

**The Corporation of the
Municipality of Trent Lakes**

**By-law No. B2022-022
(Open Space)**

**A By-law to Amend By-law B2014-070 Otherwise Known as “The
Municipality of Trent Lakes Comprehensive Zoning By-law”**

Whereas the Municipality of Trent Lakes passed an Interim Control By-Law on June 1, 2021 affecting Oak Orchard Plan of Condominium lands;

And Whereas Section 34 (1) of the Planning Act, R.S.O. 199, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities;

AND Whereas the Council of the Corporation of the Municipality of Trent Lakes approved recommendations of the staff study identified in the report, Interim Control By-Law Study and Recommendations – Oak Orchards, presented to Council on July 6, 2021 and approved.

And Whereas pursuant to Sections 34, 36 and 38 of the *Planning Act*, R.S.O. 1990, as amended, By-laws may be passed by Council of municipalities for prohibiting or regulating the use of land and the erection and use of buildings or structures within the Municipality;

And Whereas the Council of the Corporation of the Municipality of Trent Lakes has initiated an amendment to Comprehensive Zoning By-Law B2014-070, as amended, to establish provisions intended to assess and protect the archaeological resources in Oak Orchard Plan of Condominium.

And Whereas the Council of the Corporation of the Municipality of Trent Lakes held a public meeting on August 10, 2021 and March 2, 2022 as required by Section 34(12) of the *Planning Act*;

And Whereas the Council of the Corporation of the Municipality of Trent Lakes approved the recommendations of the report presented at the September 21, 2021 and March 2, 2022 Council meeting, relating to a proposed Zoning By-Law Amendment for the lands known as Oak Orchard Plan of Condominium, to implement the findings of the Interim Control By-Law Study;

And Whereas the matters herein are in conformity with the Official Plan of the Municipality of Trent Lakes, as amended;

Now Therefore the Council of the Corporation of the Municipality of Trent Lakes enacts as follows:

1. Schedule “A” Map 6 of By-Law No. B2014-070 is amended by changing the zone category of those lands within the Oak Orchard Plan of Condominium intended for common element use in **PVLCF 71, Level 1 located in Part of Lots B and C, Concession 16 (Harvey)** from the “Open Space-6 (OS-6) Zone” to “Open Space-6 Holding (OS-6)(H) Zone” and from the “Open Space-7 (OS-7) Zone” to “Open Space-7 Holding (OS-7)(H) Zone” and from the “Open Space-8 (OS-8) Zone” to “Open Space-8 Holding (OS-8)(H) Zone”, all of which is shown on Schedule “A-1” attached hereto and forming part of this By-Law.
2. And Furthermore Section 19.5.6 Open Space-6 (OS-6) Zone (Oak Orchard) is hereby amended by deleting 19.5.6 a) i. and replacing it with the following:

a) Permitted Uses

Permitted uses within the Open Space-6 (OS-6) Zone shall be restricted to the

following:

i. A lodge, tennis court, swimming pool, park and open space amenities and accessory parking. The lodge may include a condominium administration office, a condominium manager's dwelling unit, a maximum of three dwelling units for visitors, a coffee shop, a common dining room, a multi-purpose room, a wellness centre or fitness spa, and small-scale commercial uses catering to condominium residents such as a small-scale retail facility, a personal service establishment and a studio.

3. And Furthermore Section 19.5.6 b) is hereby deleted and replaced with the following:

b) Regulations for Permitted Uses

- i. Maximum Floor Area of lodge shall be 400 square metres;
- ii. Minimum Setback of lodge from private road shall be 30 metres;
- iii. Minimum Side Yard Width of lodge shall be 30 metres;
- iv. Maximum Height shall be 10.66 metres; and,
- v. Maximum Lot Coverage shall be 20%.

