residential development is generally located in the “Lake Development Area” of the Township on a body of water or a natural watercourse, where the primary means of access is from a private lane. The development of new “waterfront limited service residential lots” on private lanes shall be considered for approval based on the Private Lane policies of this plan.*

**(i) Seasonal vs. Permanent Residential Screening Policy**

*Prior to the review of an application for new lot development that would result in the infilling or minor extension of an existing private lane, an assessment of permanent and seasonal residential land use should be completed for the entire lane. Where a majority of existing development on a private lane is determined to be permanent residential, or where the private lane is located in an area where conversion rates will likely result in a majority of permanent residential development in the future, no new lot development in the form of limited infilling or minor extensions shall be permitted unless:*

- (a) The private lane is constructed to the Private Lane Construction Standards set out in Appendix "3" to this Plan.*
- (b) The existing private lane is developed within a common element condominium pursuant to the Condominium Act, 1998, as amended, and connects directly to an existing public road.*

**(ii) Infilling**

*Where a majority of existing development on a private lane is seasonal residential, severances for new "infill" lots may be permitted along existing private lanes, provided that the condition of the lane abutting the new lot(s) is improved to the Private Lane Construction Standards set out in Appendix "3" to this Plan. In addition, the whole of the lane travelled on reach the new proposed lot(s) will be required to be improved to a minimum standard to allow accessibility to the new lot(s) by emergency service vehicles.*

**(iii) Private Lane Extensions**

*New lot development on "extensions" of existing private lanes may be permitted in accordance with the Category "A" or Category "B" policies for private lane extensions. The determination of whether the Category "A" or "B" policies apply to a given private lane extension shall be based upon an assessment of the overall future development potential of the private lane extension. The Category "A" private lane policies apply where an assessment of the development potential of the private lane concludes that minor extension of one (1), two (2) or three (3) new lots will complete the development potential of the private lane. The Category "B" private lane policies will apply where an assessment of the development potential of the private lane concludes that four (4) or more lots may be created from the private lane extension. Where a private lane has been assessed as having potential for extension of four (4) or more lots, the Category "A" policies will not apply.*

**(a) Category “A” (Minor) Private Lane Extensions**

- (I) *Severances for one (1) or two (2) new lots on an extension to an existing private lane that would complete the development potential of the lane may be permitted provided that the extension is designed and constructed in accordance with the Private Lane Construction Standards set out in Appendix “3” to this Plan. In addition, the whole of the existing lane travelled to reach the proposed new lot(s) will be required to be constructed to a standard that would allow accessibility to the new lot(s) by emergency vehicles.*
- (II) *Severance for a private land extension resulting in the creation of three (3) new lots completing the development potential of the lane may be permitted provided that the private lane extension and the whole of the existing lane travelled to reach the new proposed lots will be required to be improved to the Private Lane Construction Standards set out in Appendix “3” to this Plan.*
- (III) *The new lane may only be constructed to the point of access to the last lot on the lane rather than along the full lot frontage for the lot, as required by the implementing zoning by-law.*
- (IV) *Notwithstanding any provision of this Plan that restricts the maximum number of land severances per holding, up to three (3) new limited service residential lots may be permitted per private lane, provided that the creation of the proposed lots completes the development potential of the private lane.*

**(b) Category “B” (Major) Private Lane Extensions**

- (I) *New development on extensions of private lanes having the potential for the creation of four (4) or more limited service residential lots may be created by a plan of subdivision or condominium, where the private lane shall be created as a common element condominium and managed by a condominium corporation.*
- (II) *The private lane extension for the proposed lots and the whole of the existing lane travelled on to reach the new proposed lots will be required to be improved to the Private Lane Construction Standards set out in Appendix “3” to this Plan or such other standard deemed appropriate by the Township.*
- (III) *The owner of the existing private lane and all persons having an existing right-of-way (including unregistered rights of ways that have been legally obtained over time through actual usage) over the existing private lane will have to consent to the creation of the*

condominium. If this requirement cannot be fulfilled, then a major extension of an existing private lane cannot be granted.

**(iv) New Private Lanes**

*Lot development on new private lanes may be permitted by severance, or by a registered plan of condominium, provided that the new private lane intersects with an existing public road, and is designed and constructed in accordance with the Private Lane Construction Standards set out in Appendix “3” to this Plan and provided that the entire lane is governed by a condominium agreement.*

**(v) Private Lane Condition of Severance or Condominium Approval**

*As a condition of severance or condominium approval for all waterfront limited service residential lots, the owner of the subject property shall enter into an agreement with the Township to construct the private lane to the Private Lane Construction Standards set out in Appendix “3” to this Plan or such other standards which are determined to be appropriate for emergency service delivery. The agreement shall be registered against the title to the lots and include provisions acknowledging:*

- (a) *The Township does not maintain or repair the private lane.*
- (b) *The Township does not provide municipal services normally associated with public roads.*
- (c) *The owners are responsible for all costs necessary to maintain the private lane.*
- (d) *The Township is not responsible for any loss or damage created by the owner’s failure to maintain the private lane.*
- (e) *The owners agree to indemnify the Township for any loss or damage.”*

**Item 3:**

Section 5.3 “Private Lanes” of the Official Plan is amended by deleting Subsections 5.3.2., 5.3.3., 5.3.4. and 5.3.5. and adding Subsections 5.3.2. and 5.3.3. immediately after Subsection 5.3.1. as follows:

**“5.3.2. Private Lane Standards**

*The road construction standard included in this Plan as Appendix “3” shall be deemed to be the “Township’s standards for new private lanes” for the purposes of Section 4.10.1. G. Private Lane Policies.*

### **5.3.3. Private Lane Assumptions**

*Council will consider the assumption of a private lane as a public road provided that the road is brought up to the Township's municipal road standard. Prior to the assumption of a private lane as a public road, Council will conduct a financial assessment of the long-term capital and operating costs for servicing the road. This assessment will include an estimate of the annual maintenance costs, repair costs and the long term life cycle replacement costs of assuming the private lane as a public road, and the impact of these costs on the operation of the Township's roads system. The financial assessment will be carried out by a qualified professional, at the expense of the individual or group petitioning for the private lane to be assumed as a public road. No private lane will be assumed into the Township's road system unless Council is satisfied that the annual maintenance or long term capital and operating costs will not place an undue burden on the costs of operating the Township's road system.”*

#### **Item 4:**

Section 5.3 “Private Lanes” of the Official Plan is amended by renumbering Subsections 5.3.6. and 5.3.7. of the Plan to Subsections 5.3.4. and 5.3.5. respectively.

#### **Item 5:**

That the “Private Lane Construction Standards” listed below, be added as “Appendix 3” to the Official Plan.

#### ***“Private Lane Construction Standards”***

<b>Right-of-Way width</b>	20.0 m (66 ft)
<b>Width of Clearing,</b>	9.0 m (30 ft)
<b>Surface Width,</b>	6.0 m (20 ft)
<b>Surface Material</b>	Crushed stone
<b>Depth of Surface Material, (Gran. “A”)</b>	100 mm (4 in)
<b>Depth of Base Material/Cover over bedrock (Gran. “B”)</b>	150 mm (6 in)
<b>Depth of Base Material / (Gran. “B”)</b>	300 mm (12 in)
<b>Granular Shoulder, Including</b>	1.0m (3 ft)

<b>Rounding</b>	
<b>Crown, Minimum</b>	2%
<b>Cross Culvert</b>	400 mm (16 in) - 300mm (12 in) minimum cover
<b>Culvert Material</b>	Aluminized Corrugated steel pipe/High density polyethylene (double wall)
<b>Maximum Vertical Grade</b>	12% (1:8) Minimum vertical curve length subject to design speed requirements
<b>Horizontal Turning Radius</b>	Minimum centerline radius 12.0 m (40.0 ft) – Subject to design speed requirements
<b>Ontario Building Code requirements</b>	Safe passage of emergency vehicles Maximum change of gradient not more than 1 in 12.5 (8%) over a minimum distance of 15 m (50 ft). Turnaround for dead-end portion of road more than 90.0m (295 ft) long.
<b>Ditches, Minimum Depth from Road Centerline to Bottom of Ditch</b>	0.5 m (1.5 ft) or 0.15 m (6 in) below bottom of granular B whichever is lower
<b>Overhead Clearance Height</b>	5.0 m (16 ft) minimum"

- IMPLEMENTATION AND INTERPRETATION

The implementation of this amendment shall be in accordance with the provisions of the Planning Act. The further implementation and associated interpretation of this amendment shall be in accordance with the relevant text and mapping schedules of the existing Official Plan of the Township of North Frontenac and applicable legislation.

