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SUBJECT: TREE CANOPY AND NATURAL VEGETATION POLICY

1.0 PURPOSE

This policy provides guidelines regarding the injuring or destruction of trees within the Municipality and on promoting the regeneration of the landscape with forests in order to maintain and enhance the current Tree Canopy and Natural Vegetation.

2.0 LEGISLATIVE AUTHORITY

Section 270 (1) 7. of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality shall adopt and maintain a policy with respect to the manner in which the municipality will protect and enhance the tree canopy and natural vegetation in the municipality.

3.0 SCOPE

This policy applies to all Tree Canopy and Natural Vegetation within the Municipality.

4.0 DEFINITIONS

For the purpose of this policy...

“Agricultural Use” – shall be as defined in the Municipality’s Zoning By-Law.

“Conservation Authority” – shall mean the Mississippi Valley Conservation Authority or the Rideau Valley Conservation Authority.

“Development” – shall mean the construction or expansion of buildings and structures, or the construction of Infrastructure.

“Hamlet Property” – shall mean a property that is designated within a Hamlet by the Municipality’s Official Plan.

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“**Infrastructure**” – shall be as defined in the Provincial Policy Statement.

“**Municipal Property**” - shall mean property owned by the Municipality.

“**Municipality**” – shall mean the Corporation of Tay Valley Township.

“**Natural Vegetation**” – shall mean plant life that grows naturally in the area (a non-invasive species), but excludes manicured lawns.

“**Non-Waterfront Property**” – shall include Hamlet Properties, Residential Properties and Rural Properties not on water.

“**Planner**” – shall mean the Planner or designate of the Municipality.

“**Residential Property**” – shall mean a property as designated in the Zoning By-Law.

“**Rural Property**” – shall mean a property as designated in the Zoning By-Law.

“**Site Plan Control Agreement**”- shall mean a legally enforceable agreement between the property owner and the Municipality registered on the property’s title.

“**Tree Canopy**” – shall mean the coverage mature tree crowns have on a property.

“**Vegetative Buffer**” – shall mean an area of dense vegetation intended to slow runoff and trap sediment adjacent to a riparian corridor, lake or steep slope.

“**Waterfront Property**” – shall mean a property abutting a waterbody or water course as defined in the Municipality’s Zoning By-Law.

“**Wildland Fire Area**” – shall mean a property identified by the Ministry of Natural Resources and Forests as a Wildland Fire Area.

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5.0 NEW DEVELOPMENT

5.1 Rural Property

- 5.1.1 The existing Tree Canopy and Natural Vegetation of the Rural Property shall be indicated on the site sketch that is provided with building and planning applications.
- 5.1.2 The amount of Tree Canopy and Natural Vegetation that will be removed from the Rural Property during Development shall be specified on the building and planning application.
- 5.1.3 Where the existing Tree Canopy and Natural Vegetation is below 50% on a Rural Property, the property owner will be encouraged to regenerate/maintain the Tree Canopy and Natural Vegetation to a minimum of 30%.
- 5.1.4 Where the existing Tree Canopy and Natural Vegetation is more than 50% on a Rural Property, the property owner will be encouraged to maintain minimum Tree Canopy and Natural Vegetation of 50%.

5.2 Residential Property

- 5.2.1 The existing Tree Canopy and Natural Vegetation of the Residential Property shall be indicated on a site sketch that is provided with building and planning applications.
- 5.2.2 The amount of Tree Canopy and Natural Vegetation that will be removed from the Residential Property during Development shall be specified on the building and planning application.
- 5.2.3 Where the existing Tree Canopy and Natural Vegetation is below 30% on a Residential Property, the property owner will be encouraged to regenerate/maintain the Tree Canopy and Natural Vegetation to 15%.

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5.2.4 Where the existing Tree Canopy and Natural Vegetation is more than 30% on a Residential Property, the property owner will be encouraged to maintain minimum Tree Canopy and Natural Vegetation of 30%.