In all other respects the regulations of the OS Zone shall apply

4. And Furthermore Section 19.5.6 is further amended by adding the following new-subsections after sub-section b):

c) Holding Provision for Lands Zoned Open Space-6 (OS-6)

Lands in the OS-6 Zone are subject to a Holding provision as the lands in the OS-6 Zone have areas of archaeological potential. No development and no site alteration shall be undertaken on any lot subject to a Hold until the Holding provision is removed. The following shall be required in order to remove a Holding Symbol:

- 1) *An archaeological assessment of the property has been completed by a licensed archaeologist in compliance with the 2011 Standards and Guidelines for Consultant Archaeologists and a report has been entered into the Ontario Public Register of Archaeological Reports with a recommendation of one of the following:***
 - i. No archaeological site of cultural heritage value or interest has been identified and no further archaeological assessment is required;***
 - ii. Any identified archaeological site is of no further cultural heritage value or interest;***
 - iii. Any identified archaeological site of further cultural heritage value or interest is conserved and protected in a manner as detailed in the archaeological assessment.***
- 2) *The property owner has entered into a site plan agreement with the Municipality which shall formalize the recommendations of the final archaeological assessment including recommendations intended to ensure that an archaeological site of further cultural heritage value or interest will be conserved and protected.***
- 3) *A complete application to enter into a site plan agreement and to remove the Holding provision shall include documentation to confirm that the licensed archaeologist engaged with the Curve Lake First Nation in preparing and finalizing the archaeological assessment.***

4) ***For the purpose of sub-section c) the following definitions shall apply:***

Archaeological resources: includes artifacts, archaeological sites, marine archaeological sites, as defined under the Ontario Heritage Act. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

Areas of archaeological potential: means areas with the likelihood to contain archaeological resources. Criteria to identify archaeological potential are established by the Province. The Ontario Heritage Act requires archaeological potential to be confirmed by a licensed archaeologist.

Significant: means resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.

Site Alteration: means activities, such as grading, excavation and the placement of fill that would have the potential to compromise archaeological resources and/or the ability to conduct an archaeological assessment.

Conserved: means the identification, protection, management, and use of archaeological resources in a manner that ensures their cultural heritage value or interest is retained which would include removal and return to the First Nation in cases where significant resources have been confirmed through archaeological field work. This shall be achieved by the implementation of recommendations set out in an archaeological assessment that has been reviewed by the Ministry and entered into the Ontario Public Register of Archaeological Reports. Alternative measures and development approaches may be included in these plans and assessments including phased excavation. Archaeological Assessments and requests to deposit must meet the requirements of the Ontario Heritage Act.

5. And Furthermore Section 19.5.7 Open Space-7 (OS-7) Zone (Oak Orchard) is hereby amended by adding the following new-subsection after sub-section c):

d) Holding Provision for Lands Zoned Open Space-7 (OS-7)

Lands in the OS-7 Zone are subject to a Holding provision as the lands in the OS-7 Zone have areas of archaeological potential. No development and no site alteration shall be undertaken on any lot subject to a Hold until the Holding provision is removed. The following shall be required in order to remove a Holding Symbol:

- 1) An archaeological assessment of the property has been completed by a licensed archaeologist in compliance with the 2011 Standards and Guidelines for Consultant Archaeologists and a report has been entered into the Ontario Public Register of Archaeological Reports with a recommendation of one of the following:***
 - i. No archaeological site of cultural heritage value or interest has been identified and no further archaeological assessment is required;***
 - ii. Any identified archaeological site is of no further cultural heritage value or interest;***
 - iii. Any identified archaeological site of further cultural heritage value or interest is conserved and protected in a manner as detailed in the archaeological assessment.***
- 2) The property owner has entered into a site plan agreement with the Municipality which shall formalize any recommendations of the final archaeological assessment including recommendations intended to ensure that an archaeological site of further cultural heritage value or interest will be conserved and protected.***

3) ***A complete application to enter into a site plan agreement and to remove the Holding provision shall include documentation to confirm that the licensed archaeologist engaged with the Curve Lake First Nation in preparing and finalizing the archaeological assessment.***

4) ***For the purpose of sub-section d) the following definitions shall apply:***

Archaeological resources: includes artifacts, archaeological sites, marine archaeological sites, as defined under the Ontario Heritage Act. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

Areas of archaeological potential: means areas with the likelihood to contain archaeological resources. Criteria to identify archaeological potential are established by the Province. The Ontario Heritage Act requires archaeological potential to be confirmed by a licensed archaeologist.

Significant: means resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.