## **APPENDIX A**

### **CERTIFICATION OF COMPLIANCE WITH PUBLIC INVOLVEMENT AND NOTICE REQUIREMENTS**

I, Tara Mieske, Clerk, hereby certify that the requirements for the giving of notice, and the holding of at least one public meeting as set out in Subsection 17(15) of the *Planning Act*, R.S.O. 1990, as amended and giving of notice as set out in Section 17(24) of the *Planning Act*, R.S.O. 1990, as amended have been complied with.

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Clerk, Tara Mieske

**Appendix E-3 Draft Township of Central Frontenac Official Plan Amendment**

**AMENDMENT NUMBER \_\_\_\_ TO THE OFFICIAL PLAN  
FOR THE  
CORPORATION OF THE TOWNSHIP OF CENTRAL FRONTENAC**

**BY-LAW NO. \_\_\_\_\_**

**Private Lane Policies  
OFFICIAL PLAN AMENDMENT**

**AMENDMENT NUMBER \_\_\_\_ TO THE OFFICIAL PLAN  
FOR THE  
CORPORATION OF THE TOWNSHIP OF CENTRAL FRONTENAC**

The attached explanatory text, constituting Amendment Number \_\_\_\_\_ to the Official Plan of the Township of Central Frontenac was prepared by the Council of the Township of Central Frontenac under the provisions of Sections 17 and 22 of the *Planning Act, R.S.O. 1990, as amended*.

---

Mayor, Frances Smith

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Clerk, Cathy MacMunn

**THE CORPORATION OF THE TOWNSHIP OF CENTRAL FRONTENAC  
BY-LAW NUMBER \_\_\_\_\_**

**Being a By-law to Adopt Official Plan Amendment Number \_\_\_\_\_ to the Official Plan for the  
Township of Central Frontenac**

---

**WHEREAS** Amendment Number \_\_\_\_\_ to the Official Plan for the Township of Central Frontenac has been supported by the Council of the Corporation of the Township of Central Frontenac;

**AND WHEREAS** the Minister of Municipal Affairs and Housing is the approval authority for Official Plan Amendments for the Township of Central Frontenac under the *Planning Act, R.S.O. 1990, as amended*;

**AND WHEREAS** The Corporation of the Township of Central Frontenac has provided a copy of the proposed Amendment Number \_\_\_\_\_, to the Ministry of Municipal Affairs and Housing pursuant to 17(15)(a) of the *Planning Act, R.S.O. 1990 as amended*;

**NOW THEREFORE**, the Council of the Corporation of the Township of Central Frontenac, in accordance with the provisions of Sections 17 and 21 of the *Planning Act, R.S.O. 1990, as amended*, hereby enacts as follows:

4. THAT Amendment Number \_\_\_\_\_ to the Official Plan of the Township of Central Frontenac, consisting of the attached explanatory text and amending schedule, is hereby adopted.
5. THAT the Clerk be authorized and directed to make application to the Ministry of Municipal Affairs and Housing for approval of Official Plan Amendment Number \_\_\_\_\_ for the Corporation of the Township of Central Frontenac.
6. THAT this by-law shall come into force and take effect on the date of the final passing, subject to the provisions of Section 17 and the regulations under the *Planning Act, R.S.O. 1990 as amended*.

**READ a first and second time this \_\_\_\_\_ day of \_\_\_\_\_, 2016**

**READ a third time and finally passed this \_\_\_\_\_ day of \_\_\_\_\_, 2016**

---

\_\_\_\_\_  
Mayor, Frances Smith

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\_\_\_\_\_  
Clerk, Cathy MacMunn

**AMENDMENT NUMBER \_\_\_\_ TO THE OFFICIAL PLAN  
FOR THE CORPORATION OF THE TOWNSHIP OF CENTRAL FRONTENAC**

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PART A – THE PREAMBLE does not constitute part of this amendment.

Purpose	5
Location	5
Basis of The Amendment	5

PART B – THE AMENDMENT consisting of the following text and amending schedule constitutes Amendment Number \_\_\_\_ to the Official Plan for Township of Central Frontenac.

Introductory Statement	7
Details of the Amendment	7
Implementation and Interpretation	13
Schedule A (Not attached)	
Schedule B (Not attached)	
Schedule C (Not attached)	
Schedule D (Not attached)	
Schedule E (Not attached)	

THE APPENDICES – The appendices do not constitute part of this amendment.

APPENDIX A- Certification of Compliance with Public Involvement and Notice Requirements	
APPENDIX B- Notice of Public Meeting	(Not attached)
APPENDIX C- Minutes of the Public Meeting	(Not attached)
APPENDIX D- Written Submissions	(Not attached)
APPENDIX E- Certification of True Copy	(Not attached)

## **PART A – THE PREAMBLE**

The title of this amendment is “AMENDMENT NO. \_\_\_\_” to the Official Plan of the Township of Central Frontenac hereinafter referred to as “AMENDMENT NO. \_\_\_\_”.

- **PURPOSE**

The purpose of Amendment No. \_\_\_\_ is to amend the Official Plan of the Township of Central Frontenac to include new Private Lane policies and update existing Transportation policies in the Township of Central Frontenac and to re-designate shorelines on the map schedules to the Official Plan from “Rural” to “Waterfront District”.

- **LOCATION**

Private Lane policies will apply to all existing and proposed private lanes in all parts of the Township.

### **BASIS OF THE AMENDMENT**

The purpose of the amendment is to implement the recommendations of the Private Roads (Lanes) Study: Final Report prepared for the County of Frontenac and the Township of Central Frontenac, dated June 15, 2016. The recommendations of the Private Roads (Lanes) Study will include amendments to the Transportation policies of the Plan and the addition of Private Lane policies to the Waterfront District policies of the Plan to guide development on new and existing private lanes in the Township.

The “Rural Area – Residential Uses” policies of the Plan, presently require an Official Plan amendment to a “Waterfront District Designation” to permit waterfront development within 300 m of the shoreline of a waterbody. This Official Plan amendment will re-designate all existing “Rural” lands along shorelines in the Township to “Waterfront District”.

The Private Roads (Lanes) Study contains the following conclusions and recommendations applicable to the Township of Central Frontenac:

### **Seasonal vs. Permanent Residential Screening**

Prior to the review of an application for new lot development that would result in the infilling or minor extension of an existing private lane, an assessment of permanent and seasonal residential land use should be completed for the entire lane. Where a majority of existing development on a private lane is determined to be permanent residential, or where the private lane is located in an area where conversion rates will likely result in a majority of permanent residential development in the future, no new lot development in the form of limited infilling or minor extensions shall be

permitted unless the private is developed within a common element or vacant land condominium and the lane is constructed to the Township's private lane standard.

## **Private Lane Standards**

A private lane standard has been developed in consultation with each of the Township's public works department staff. This standard should be the minimum standard accepted for new private lanes, major extensions of existing private lanes or for new lot development on existing lanes where a majority of existing land use is permanent residential. Where the Township's private lane standard is greater than the connecting public road, Council may approve development on condition that the private lane is constructed to a standard which is equal to the connecting public road. For limited infilling and minor extensions to existing private lanes, the lanes should be constructed to a standard which is considered acceptable for emergency service delivery by the Township's public works and fire department staff.

## **Rural Service Levels**

A review of legal mechanisms for the long-term maintenance of private lane standards through new lot development concludes that common element agreements should most appropriately be implemented where a new lane or a major extension to an existing lane is proposed as part of an application for subdivision or vacant land condominium. Development agreements should be implemented as a condition of consent for infilling and minor extensions to existing private lanes.

## **Infilling and Extension of New Lots on Existing Lanes**

There is limited development potential for infilling and extensions on existing private lanes. Approximately 86% of all existing private lanes in the Township of Central Frontenac have no infilling potential and approximately 73% of all existing private lanes have no extension potential. This Study supports infilling and minor extensions of existing private lanes up to three (3) lots. Major extensions of existing private lanes involving four (4) or more new lots should take place by a plan of subdivision or condominium. Additional consents, above the number of consents that may be granted per holding, should be allowed where the creation of additional lots will complete the development potential of the lane.

Conditions of development approval can be implemented for new lots created through infilling and extensions in order to improve the standard of existing deficient lanes. The scale of new lot development created as a result of infilling and extensions is quite limited, when compared to the scale of existing development on private lanes throughout the Township of Central Frontenac. Therefore, new lot development through infilling and limited extensions will serve to increase the suitability of existing lanes for the provision of emergency service vehicles with minimal financial impacts on local municipalities over the long-term.

## **New Private Lanes**

There is still a significant amount of undeveloped shoreline in the Township of Central Frontenac. A common elements condominium should be required for any new private lane development. This approach establishes the ownership and maintenance of the lane among all owners, and provides a legal obligation to ensure that sufficient funds are in place to ensure the ongoing maintenance of the lane in perpetuity.