5.3 Hamlet Property

5.3.1 The existing Tree Canopy and Natural Vegetation of the Hamlet Property shall be indicated on a site sketch that is provided with building and planning applications.

5.3.2 The amount of Tree Canopy and Natural Vegetation that will be removed from the Hamlet Property during Development shall be specified on the building and planning application.

5.3.3 Where the existing Tree Canopy and Natural Vegetation is below 30% on a Hamlet Property, the property owner will be encouraged to regenerate/maintain the Tree Canopy and Natural Vegetation to 10%.

5.3.4 Where the existing Tree Canopy and Natural Vegetation is more than 30% on a Hamlet Property, the property owner will be encouraged to regenerate/maintain minimum Tree Canopy and Natural Vegetation of 30%.

5.4 Waterfront Property

5.4.1 As per the Site Plan Control By-Law, if applicable, Waterfront Property shall enter into a Site Plan Control Agreement in order to maintain a vegetative buffer.

5.4.2 Where the current Tree Canopy and Natural Vegetation is below 30% the property owner shall improve the Tree Canopy and Natural Vegetation a minimum of an additional 5%.

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6.0 EXISTING DEVELOPMENT

6.1 Non-Waterfront Property

- 6.1.1 Where proposed Development is more than 20% of the existing footprint on Non-Waterfront Property, the existing Tree Canopy and Natural Vegetation of the Non-Waterfront Property shall be indicated on a site sketch that is provided with building and planning applications.
- 6.1.2 Where proposed Development is more than 20% of the existing footprint on Non-Waterfront Property, the amount of Tree Canopy and Natural Vegetation that will be removed during Development shall be specified on the building and planning application.
- 6.1.3 Where proposed Development is more than 20% of the existing footprint on Non-Waterfront Property and the current Tree Canopy and Natural Vegetation is lower than 30% the applicant will be encouraged to improve the Tree Canopy and Natural Vegetation up to an additional 5%.

6.2 Waterfront Property

- 6.2.1 As per the Site Plan Control By-Law, all Waterfront Property shall enter into a Site Plan Control Agreement in order to maintain a vegetative buffer.
- 6.2.2 Where the current Tree Canopy and Natural Vegetation is below 30% the property owner shall improve the Tree Canopy and Natural Vegetation a minimum of an additional 5%.

7.0 TREE REMOVAL

Where the Tree Canopy and Natural Vegetation has been cleared on a property prior to the submission of a building or planning application the property owner shall be required to undertake remediation which will be outlined in the Site Plan Control Agreement.

8.0 MUNICIPAL PROPERTY

The Municipality shall replace any trees/vegetation that is removed with two (2) trees or other vegetation on Municipal Property:

- on the same Municipal Property, if feasible; or,
- on another Municipal Property in the same subwatershed; or,
- on another property in the Municipality.

9.0 EXCEPTIONS

9.1 Where a property is used as an Agricultural Use, the property is exempt from this policy.

9.2 Where a property is in a subwatershed identified by the Mississippi Valley or Rideau Valley Conservation Authorities as having forest cover greater than 40%, the property is exempt from this policy.

9.3 Where a property has been designated within a Wildland Fire Area, the property may be exempt from this policy and shall meet the Wildland Fire Area FireSmart Guidelines set by the Ministry of Natural Resources and Forests.

10.0 PARTNERS/GRANTS

Property owners shall be directed to the appropriate Conservation Authority concerning any grants available to property owners for the revegetation of properties.

11.0 ACCOUNTABILITY FRAMEWORK

The Planner is responsible for ensuring compliance with this policy.

12.0 POLICY REVIEW

This Policy shall be reviewed at least once per term of Council.



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Policies and Procedures/Documents

Official Plan
Zoning By-Law
Site Plan Control By-Law

Other Resources

Municipal Act, 2001, as amended
Lanark County Tree Cutting By-Law

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