Site Alteration: means activities, such as grading, excavation and the placement of fill that would have the potential to compromise archaeological resources and/or the ability to conduct an archaeological assessment.

Conserved: means the identification, protection, management, and use of archaeological resources in a manner that ensures their cultural heritage value or interest is retained which would include removal and return to the First Nation in cases where significant resources have been confirmed through archaeological field work. This shall be achieved by the implementation of recommendations set out in an archaeological assessment that has been reviewed by the Ministry and entered into the Ontario Public Register of Archaeological Reports. Alternative measures and development approaches may be included in these plans and assessments including phased excavation. Archaeological Assessments and requests to deposit must meet the requirements of the Ontario Heritage Act.

6. And Furthermore Section 19.5.8 Open Space-8(OS-8) Zone (Oak Orchard) is hereby amended by adding the following new-subsection after sub-section b):

c) Holding Provision for Lands Zoned Open Space-8 (OS-8)

Lands in the OS-8 Zone are subject to a Holding provision as the lands in the OS-8 Zone have areas of archaeological potential. No development and no site alteration shall be undertaken on any lot subject to a Hold until the Holding provision is removed. The following shall be required in order to remove a Holding Symbol:

1) ***An archaeological assessment of the property has been completed by a licensed archaeologist in compliance with the 2011 Standards and Guidelines for Consultant Archaeologists and a report has been entered into the Ontario Public Register of Archaeological Reports with a recommendation of one of the following:***

- i. No archaeological site of cultural heritage value or interest has been identified and no further archaeological assessment is required;***
- ii. Any identified archaeological site is of no further cultural heritage value or interest;***
- iii. Any identified archaeological site of further cultural heritage value or interest is conserved and protected in a manner as detailed in the archaeological assessment.***

- 2) *The property owner has entered into a site plan agreement with the Municipality which shall formalize any recommendations of the final archaeological assessment including recommendations intended to ensure that an archaeological site of further cultural heritage value or interest will be conserved and protected.*
- 3) *A complete application to enter into a site plan agreement and to remove the Holding provision shall include documentation to confirm that the licensed archaeologist engaged with the Curve Lake First Nation in preparing and finalizing the archaeological assessment.*

- 4) *For the purpose of sub-section c) the following definitions shall apply:*

Archaeological resources: includes artifacts, archaeological sites, marine archaeological sites, as defined under the Ontario Heritage Act. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

Areas of archaeological potential: means areas with the likelihood to contain archaeological resources. Criteria to identify archaeological potential are established by the Province. The Ontario Heritage Act requires archaeological potential to be confirmed by a licensed archaeologist.

Significant: means resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.

Site Alteration: means activities, such as grading, excavation and the placement of fill that would have the potential to compromise archaeological resources and/or the ability to conduct an archaeological assessment.

Conserved: means the identification, protection, management, and use of archaeological resources in a manner that ensures their cultural heritage value or interest is retained which would include removal and return to the First Nation in cases where significant resources have been confirmed through archaeological field work. This shall be achieved by the implementation of recommendations set out in an archaeological assessment that has been reviewed by the Ministry and entered into the Ontario Public Register of Archaeological Reports. Alternative measures and development approaches may be included in these plans and assessments including phased excavation. Archaeological Assessments and requests to deposit must meet the requirements of the Ontario Heritage Act.

5. This By-law shall come into force on the date that it is passed by the Council of the Municipality of Trent Lakes, subject to the provisions of Sections 34 and 36 of the *Planning Act*, R.S.O. 1990, as amended.
6. Subsequent to this By-law coming into force and effect, Interim Control By-law 2021-071 originally put into effect on June 1, 2021 shall be repealed.
7. The Clerk is hereby authorized and directed to proceed with the giving of notice under Section 34(18) of the *Planning Act*, R.S.O. 1990, as amended.

Read a first and second time this 8th day of March, 2022.

Read a third and final time this 8th day of March, 2022.