### **Assumption of Private Lanes**

Prior to the assumption of a private lane as a public road, this Study recommends that Council conduct a financial assessment of the long-term capital and operating costs of assuming a private lane as a public road. No private lane should be assumed into a municipal road system unless Council is satisfied that the annual maintenance or long-term operating costs will not place an undue burden on the costs of operating the municipality's road system.

### **Private Lane Monitoring**

Although there are challenges to controlling the conversion of seasonal residential dwellings to permanent residential use, it is possible to monitor the location of where these trends are occurring and anticipate where this trend is likely to occur in the future. This Study provides a detailed inventory and data base of information on every identified private lane in the Township of Central Frontenac. This data should be used to assess permanent and seasonal residential land use trends on an existing lane at the time that applications for new lot development are received for infilling or extension purposes. This inventory and data base should also be updated at the time that each local official plan is reviewed in order to evaluate changes in land use patterns on private lanes, and to assess development activity, future development potential, and seasonal to permanent residential conversion trends. The intent of this evaluation will be to monitor the effectiveness of the local municipal private lane policies.

## **PART B – THE AMENDMENT**

- INTRODUCTORY STATEMENT

All of this part of the document entitled “Part B – The Amendment” consisting of the following text is AMENDMENT NO. \_\_\_\_\_ to the Official Plan of the Township of Central Frontenac.

- DETAILS OF THE AMENDMENT

### **Item 1:**

“Schedules A1 Village of Sharbot Lake Land Use Plan, A2 – Geographic Township of Kennebec Land Use Plan, A3 – Geographic Township of Olden Land Use Plan, A4 – Geographic

Township of Oso Land Use Plan, and A5 – Geographic Township of Hinchinbrooke Land Use Plan” are amended by re-designating lands from “Rural” to “Waterfront District” as shown on Schedules A, B, C, D and E attached to this Official Plan Amendment.

**Item 2:**

Section 2.9 “Public Service Facilities” of the Official Plan is amended by deleting the last sentence in its entirety.

**Item 3:**

Subsection 3.6.2 1. of Section 3.6.2 “Rural Area – Residential Uses” of the Official Plan is amended by deleting the last sentence of the second paragraph in its entirety.

**Item 4:**

Section 3.6.2 2. B. of Section 3.6.2 “Rural Area – Residential Uses” of the Official Plan is amended by deleting the second and third sentences in their entirety and adding “Unless otherwise provided in this Plan,” at the beginning of the first sentence as follows:

*“Unless otherwise provided in this Plan, development will generally be directed to the existing network of year round maintained township roads and to existing approved plans of subdivision.”*

**Item 5:**

Subsection 3.6.3 2. of Section 3.6.3 “Rural Area – Waterfront District Designation” of the Official Plan is amended by adding “limited service residential” to the list of permitted uses as follows:

*“Permitted uses within the Waterfront District Designation include seasonal and permanent residential, limited service residential and recreational commercial uses such as campgrounds, recreational vehicle parks, marinas, tourist lodges, golf courses and restaurants.”*

**Item 6:**

Subsection 3.6.3 13. of Section 3.6.3 “Rural Area – Waterfront District Designation” of the Official Plan is amended by deleting this Subsection in its entirety and replacing it with the following:

***“13. Private Lane Policies***

*Limited service residential development is generally located in the “Rural Area” (Waterfront District) of the Township on a body of water or a natural*

*watercourse, where the primary means of access is from a private lane. The development of new “waterfront limited service residential lots” on private lanes shall be considered for approval based on the Private Lane policies of this plan.*

**A. Seasonal vs. Permanent Residential Screening Policy**

*Prior to the review of an application for new lot development that would result in the infilling or minor extension of an existing private lane, an assessment of permanent and seasonal residential land use should be completed for the entire lane. Where a majority of existing development on a private lane is determined to be permanent residential, or where the private lane is located in an area where conversion rates will likely result in a majority of permanent residential development in the future, no new lot development in the form of limited infilling or minor extensions shall be permitted unless:*

- (i) The private lane is constructed to the Private Lane Construction Standards set out in Appendix “1” to this Plan.*
- (ii) The existing private lane is developed within a common element condominium pursuant to the Condominium Act, 1998, as amended, and connects directly to an existing public road.*

**B. Infilling**

*Where a majority of existing development on a private lane is seasonal residential, severances for new “infill” lots may be permitted along existing private lanes, provided that the condition of the lane abutting the new lot(s) is improved to the Private Lane Construction Standards set out in Appendix “1” to this Plan. In addition, the whole of the lane travelled on to reach the new proposed lot(s) will be required to be improved to a minimum standard to allow accessibility to the new lot(s) by emergency service vehicles.*

**C. Private Lane Extensions**

*New lot development on “extensions” of existing private lanes may be permitted in accordance with the Category “A” or Category “B” policies for private lane extensions. The determination of whether the Category “A” or “B” policies apply to a given private lane extension shall be based upon an assessment of the overall future development potential of the private lane extension. The Category “A” private lane policies apply where an assessment of the development potential of the private lane concludes that minor extension of one (1), two (2) or three (3) new lots*

*will complete the development potential of the private lane. The Category “B” private lane policies will apply where an assessment of the development potential of the private lane concludes that four (4) or more lots may be created from the private lane extension. Where a private lane has been assessed as having potential for extension of four (4) or more lots, the Category “A” policies will not apply.*

***(i) Category “A” (Minor) Private Lane Extensions***

- (a) Severances for one (1) or two (2) new lots on an extension to an existing private lane that would complete the development potential of the lane may be permitted provided that the extension is designed and constructed in accordance with the Private Lane Construction Standards set out in Appendix “1” to this Plan. In addition, the whole of the existing lane travelled to reach the proposed new lot(s) will be required to be constructed to a standard that would allow accessibility to the new lot(s) by emergency vehicles.*
- (b) Severance for a private land extension resulting in the creation of three (3) new lots completing the development potential of the lane may be permitted provided that the private lane extension and the whole of the existing lane travelled to reach the new proposed lots will be required to be improved to the Private Lane Construction Standards set out in Appendix “1” to this Plan.*
- (c) The new lane may only be constructed to the point of access to the last lot on the lane rather than along the full lot frontage for the lot, as required by the implementing zoning by-law.*
- (d) Notwithstanding any provision of this Plan that restricts the maximum number of land severances per holding, up to three (3) new limited service residential lots may be permitted per private lane, provided that the creation of the proposed lots completes the development potential of the private lane.*

***(ii) Category “B” (Major) Private Lane Extensions***

- (a) New development on extensions of private lanes having the potential for the creation of four (4) or more limited service residential lots may be created by a plan of subdivision or*

*condominium, where the private lane shall be created as a common element condominium and managed by a condominium corporation.*

- (b) The private lane extension for the proposed lots and the whole of the existing lane travelled on to reach the new proposed lots will be required to be improved to the Private Lane Construction Standards set out in Appendix “1” to this Plan or such other standard deemed appropriate by the Township.*
- (c) The owner of the existing private lane and all persons having an existing right-of-way (including unregistered rights of ways that have been legally obtained over time through actual usage) over the existing private lane will have to consent to the creation of the condominium. If this requirement cannot be fulfilled, then a major extension of an existing private lane cannot be granted.*

**D. *New Private Lanes***

*Lot development on new private lanes may be permitted by severance, or by a registered plan of condominium, provided that the new private lane intersects with an existing public road, and is designed and constructed in accordance with the Private Lane Construction Standards set out in Appendix “1” to this Plan and provided that the entire lane is governed by a condominium agreement.*

**E. *Private Lane Condition of Severance or Condominium Approval***

*As a condition of severance or condominium approval for all waterfront limited service residential lots, the owner of the subject property shall enter into an agreement with the Township to construct the private lane to the Private Lane Construction Standards set out in Appendix “1” to this Plan or such other standards which are determined to be appropriate for emergency service delivery. The agreement shall be registered against the title to the lots and include provisions acknowledging:*

- (i) The Township does not maintain or repair the private lane.*
- (ii) The Township does not provide municipal services normally associated with public roads.*
- (iii) The owners are responsible for all costs necessary to maintain the private lane.*

- (iv) *The Township is not responsible for any loss or damage created by the owner's failure to maintain the private lane.*
- (v) *The owners agree to indemnify the Township for any loss or damage."*

**Item 7:**

Section 4.5.3 “Private Roads” of the Official Plan is amended by deleting “Roads” and adding “Lane Standards” as follows:

**“4.5.3 Private Lane Standards”**

**Item 8:**

Section 4.5.3 “Private Roads” of the Official Plan is amended by deleting Subsections 4.5.3 3., 4.5.3 4., 4.5.3 5. and 4.5.3 6. and adding Subsections 4.5.3 3. and 4.5.3 4. immediately after Subsection 4.5.3 2. as follows:

- “3. *The road construction standard included in this Plan as Appendix “1” shall be deemed to be the “Township’s standards for new private lanes” for the purposes of Section 3.6.3 13. Private Lane Policies.*
- 4. *Council will consider the assumption of a private lane as a public road provided that the road is brought up to the Township’s municipal road standard. Prior to the assumption of a private lane as a public road, Council will conduct a financial assessment of the long-term capital and operating costs for servicing the road. This assessment will include an estimate of the annual maintenance costs, repair costs and the long term life cycle replacement costs of assuming the private lane as a public road, and the impact of these costs on the operation of the Township’s roads system. The financial assessment will be carried out by a qualified professional, at the expense of the individual or group petitioning for the private lane to be assumed as a public road. No private lane will be assumed into the Township’s road system unless Council is satisfied that the annual maintenance or long term capital and operating costs will not place an undue burden on the costs of operating the Township’s road system.”*

**Item 9:**

Appendix “1” of the Official Plan is deleted in its entirety and replaced with the following:

**“Appendix 1**

***Private Lane Construction Standards***

<b>Right-of-Way width</b>	20.0 m (66 ft)
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<b>Width of Clearing,</b>	9.0 m (30 ft)
<b>Surface Width,</b>	6.0 m (20 ft)
<b>Surface Material</b>	<i>Crushed stone</i>
<b>Depth of Surface Material, (Gran. "A")</b>	100 mm (4 in)
<b>Depth of Base Material/Cover over bedrock (Gran. "B")</b>	150 mm (6 in)
<b>Depth of Base Material / (Gran. "B")</b>	300 mm (12 in)
<b>Granular Shoulder, Including Rounding</b>	1.0m (3 ft)
<b>Crown, Minimum</b>	2%
<b>Cross Culvert</b>	400 mm (16 in) - 300mm (12 in) minimum cover
<b>Culvert Material</b>	<i>Aluminized Corrugated steel pipe/High density polyethylene (double wall)</i>
<b>Maximum Vertical Grade</b>	12% (1:8)  <i>Minimum vertical curve length subject to design speed requirements</i>
<b>Horizontal Turning Radius</b>	<i>Minimum centerline radius 12.0 m (40.0 ft)</i> <i>– Subject to design speed requirements</i>

<b><i>Ontario Building Code requirements</i></b>	<i>Safe passage of emergency vehicles</i>  <i>Maximum change of gradient not more than 1 in 12.5 (8%) over a minimum distance of 15 m (50 ft).</i>  <i>Turnaround for dead-end portion of road more than 90.0m (295 ft) long.</i>
<b><i>Ditches, Minimum Depth from Road Centerline to Bottom of Ditch</i></b>	<i>0.5 m (1.5 ft) or 0.15 m (6 in) below bottom of granular B whichever is lower</i>
<b><i>Overhead Clearance Height</i></b>	<i>5.0 m (16 ft) minimum"</i>

- IMPLEMENTATION AND INTERPRETATION

The implementation of this amendment shall be in accordance with the provisions of the Planning Act. The further implementation and associated interpretation of this amendment shall be in accordance with the relevant text and mapping schedules of the existing Official Plan of the Township of Central Frontenac and applicable legislation.

## APPENDIX A

### **CERTIFICATION OF COMPLIANCE WITH PUBLIC INVOLVEMENT AND NOTICE REQUIREMENTS**

I, Cathy MacMunn, Clerk, hereby certify that the requirements for the giving of notice, and the holding of at least one public meeting as set out in Subsection 17(15) of the *Planning Act, R.S.O. 1990, as amended* and giving of notice as set out in Section 17(24) of the *Planning Act, R.S.O. 1990, as amended* have been complied with.

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Clerk, Cathy MacMunn

**Appendix E-4 Draft Township of South Frontenac Official Plan Amendment**

**AMENDMENT NUMBER \_\_\_\_ TO THE OFFICIAL PLAN  
FOR THE  
CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC**

**BY-LAW NO. \_\_\_\_\_**

**Private Lane Policies  
OFFICIAL PLAN AMENDMENT**

**AMENDMENT NUMBER \_\_\_\_ TO THE OFFICIAL PLAN  
FOR THE  
CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC**

The attached explanatory text, constituting Amendment Number \_\_\_\_ to the Official Plan of the Township of South Frontenac was prepared by the Council of the Township of South Frontenac under the provisions of Sections 17 and 22 of the *Planning Act, R.S.O. 1990, as amended*.

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Mayor, Ron Vandewal

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Planner/Deputy Clerk, Lindsay Mills

**THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC**

**BY-LAW NUMBER \_\_\_\_\_**

**Being a By-law to Adopt Official Plan Amendment Number \_\_\_\_\_ to the Official Plan for the  
Township of South Frontenac**

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**WHEREAS** Amendment Number \_\_\_\_\_ to the Official Plan for the Township of South Frontenac has been supported by the Council of the Corporation of the Township of South Frontenac;

**AND WHEREAS** the Minister of Municipal Affairs and Housing is the approval authority for Official Plan Amendments for the Township of South Frontenac under the *Planning Act, R.S.O. 1990, as amended*;

**AND WHEREAS** The Corporation of the Township of South Frontenac has provided a copy of the proposed Amendment Number \_\_\_\_\_, to the Ministry of Municipal Affairs and Housing pursuant to 17(15)(a) of the *Planning Act, R.S.O. 1990 as amended*;

**NOW THEREFORE**, the Council of the Corporation of the Township of South Frontenac, in accordance with the provisions of Sections 17 and 21 of the *Planning Act, R.S.O. 1990, as amended*, hereby enacts as follows:

7. THAT Amendment Number \_\_\_\_\_ to the Official Plan of the Township of South Frontenac, consisting of the attached explanatory text and amending schedule, is hereby adopted.
8. THAT the Clerk be authorized and directed to make application to the Ministry of Municipal Affairs and Housing for approval of Official Plan Amendment Number \_\_\_\_\_ for the Corporation of the Township of South Frontenac.
9. THAT this by-law shall come into force and take effect on the date of the final passing, subject to the provisions of Section 17 and the regulations under the *Planning Act, R.S.O. 1990 as amended*.

**READ a first and second time this \_\_\_\_\_ day of \_\_\_\_\_, 2016**

**READ a third time and finally passed this \_\_\_\_\_ day of \_\_\_\_\_, 2016**

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\_\_\_\_\_  
Mayor, Ron Vandewal

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\_\_\_\_\_  
Planner/Deputy Clerk, Lindsay Mills

**AMENDMENT NUMBER \_\_\_\_ TO THE OFFICIAL PLAN  
FOR THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC**

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By-law Number ____	3
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**PART A – THE PREAMBLE** does not constitute part of this amendment.

Purpose	5
Location	5
Basis of The Amendment	5

**PART B – THE AMENDMENT** consisting of the following text and amending schedule constitutes Amendment Number \_\_\_\_ to the Official Plan for Township of South Frontenac.

Introductory Statement	7
Details of the Amendment	7
Implementation and Interpretation	14

**THE APPENDICES** – The appendices do not constitute part of this amendment.

APPENDIX A- Certification of Compliance with Public Involvement and Notice Requirements	
APPENDIX B- Notice of Public Meeting	(Not attached)
APPENDIX C- Minutes of the Public Meeting	(Not attached)
APPENDIX D- Written Submissions	(Not attached)
APPENDIX E- Certification of True Copy	(Not attached)

## **PART A – THE PREAMBLE**

The title of this amendment is “AMENDMENT NO. \_\_\_\_” to the Official Plan of the Township of South Frontenac hereinafter referred to as “AMENDMENT NO. \_\_\_\_”.

- **PURPOSE**

The purpose of Amendment No. \_\_\_\_ is to amend the Official Plan of the Township of South Frontenac to include new Private Lane policies and update existing Limited Service Residential Development policies in the Township of South Frontenac.

- **LOCATION**

Private Lane policies will apply to all existing and proposed private lanes in all parts of the Township.

### **BASIS OF THE AMENDMENT**

The purpose of the amendment is to implement the recommendations of the Private Roads (Lanes) Study: Final Report prepared for the County of Frontenac and the Township of South Frontenac, dated June 15, 2016. The recommendations of the Private Roads (Lanes) Study will include amendments to Schedule C(1) “Township of South Frontenac Roads and Lane Standard Cross-Section Policy” to include minor revisions to the private lane standards and the addition of new Private Lane policies to the Limited Service Residential Development Policies of the Plan in order to guide development on new and existing private lanes in the Township.