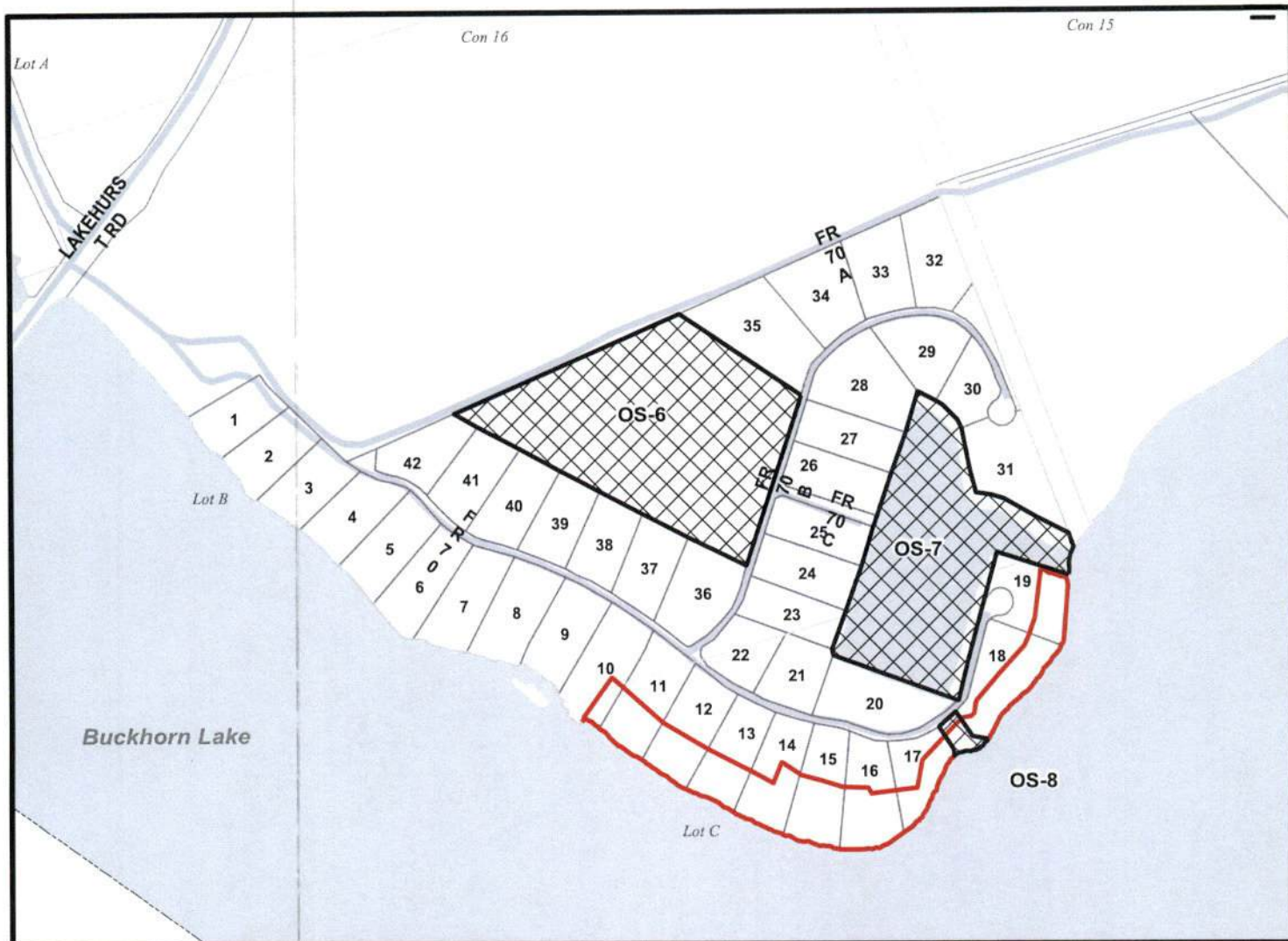


Ron Windover Deputy Mayor



Jessie Clark, Clerk

Schedule 'A-1'
By-law 2022-22
Municipality of Trent Lakes
Part of Lots B & C, Concession 16 (Harvey)




 Lands to be rezoned from the "Open Space Exception (OS-6, OS-7 and OS-8) Zone" to the "Open Space Exception Holding (OS-6(H), OS-7(H) and OS-8(H)) Zone"

 Special Archaeological Constraints

This is Schedule 'A-1' to By-law 2022-22

Passed this 8th day of March, 2022.


Deputy Mayor


Clerk