The Private Roads (Lanes) Study contains the following conclusions and recommendations applicable to the Township of South Frontenac:

#### **Seasonal vs. Permanent Residential Screening**

Prior to the review of an application for new lot development that would result in the infilling or minor extension of an existing private lane, an assessment of permanent and seasonal residential land use should be completed for the entire lane. Where a majority of existing development on a private lane is determined to be permanent residential, or where the private lane is located in an area where conversion rates will likely result in a majority of permanent residential development in the future, no new lot development in the form of limited infilling or minor extensions shall be permitted unless the private is developed within a common element or vacant land condominium and the lane is constructed to the Township’s private lane standard.

## **Private Lane Standards**

A private lane standard has been developed in consultation with each of the Township's public works department staff. This standard should be the minimum standard accepted for new private lanes, major extensions of existing private lanes or for new lot development on existing lanes where a majority of existing land use is permanent residential. Where the Township's private lane standard is greater than the connecting public road, Council may approve development on condition that the private lane is constructed to a standard which is equal to the connecting public road. For limited infilling and minor extensions to existing private lanes, the lanes should be constructed to a standard which is considered acceptable for emergency service delivery by the Township's public works and fire department staff.

## **Rural Service Levels**

A review of legal mechanisms for the long-term maintenance of private lane standards through new lot development concludes that common element agreements should most appropriately be implemented where a new lane or a major extension to an existing lane is proposed as part of an application for subdivision or vacant land condominium. Development agreements should be implemented as a condition of consent for infilling and minor extensions to existing private lanes.

## **Infilling and Extension of New Lots on Existing Lanes**

There is limited development potential for infilling and extensions on existing private lanes. Approximately 82% of all existing private lanes in the Township of South Frontenac have no infilling potential and approximately 85% of all existing private lanes have no extension potential. This Study supports infilling and minor extensions of existing private lanes up to three (3) lots. Major extensions of existing private lanes involving four (4) or more new lots should take place by a plan of subdivision or condominium. Additional consents, above the number of consents that may be granted per holding, should be allowed where the creation of additional lots will complete the development potential of the lane.

Conditions of development approval can be implemented for new lots created through infilling and extensions in order to improve the standard of existing deficient lanes. The scale of new lot development created as a result of infilling and extensions is quite limited, when compared to the scale of existing development on private lanes throughout the Township of South Frontenac. Therefore, new lot development through infilling and limited extensions will serve to increase the suitability of existing lanes for the provision of emergency service vehicles with minimal financial impacts on local municipalities over the long-term.

## **New Private Lanes**

There is still a significant amount of undeveloped shoreline in the Township of South Frontenac. A common elements condominium should be required for any new private lane development. This approach establishes the ownership and maintenance of the lane among all owners, and provides a legal obligation to ensure that sufficient funds are in place to ensure the ongoing maintenance of the lane in perpetuity.

## **Assumption of Private Lanes**

Prior to the assumption of a private lane as a public road, this Study recommends that Council conduct a financial assessment of the long-term capital and operating costs of assuming a private lane as a public road. No private lane should be assumed into a municipal road system unless Council is satisfied that the annual maintenance or long-term operating costs will not place an undue burden on the costs of operating the municipality's road system.

## **Private Lane Monitoring**

Although there are challenges to controlling the conversion of seasonal residential dwellings to permanent residential use, it is possible to monitor the location of where these trends are occurring and anticipate where this trend is likely to occur in the future. This Study provides a detailed inventory and data base of information on every identified private lane in the Township of South Frontenac. This data should be used to assess permanent and seasonal residential land use trends on an existing lane at the time that applications for new lot development are received for infilling or extension purposes. This inventory and data base should also be updated at the time that each local official plan is reviewed in order to evaluate changes in land use patterns on private lanes, and to assess development activity, future development potential, and seasonal to permanent residential conversion trends. The intent of this evaluation will be to monitor the effectiveness of the local municipal private lane policies.

## **PART B – THE AMENDMENT**

- INTRODUCTORY STATEMENT

All of this part of the document entitled “Part B – The Amendment” consisting of the following text is AMENDMENT NO. \_\_\_\_ to the Official Plan of the Township of South Frontenac.

- DETAILS OF THE AMENDMENT

**Item 1:**

Subsection 5.7.7 (1) c) of Section 5.7.7 “Limited Service Residential Policies” the Official Plan is amended by deleting Subsection 5.7.7 (1) c) in its entirety and adding a new Subsection 5.7.7 (1) c) immediately following Subsection 5.7.7 (1) b) as follows:

- “c) *New ‘waterfront limited service residential lots’ shall be considered for approval based on the following criteria:*
  - i) *Prior to the review of an application for new lot development that would result in the infilling or minor extension of an existing private lane, an assessment of permanent and seasonal residential land use should be completed for the entire lane. Where a majority of existing development on a private lane is determined to be permanent residential, or where the private lane is located in an area where conversion rates will likely result in a majority of permanent residential development in the future, no new lot development in the form of limited infilling or minor extensions shall be permitted unless:*
    - (iii) *The private lane is constructed to the Private Lane Construction Standards set out in Schedule “C(2)” to this Plan.*
    - (iv) *The existing private lane is developed within a common element condominium pursuant to the Condominium Act, 1998, as amended, and connects directly to an existing public road.*
  - ii) *Where a majority of existing development on a private lane is seasonal residential, severances for new “infill” lots may be permitted along existing private lanes, provided that the condition of the lane abutting the new lot(s) is improved to the Private Lane Construction Standards set out in Schedule “C(2)” to this Plan. In addition, the whole of the lane travelled on reach the new proposed lot(s) will be required to be improved to a minimum standard to allow accessibility to the new lot(s) by emergency service vehicles.*
  - iii) *New lot development on “extensions” of existing private lanes may be permitted in accordance with the Category “A” or Category “B” policies for private lane extensions. The determination of whether the Category “A” or “B” policies apply to a given private lane extension shall be based upon an assessment of the overall future development potential of the private lane extension. The Category “A” private lane policies apply where an assessment of the development potential of the private lane*

*concludes that minor extension of one (1), two (2) or three (3) new lots will complete the development potential of the private lane. The Category “B” private lane policies will apply where an assessment of the development potential of the private lane concludes that four (4) or more lots may be created from the private lane extension. Where a private lane has been assessed as having potential for extension of four (4) or more lots, the Category “A” policies will not apply.*

**1. Category “A” (Minor) Private Lane Extensions**

- (a) Severances for one (1) or two (2) new lots on an extension to an existing private lane that would complete the development potential of the lane may be permitted provided that the extension is designed and constructed in accordance with the Private Lane Construction Standards set out in Schedule “C(2)” to this Plan. In addition, the whole of the existing lane travelled to reach the proposed new lot(s) will be required to be constructed to a standard that would allow accessibility to the new lot(s) by emergency vehicles.*
- (b) Severance for a private land extension resulting in the creation of three (3) new lots completing the development potential of the lane may be permitted provided that the private lane extension and the whole of the existing lane travelled to reach the new proposed lots will be required to be improved to the Private Lane Construction Standards set out in Schedule “C(2)” to this Plan.*
- (c) The new lane may only be constructed to the point of access to the last lot on the lane rather than along the full lot frontage for the lot, as required by the implementing zoning by-law.*
- (d) Notwithstanding the maximum number of land severances per holding permitted in Sections 5.7.4 (ii) c) and 5.7.7 (1) b), up to three (3) new limited service residential lots may be permitted per private lane, provided that the creation of the proposed lots completes the development potential of the private lane.*

**2. Category “B” (Major) Private Lane Extensions**

- (a) New development on extensions of private lanes having the potential for the creation of four (4) or more limited service residential lots may be created by a plan of subdivision or*

*condominium, where the private lane shall be created as a common element condominium and managed by a condominium corporation.*

(b) The private lane extension for the proposed lots and the whole of the existing lane travelled on to reach the new proposed lots will be required to be improved to the Private Lane Construction Standards set out in Schedule “C(2)” to this Plan or such other standard deemed appropriate by the Township.

(c) The owner of the existing private lane and all persons having an existing right-of-way (including unregistered rights of ways that have been legally obtained over time through actual usage) over the existing private lane will have to consent to the creation of the condominium. If this requirement cannot be fulfilled, then a major extension of an existing private lane cannot be granted.

iv) *Lot development on new private lanes may be permitted by severance, or by a registered plan of condominium, provided that the new private lane intersects with an existing public road, and is designed and constructed in accordance with the Private Lane Construction Standards set out in Schedule “C(2)” to this Plan and provided that the entire lane is governed by a condominium agreement.”*

## Item 2:

Subsection 5.7.7 f) of Section 5.7.7 “Limited Service Residential Policies” of the Official Plan is amended by deleting the first paragraph in its entirety and replacing it with the following:

f) *“As a condition of severance or condominium approval for all waterfront limited service residential lots, the owner of the subject property shall enter into an agreement with the Township to construct the private lane to the Private Lane Construction Standards set out in Schedule C(2) to this Plan or such other standards which are determined to be appropriate for emergency service delivery. The agreement shall be registered against the title to the lots and include provisions acknowledging:”*

### Item 3:

Subsection 5.7.7 k) of Section 5.7.7 “Limited Service Residential Policies” of the Official Plan is amended by deleting Subsection 5.7.7 k) in its entirety and adding a new Subsection 5.7.7 k) immediately following Subsection 5.7.7 j) as follows:

*“k) Council will consider the assumption of a private lane as a public road provided that the road is brought up to the Township’s municipal road standard. Prior to the assumption of a private lane as a public road, Council will conduct a financial assessment of the long-term capital and operating costs for servicing the road. This assessment will include an estimate of the annual maintenance costs, repair costs and the long term life cycle replacement costs of assuming the private lane as a public road, and the impact of these costs on the operation of the Township’s roads system. The financial assessment will be carried out by a qualified professional, at the expense of the individual or group petitioning for the private lane to be assumed as a public road. No private lane will be assumed into the Township’s road system unless Council is satisfied that the annual maintenance or long term capital and operating costs will not place an undue burden on the costs of operating the Township’s road system.”*

**Item 4:**

Subsection 6.12 (a) of Section 6.12 “Frontage on Public Roads/Private Lanes” of the Official Plan is amended by deleting Subsection 6.12(a)(iii) in its entirety.

**Item 5:**

Section 6.13 “Conversion to Permanent Residential” of the Official Plan is amended by deleting Subsections 6.13(g) and 6.13(h) in their entirety.

**Item 6:**

Schedule C(1) “Township of South Frontenac Roads and Lane Standard Cross-Section Policy” of the Official Plan is amended by deleting the “Private Lane” Standards in their entirety and renaming the title of this Schedule as “Township of South Frontenac Roads Standard Cross-Section Policy”.

**Item 7:**

Schedule C ‘Transportation and Environmentally Sensitive Areas’ of the Official Plan is amended by adding a new “Schedule C(2)” immediately following Schedule “C(1)” as follows:

***“Township of South Frontenac  
Private Lane Construction Standards***

<b><i>Right-of-Way width</i></b>	<i>20.0 m (66 ft)</i>
<b><i>Width of Clearing,</i></b>	<i>9.0 m (30 ft)</i>
<b><i>Surface Width,</i></b>	<i>6.0 m (20 ft)</i>
<b><i>Surface Material</i></b>	<i>Crushed stone</i>
<b><i>Depth of Surface Material, (Gran. “A”)</i></b>	<i>100 mm (4 in)</i>
<b><i>Depth of Base Material/Cover over bedrock (Gran. “B”)</i></b>	<i>150 mm (6 in)</i>
<b><i>Depth of Base Material / (Gran. “B”)</i></b>	<i>300 mm (12 in)</i>
<b><i>Granular Shoulder, Including Rounding</i></b>	<i>1.0m (3 ft)</i>
<b><i>Crown, Minimum</i></b>	<i>2%</i>
<b><i>Cross Culvert</i></b>	<i>400 mm (16 in) - 300mm (12 in) minimum cover</i>
<b><i>Culvert Material</i></b>	<i>Aluminized Corrugated steel pipe/High density polyethylene (double wall)</i>
<b><i>Maximum Vertical Grade</i></b>	<i>12% (1:8)</i> <i>Minimum vertical curve length subject to</i>

	<i>design speed requirements</i>
<b>Horizontal Turning Radius</b>	<i>Minimum centerline radius 12.0 m (40.0 ft) – Subject to design speed requirements</i>
<b>Ontario Building Code requirements</b>	<i>Safe passage of emergency vehicles  Maximum change of gradient not more than 1 in 12.5 (8%) over a minimum distance of 15 m (50 ft).  Turnaround for dead-end portion of road more than 90.0m (295 ft) long.</i>
<b>Ditches, Minimum Depth from Road Centerline to Bottom of Ditch</b>	<i>0.5 m (1.5 ft) or 0.15 m (6 in) below bottom of granular B whichever is lower</i>
<b>Overhead Clearance Height</b>	<i>5.0 m (16 ft) minimum</i>

<b>Traffic Volume</b>	<b>Surface Type</b>	<b>Minimum Depth</b>
<200	<i>Crushed Gravel</i>	<i>375mm (15 inches)</i>
200-1000	<i>Double Surface Treatment</i>	<i>N/A</i>
<1000	<i>Asphalt</i>	<i>As per Development Guidelines”</i>

#### **Item 8:**

Section 4.10 “Transportation Goal” of the Official Plan is amended by deleting the words “and Schedule C(1) ‘Road/Lane Classification Standards’ which specifies minimum standards for new public roads and private lanes and for upgrading of existing private lanes” and adding a new sentence as follows:

*“. Schedule “C(1)” Township of South Frontenac Road Standard Cross-Section Policy specifies the minimum standards for new public roads. Schedule “C(2)” Township of South Frontenac Private Lane Construction Standards specifies the minimum standards for new private lanes.”*

- **IMPLEMENTATION AND INTERPRETATION**

The implementation of this amendment shall be in accordance with the provisions of the Planning Act. The further implementation and associated interpretation of this amendment shall be in accordance with the relevant text and mapping schedules of the existing Official Plan of the Township of South Frontenac and applicable legislation.

## APPENDIX A

### **CERTIFICATION OF COMPLIANCE WITH PUBLIC INVOLVEMENT AND NOTICE REQUIREMENTS**

I, Lindsay Mills, Planner/Deputy Clerk, hereby certify that the requirements for the giving of notice, and the holding of at least one public meeting as set out in Subsection 17(15) of the *Planning Act, R.S.O. 1990, as amended* and giving of notice as set out in Section 17(24) of the *Planning Act, R.S.O. 1990, as amended* have been complied with.

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Planner/Deputy Clerk, Lindsay Mills

**Appendix E-5 Draft Township of Frontenac Islands Official Plan Amendment**

**AMENDMENT NUMBER \_\_\_\_ TO THE OFFICIAL PLAN  
FOR THE  
CORPORATION OF THE TOWNSHIP OF FRONTENAC ISLANDS**

**BY-LAW NO. \_\_\_\_\_**

**Private Lane Policies  
OFFICIAL PLAN AMENDMENT**

**AMENDMENT NUMBER \_\_\_ TO THE OFFICIAL PLAN  
FOR THE  
CORPORATION OF THE TOWNSHIP OF FRONTENAC ISLANDS**

The attached explanatory text, constituting Amendment Number \_\_\_ to the Official Plan of the Township of Frontenac Islands was prepared by the Council of the Township of Frontenac Islands under the provisions of Sections 17 and 21 of the *Planning Act, R.S.O. 1990, as amended*.

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Mayor, Denis Doyle

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CAO, Clerk and Treasurer, Darlene Plumley

# THE CORPORATION OF THE TOWNSHIP OF FRONTENAC ISLANDS

## BY-LAW NUMBER \_\_\_\_\_

### Being a By-law to Adopt Official Plan Amendment Number \_\_\_\_\_ to the Official Plan for the Township of Frontenac Islands

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**WHEREAS** Amendment Number \_\_\_\_\_ to the Official Plan for the Township of Frontenac Islands has been supported by the Council of the Corporation of the Township of Frontenac Islands;

**AND WHEREAS** the Minister of Municipal Affairs and Housing is the approval authority for Official Plan Amendments for the Township of Frontenac Islands under the *Planning Act, R.S.O. 1990, as amended*;

**AND WHEREAS** The Corporation of the Township of Frontenac Islands has provided a copy of the proposed Amendment Number \_\_\_\_\_, to the Ministry of Municipal Affairs and Housing pursuant to 17(15)(a) of the *Planning Act, R.S.O. 1990 as amended*;

**NOW THEREFORE**, the Council of the Corporation of the Township of Frontenac Islands, in accordance with the provisions of Sections 17 and 21 of the *Planning Act, R.S.O. 1990, as amended*, hereby enacts as follows:

10. THAT Amendment Number \_\_\_\_\_ to the Official Plan of the Township of Frontenac Islands, consisting of the attached explanatory text and text amendments, is hereby adopted.
11. THAT the Clerk be authorized and directed to make application to the Ministry of Municipal Affairs and Housing for approval of Official Plan Amendment Number \_\_\_\_\_ for the Corporation of the Township of Frontenac Islands.
12. THAT this by-law shall come into force and take effect on the date of the final passing, subject to the provisions of Section 17 and the regulations under the *Planning Act, R.S.O. 1990 as amended*.

**READ a first and second time this \_\_\_\_\_ day of \_\_\_\_\_, 2016**

**READ a third time and finally passed this \_\_\_\_\_ day of \_\_\_\_\_, 2016**

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\_\_\_\_\_  
Mayor, Denis Doyle

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\_\_\_\_\_  
CAO, Clerk and Treasurer, Darlene Plumley

**AMENDMENT NUMBER \_\_\_\_ TO THE OFFICIAL PLAN  
FOR THE CORPORATION OF THE TOWNSHIP OF FRONTENAC ISLANDS**

**INDEX**

	<u>PAGE</u>
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By-law Number ____	3
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**PART A – THE PREAMBLE** does not constitute part of this amendment.

Purpose	5
Location	5
Basis of the Amendment	5

**PART B – THE AMENDMENT** consisting of the following text constitutes Amendment Number \_\_\_\_ to the Official Plan for Township of Frontenac Islands.

Introductory Statement	7
Details of the Amendment	7
Implementation and Interpretation	12

**THE APPENDICES** – The appendices do not constitute part of this amendment.

APPENDIX A- Certification of Compliance with Public Involvement and Notice Requirements	
APPENDIX B- Notice of Public Meeting	(Not Attached)
APPENDIX C- Minutes of the Public Meeting	(Not Attached)
APPENDIX D- Written Submissions	(Not Attached)
APPENDIX E- Certification of True Copy	(Not Attached)

## **PART A – THE PREAMBLE**

The title of this amendment is “AMENDMENT NO. \_\_\_\_” to the Official Plan of the Township of Frontenac Islands hereinafter referred to as “AMENDMENT NO. \_\_\_\_”.

- **PURPOSE**

The purpose of Amendment No. \_\_\_\_ is to amend the Official Plan of the Township of Frontenac Islands to include new Private Lane policies and update existing Transportation policies in the Township of Frontenac Islands.

- **LOCATION**

Private Lane policies will apply to all existing and proposed private lanes in all parts of the Township.

- **BASIS OF THE AMENDMENT**

The purpose of the amendment is to implement the recommendations of the Private Roads (Lanes) Study: Final Report prepared for the County of Frontenac and the Township of Frontenac Islands, dated June 15, 2016. The recommendations of the Private Roads (Lanes) Study will include amendments to the Transportation policies of the Plan and the addition of new Private Lane policies to the Rural policies of the Plan in order to guide development on new and existing private lanes in the Township.

The Private Roads (Lanes) Study contains the following conclusions and recommendations applicable to the Township of Frontenac Islands:

### **Seasonal vs. Permanent Residential Screening**

Prior to the review of an application for new lot development that would result in the infilling or minor extension of an existing private lane, an assessment of permanent and seasonal residential land use should be completed for the entire lane. Where a majority of existing development on a private lane is determined to be permanent residential, or where the private lane is located in an area where conversion rates will likely result in a majority of permanent residential development in the future, no new lot development in the form of limited infilling or minor extensions shall be permitted unless the private is developed within a common element or vacant land condominium and the lane is constructed to the Township’s private lane standard.

### **Private Lane Standards**

A private lane standard has been developed in consultation with each of the Township’s public works department staff. This standard should be the minimum standard accepted for new private

lanes, major extensions of existing private lanes or for new lot development on existing lanes where a majority of existing land use is permanent residential. Where the Township's private lane standard is greater than the connecting public road, Council may approve development on condition that the private lane is constructed to a standard which is equal to the connecting public road. For limited infilling and minor extensions to existing private lanes, the lanes should be constructed to a standard which is considered acceptable for emergency service delivery by the Township's public works and fire department staff.

## **Rural Service Levels**

A review of legal mechanisms for the long-term maintenance of private lane standards through new lot development concludes that common element agreements should most appropriately be implemented where a new lane or a major extension to an existing lane is proposed as part of an application for subdivision or vacant land condominium. Development agreements should be implemented as a condition of consent for infilling and minor extensions to existing private lanes.

## **Infilling and Extension of New Lots on Existing Lanes**

There is limited development potential for infilling and extensions on existing private lanes. Approximately 72% of all existing private lanes in the Township of Frontenac Islands have no infilling potential and approximately 77% of all existing private lanes have no extension potential. This Study supports infilling and minor extensions of existing private lanes up to three (3) lots. Major extensions of existing private lanes involving four (4) or more new lots should take place by a plan of subdivision or condominium. Additional consents, above the number of consents that may be granted per holding, should be allowed where the creation of additional lots will complete the development potential of the lane.

Conditions of development approval can be implemented for new lots created through infilling and extensions in order to improve the standard of existing deficient lanes. The scale of new lot development created as a result of infilling and extensions is quite limited, when compared to the scale of existing development on private lanes throughout the Township of Frontenac Islands. Therefore, new lot development through infilling and limited extensions will serve to increase the suitability of existing lanes for the provision of emergency service vehicles with minimal financial impacts on local municipalities over the long-term.

## **New Private Lanes**

There is still a significant amount of undeveloped shoreline in the Township of Frontenac Islands. A common elements condominium should be required for any new private lane development. This approach establishes the ownership and maintenance of the lane among all owners, and provides a legal obligation to ensure that sufficient funds are in place to ensure the ongoing maintenance of the lane in perpetuity.

## Assumption of Private Lanes

Prior to the assumption of a private lane as a public road, this Study recommends that Council conduct a financial assessment of the long-term capital and operating costs of assuming a private lane as a public road. No private lane should be assumed into a municipal road system unless Council is satisfied that the annual maintenance or long-term operating costs will not place an undue burden on the costs of operating the municipality's road system.

## Private Lane Monitoring

Although there are challenges to controlling the conversion of seasonal residential dwellings to permanent residential use, it is possible to monitor the location of where these trends are occurring and anticipate where this trend is likely to occur in the future. This Study provides a detailed inventory and data base of information on every identified private lane in the Township of Frontenac Islands. This data should be used to assess permanent and seasonal residential land use trends on an existing lane at the time that applications for new lot development are received for infilling or extension purposes. This inventory and data base should also be updated at the time that each local official plan is reviewed in order to evaluate changes in land use patterns on private lanes, and to assess development activity, future development potential, and seasonal to permanent residential conversion trends. The intent of this evaluation will be to monitor the effectiveness of the local municipal private lane policies.

## **PART B – THE AMENDMENT**

- **INTRODUCTORY STATEMENT**

All of this part of the document entitled "Part B – The Amendment" consisting of the following text is AMENDMENT NO. \_\_\_ to the Official Plan of the Township of Frontenac Islands.

## • DETAILS OF THE AMENDMENT

### Item 1:

Subsection 3.4.2.1 3. of Section 3.4.2 “Roads” of the Official Plan is amended by deleting this section in its entirety and adding a new Subsection 3.4.2.1 3. immediately after Subsection 3.4.2.1 2. as follows:

*“3. Private Lanes*

*(a) Private Lane Standards*

*The road construction standard included in this Plan as Schedule “C” shall be deemed to be the “Township’s standards for new private lanes” for the purposes of Section 5.2.4.1 5.*

*(b) Private Lane Assumptions*

*Council will consider the assumption of a private lane as a public road provided that the road is brought up to the Township’s municipal road standard. Prior to the assumption of a private lane as a public road, Council will conduct a financial assessment of the long-term capital and operating costs for servicing the road. This assessment will include an estimate of the annual maintenance costs, repair costs and the long term life cycle replacement costs of assuming the private lane as a public road, and the impact of these costs on the operation of the Township’s roads system. The financial assessment will be carried out by a qualified professional, at the expense of the individual or group petitioning for the private lane to be assumed as a public road. No private lane will be assumed into the Township’s road system unless Council is satisfied that the annual maintenance or long term capital and operating costs will not place an undue burden on the costs of operating the Township’s road system.”*

**Item 2:**

Subsection 5.2.2 of Section 5.2 “Rural” of the Official Plan is amended by adding the following sentence immediately after the last sentence of the paragraph as follows:

*“The development of new waterfront limited service residential lots on private lands shall be permitted in accordance with the Shoreland Area policies of the Rural designation.”*

**Item 3:**

Subsection 5.2.4.1 5. of Section 5.2.4 “Shoreland Areas” of the Official Plan is amended by deleting this section in its entirety and adding the following:

*“5. Limited service residential development is generally located in the “Rural Area” (Shoreland Areas) of the Township on a body of water or a natural watercourse, where the primary means of access is from a private lane. The development of new “waterfront limited service residential lots” on private lanes shall be considered for approval based on the Private Lane policies of this plan.*

*(a) Seasonal vs. Permanent Residential Screening Policy*

*Prior to the review of an application for new lot development that would result in the infilling or minor extension of an existing private lane, an assessment of permanent and seasonal residential land use should be completed for the entire lane. Where a majority of existing development on a private lane is determined to be permanent residential, or where the private lane is located in an area where conversion rates will likely result in a majority of permanent residential development in the future, no new lot development in the form of limited infilling or minor extensions shall be permitted unless:*

- i. The private lane is constructed to the Private Lane Construction Standards set out in Schedule “C” to this Plan.*
- ii. The existing private lane is developed within a common element condominium pursuant to the Condominium Act, 1998, as amended, and connects directly to an existing public road.*

*(b) Infilling*

*Where a majority of existing development on a private lane is seasonal residential, severances for new “infill” lots may be permitted along existing private lanes, provided that the condition of the lane abutting the new lot(s) is improved to the Private Lane Construction Standards set out in Schedule “C” to this Plan. In addition, the whole of the lane travelled on reach the new proposed lot(s) will be required to be improved to a minimum standard to allow accessibility to the new lot(s) by emergency service vehicles.*

*(c) Private Lane Extensions*

*New lot development on “extensions” of existing private lanes may be permitted in accordance with the Category “A” or Category “B” policies for private lane extensions. The determination of whether the Category “A” or “B” policies apply to a given private lane extension shall be based upon an assessment of the overall future development potential of the private lane extension. The Category “A” private lane policies apply where an assessment of the development potential of the private lane concludes that minor extension of one (1), two (2) or three (3) new lots will complete the development potential of the private lane. The Category “B” private lane policies will apply where an assessment of the development potential of the private lane concludes that four (4) or more lots may be created from the private lane extension. Where a private lane has been assessed as having*

*potential for extension of four (4) or more lots, the Category “A” policies will not apply.*

*i. Category “A” (Minor) Private Lane Extensions*

- (I) Severances for one (1) or two (2) new lots on an extension to an existing private lane that would complete the development potential of the lane may be permitted provided that the extension is designed and constructed in accordance with the Private Lane Construction Standards set out in Schedule “C” to this Plan. In addition, the whole of the existing lane travelled to reach the proposed new lot(s) will be required to be constructed to a standard that would allow accessibility to the new lot(s) by emergency vehicles.*
- (II) Severance for a private land extension resulting in the creation of three (3) new lots completing the development potential of the lane may be permitted provided that the private lane extension and the whole of the existing lane travelled to reach the new proposed lots will be required to be improved to the Private Lane Construction Standards set out in Schedule “C” to this Plan.*
- (III) The new lane may only be constructed to the point of access to the last lot on the lane rather than along the full lot frontage for the lot, as required by the implementing zoning by-law.*
- (IV) Notwithstanding the maximum number of land severances per holding permitted in Section 5.2.4.2. 10. up to three (3) new limited service residential lots may be permitted per private lane, provided that the creation of the proposed lots completes the development potential of the private lane.*

*ii. Category “B” (Major) Private Lane Extensions*

- (I) New development on extensions of private lanes having the potential for the creation of four (4) or more limited service residential lots may be created by a plan of subdivision or condominium, where the private lane shall be created as a common element condominium and managed by a condominium corporation.*
- (II) The private lane extension for the proposed lots and the whole of the existing lane travelled on to reach the new proposed lots will*

*be required to be improved to the Private Lane Construction Standards set out in Schedule “C” to this Plan or such other standard deemed appropriate by the Township.*

*(III) The owner of the existing private lane and all persons having an existing right-of-way (including unregistered rights of ways that have been legally obtained over time through actual usage) over the existing private lane will have to consent to the creation of the condominium. If this requirement cannot be fulfilled, then a major extension of an existing private lane cannot be granted.*

*(d) New Private Lanes*

*Lot development on new private lanes may be permitted by severance, or by a registered plan of condominium, provided that the new private lane intersects with an existing public road, and is designed and constructed in accordance with the Private Lane Construction Standards set out in Schedule “C” to this Plan and provided that the entire lane is governed by a condominium agreement.*

*(e) Private Lane Condition of Severance or Condominium Approval*

*As a condition of severance or condominium approval for all waterfront limited service residential lots, the owner of the subject property shall enter into an agreement with the Township to construct the private lane to the Private Lane Construction Standards set out in Schedule “C” to this Plan or such other standards which are determined to be appropriate for emergency service delivery. The agreement shall be registered against the title to the lots and include provisions acknowledging:*

- i. The Township does not maintain or repair the private lane.*
- ii. The Township does not provide municipal services normally associated with public roads.*
- iii. The owners are responsible for all costs necessary to maintain the private lane.*
- iv. The Township is not responsible for any loss or damage created by the owner’s failure to maintain the private lane.*
- v. The owners agree to indemnify the Township for any loss or damage.”*

**Item 4:**

Subsection 6.3.1 4. of Section 6.3 “Criteria for Assessing Land Division Applications” of the Official Plan is amended by deleting the last sentence of the paragraph in its entirety and replacing it with the following sentence:

*“In the case of development on Private Lanes, the policies of Section 5.2.4.1 5. shall apply.”*

**Item 5:**

Subsection 6.3.1 7. of Section 6.3 “Criteria for Assessing Land Division Applications” of the Official Plan is amended by adding “Unless otherwise stated in this Plan” to the beginning of the last sentence in the last paragraph as follows:

*“Unless otherwise stated in this Plan, it shall further be the policy of this Plan that a Plan of Subdivision shall be required if the effect of the severance would be to create three or more additional lots.”*

**Item 6:**

That the “Private Lane Construction Standards” listed below, be added as “Schedule “C” to the Official Plan.

***“Private Lane Construction Standards***

<b><i>Right-of-Way width</i></b>	<i>20.0 m (66 ft)</i>
<b><i>Width of Clearing,</i></b>	<i>9.0 m (30 ft)</i>
<b><i>Surface Width,</i></b>	<i>6.0 m (20 ft)</i>
<b><i>Surface Material</i></b>	<i>Crushed stone</i>
<b><i>Depth of Surface Material, (Gran. “A”)</i></b>	<i>100 mm (4 in)</i>
<b><i>Depth of Base Material/Cover over bedrock (Gran. “B”)</i></b>	<i>150 mm (6 in)</i>
<b><i>Depth of Base Material / (Gran. “B”)</i></b>	<i>300 mm (12 in)</i>
<b><i>Granular Shoulder, Including Rounding</i></b>	<i>1.0m (3 ft)</i>

<b>Crown, Minimum</b>	2%
<b>Cross Culvert</b>	<i>400 mm (16 in) - 300mm (12 in) minimum cover</i>
<b>Culvert Material</b>	<i>Aluminized Corrugated steel pipe/High density polyethylene (double wall)</i>
<b>Maximum Vertical Grade</b>	<i>12% (1:8) Minimum vertical curve length subject to design speed requirements</i>
<b>Horizontal Turning Radius</b>	<i>Minimum centerline radius 12.0 m (40.0 ft) – Subject to design speed requirements</i>
<b>Ontario Building Code requirements</b>	<i>Safe passage of emergency vehicles Maximum change of gradient not more than 1 in 12.5 (8%) over a minimum distance of 15 m (50 ft). Turnaround for dead-end portion of road more than 90.0m (295 ft) long.</i>
<b>Ditches, Minimum Depth from Road Centerline to Bottom of Ditch</b>	<i>0.5 m (1.5 ft) or 0.15 m (6 in) below bottom of granular B whichever is lower</i>
<b>Overhead Clearance Height</b>	<i>5.0 m (16 ft) minimum"</i>

- IMPLEMENTATION AND INTERPRETATION

The implementation of this amendment shall be in accordance with the provisions of the Planning Act. The further implementation and associated interpretation of this amendment shall be in accordance with the relevant text and mapping schedules of the existing Official Plan of the Township of Frontenac Islands and applicable legislation.

## APPENDIX A

### **CERTIFICATION OF COMPLIANCE WITH PUBLIC INVOLVEMENT AND NOTICE REQUIREMENTS**

I, Darlene Plumley, CAO, Clerk and Treasurer, hereby certify that the requirements for the giving of notice, and the holding of at least one public meeting as set out in Subsection 17(15) of the *Planning Act, R.S.O. 1990, as amended* and giving of notice as set out in Section 17(24) of the *Planning Act, R.S.O. 1990, as amended* have been complied with.

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CAO, Clerk and Treasurer, Darlene Plumley