



OFFICIAL PLAN



May 28, 2010
With Ministers Modifications

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PART 1: GENERAL

1.1 TITLE AND COMPONENTS

1.1.1 This plan, when approved by the Minister of Municipal Affairs, shall be known as the Official Plan of the Township of Nipissing.

1.1.2 The text of this plan and Schedules 'A': Land Use Plan and 'B': Sensitive Areas constitute the Official Plan of the Township of Nipissing.

1.1.3 Supplementary Data, on which the proposals contained in this Plan are based are attached as Appendices but do not form a part of the Official Plan.

1.2 PURPOSE AND EFFECT

This Official Plan is a statement of public policies, set out by means of maps and text, intended to guide the future growth and development of the Township of Nipissing while having regard for the relevant social, economic and environmental matters. The Plan should serve as a guide to consistent and rational public and private decisions regarding all aspects of physical development within the Township.

This Plan will also help reduce the element of speculation arising from uncertainty as to the manner and sequence of development, and will serve as a guide to public agencies in assessing the merits of proposals brought before them.

The authority to prepare this Official plan is assigned directly to Council. Once the Plan has been approved by the Minister of Municipal Affairs, all municipal decisions must have regard to its policies, all public works must conform to the Plan, and all municipal by-laws must conform to it.

In order to change the Plan, an Amendment will be required and the process for dealing with an amendment is generally the same as that followed for the adoption of this Plan. Some flexibility has been built into this Official Plan in order to permit Council an opportunity for further interpretation when making decisions on land use matters provided that the general intent of the Plan is maintained.

1.3 BASIS OF THE PLAN

The Policies of this Official Plan have been based on the following general facts and assumptions:

- 1.3.1 This Plan is based on a twenty year time frame. From time to time and at least every five years, a general review shall be made of all the policies contained within this Plan.
- 1.3.2 The Plan is based on the assumption that population growth will be in keeping with past trends, and as such, will not rise appreciably in the near future. The permanent population is expected to grow from approximately 1600 to approximately 1700 over the next 20 years, to the year 2026.
- 1.3.3 The character of the Municipality is not expected to change significantly. The Township will remain as primarily rural in nature with seasonal/permanent residential and tourist commercial uses along the shorelines of the Township's major waterbodies and the hamlet communities of Nipissing, Commanda, and Sunset Cove providing the main community focal areas.
- 1.3.4 It is assumed that the density of population and the type of development should be such that the municipality will not be required to provide a public water distribution or sanitary sewerage system. As such, it is expected that all development will be serviced by communal or private individual water supply and sewage disposal systems.
- 1.3.5 Industries such as tourism and agriculture will continue to dominate the local economy.
- 1.3.6 Although tourism plays a significant role in the local economy, seasonal residential and tourist commercial uses are expected to decline while permanent residential uses will continue to be the major form of development and redevelopment.
- 1.3.7 The municipality is experiencing and will likely continue to experience pressures to assume and maintain private and seasonal roads on a year round basis.
- 1.3.8 A large number of residents who live in Nipissing Township commute to North Bay for their employment, social and major shopping activities.

- 1.3.9 For secondary commercial activities, residents living in the northern part of the Township tend to use Callander or North Bay as their preferred destination while the central area residents use Powassan and the southern area residents tend to use Trout Creek or Powassan.
- 1.3.10 The Township of Nipissing has a relatively large percentage of its population over the age of 65 as compared with provincial averages.
- 1.3.11 Portions of the Township have inherent constraints to development such as hazard land, bedrock outcropping, wetlands, environmentally sensitive areas, the development capacity of waterbodies and good agricultural land.
- 1.3.12 The Plan is based on various surveys and investigation of provincial policy and physical, social demographic and economic conditions. A Background Study appended to the Plan highlights the findings that have contributed to the formulation of the Plan and which should be referred to for background information and for further guidance in interpreting the general intent of the Plan.
- 1.3.13 This Official Plan recognizes that the North Almaguin Planning Board has the authority to grant consents and the authority for subdivision approval in the Township. Condominium applications are approved by the Ministry of Municipal Affairs and Housing.
- 1.3.14 This Official Plan is based on the Municipality's Policy Plan which was adopted by Council on October 30, 1980 (By-Law No. 579). This Official Plan introduces changes in policy - from that outlined in the policy plan - which are reflective of Council's present goals and objectives. This Official Plan also adds policies that are consistent with Provincial Policy Statements and other matters of provincial interest.

1.4 **GOALS OF THE PLAN**

A goal is a long term statement of intent established in order to achieve a desired condition. The Township of Nipissing Council recognizes that all the goals of the Plan are interrelated, and while they may represent idealized ends, it is the intention of Council to direct its efforts to achieve each goal in coordination with all others. The goals form the basis for the more detailed land use policies contained in the plan. Where uncertainty exists as to the intent of a

specific policy, reference should be made to the following goals. The goals of the Council are as follows:

- 1.4.1 To preserve and enhance those attributes that have established the quality and character of the Township, and maintain the rural atmosphere that prevails.
- 1.4.2 To promote a logical, orderly, economic and attractive pattern of development in the Township, and ensure compatibility between land uses.
- 1.4.3 To reinforce the community focus provided by the hamlet communities of Nipissing, Commanda, and Sunset Cove by encouraging new residential, commercial and industrial development to locate in these communities.
- 1.4.4 To control municipal expenses by limiting development that will place an undue financial burden on the municipality.
- 1.4.5 To strengthen and diversify the municipal economy and the growth of local employment opportunities through the development of commercial, highway commercial and tourist commercial facilities and through the establishment of industry suitable for the Township.
- 1.4.6 To provide municipal services and facilities within the Township's financial capabilities.
- 1.4.7 To provide an overall frame of reference to guide the future growth and maintenance of the planning area. Furthermore, to reduce uncertainty with respect to future development or redevelopment by establishing a broad land-use pattern and development policies to be followed.
- 1.4.8 To provide the opportunity to increase the housing supply through residential intensification. Residential intensification includes infilling, conversions and redevelopment, and will be encouraged in areas designated as Hamlet Community as a means of increasing the supply of the range and mix of housing types in accordance with the Provincial Policy Statement (2005).
- 1.4.9 To preserve and protect important natural features, sensitive areas and processes from incompatible land uses and activities.

- 1.4.10 To continue to consult with neighbouring municipalities on major planning issues and development proposals which have an effect or impact on those municipalities.
- 1.4.11 To establish a framework for the preparation of a municipal Zoning By-Law.
- 1.4.12 To encourage and provide the means for public participation in municipal planning.
- 1.4.13 To ensure that new developments or redevelopments are conducted in an environmentally sound and acceptable manner.
- 1.4.14 To identify and protect as much of the township's agricultural, forestry and aggregate resources as is practical from incompatible land uses and activities and to ensure that the production and provision of such resources is carried out to ensure sustainable development with minimal social and environmental cost.
- 1.4.15 To cooperate with the Ministry of Natural Resources to maximize benefits from the planning, management, and use of Crown Lands within the Municipality, including South Bay Provincial Park, and to discourage incompatible adjacent land uses and activities.
- 1.4.16 To prevent loss of life, to minimize property damage and social disruption and, to maintain flood plains and other hazard lands in their natural state by directing development away from these areas.
- 1.4.17 To protect lake and riparian ecosystems by encouraging the retention of shoreline areas in as natural a state as possible.
- 1.4.18 To protect and maintain, enhance, surface and groundwater resources in sufficient quality and quantity to meet existing and future uses on a sustainable basis.
- 1.4.19 Council encourages the preservation of the natural wilderness in undeveloped portions of the municipality. The creation of lots or the development of land uses that would introduce the influence of human activity into a wilderness area will be discouraged. Resource extraction uses, such as forestry and aggregate removal will be limited where appropriate and protection of other resources is required in Sections 2.1 and 2.5 and shall be undertaken in a manner that protects significant habitat and wildlife corridors.

PART 2: LAND USE DESIGNATIONS

A goal of the plan is to promote the development of a logical, orderly, economic and attractive land use pattern in the Township of Nipissing. To achieve this, the Township has been divided into a number of land use designations, the general pattern of which is set out on Schedules 'A' and 'B'. Policies have also been developed for these land use designations. It is the intention of Council that the lands in the Township of Nipissing be developed in accordance with the policies in this Official Plan and as shown on Schedules 'A' and 'B'.

2.1 RURAL

2.1.1 General

The Rural designation of land as shown on Schedule 'A' comprises the bulk of the land in the Township. It is the general intent of this Plan that future development in this designation be confined to uses that will not lead to a demand for urban services, and to prevent the spread of strip development along the major roads and highways of the Township. Furthermore, it is the intent of this Plan to preserve land having a potential for agricultural activities and protect environmentally sensitive and potential natural resource production areas as outlined in the Sensitive Area Policies of Section 2.5.

The Zoning By-Law that implements the Official Plan shall provide for a Rural Zone. The Rural Zone shall permit the agriculture and forestry uses including residences accessory to such uses, public buildings and uses, that by their nature must be located in the Rural area, hunt camps, limited single and two-unit residences.

All farm and non-farm development shall comply with the Minimum Distance Separation formula established by the Province, as amended from time to time, in order to minimize odour conflicts between livestock facilities and development.

2.1.2 Other Uses

Other uses which may be considered within the Rural Uses designation shown on Schedule 'A' include:

- (a) new single and two unit permanent dwellings and seasonal residential dwellings in accordance with Section 2.1.3;
- (b) commercial uses in accordance with Section 2.1.5;

- (c) industrial uses in accordance with Section 2.1.6;
- (d) waste disposal sites in accordance with Section 2.1.7;
- (e) low density uses such as private clubs and public or private recreational uses characterized by large areas of open space in accordance with Section 2.1.8;
- (f) aggregate removal uses in accordance with Section 2.1.9;
- (g) hunt camps and trappers cabins in accordance with Section 2.1.10;
- (h) mining operations in accordance with Section 2.1.11; and
- (i) bed and breakfast establishments in accordance with Section 2.1.12.

2.1.3 **New Permanent and Seasonal Residential Development**

2.1.3.1 **Development Policies**

It is the basic objective of this Plan to control the amount of new permanent and seasonal residential development in the Rural designation in order to preserve prime agricultural land and the lands with the potential for aggregate resources, forestry production or recreational uses and protect environmentally sensitive areas. This objective will also ensure that road maintenance and other municipal costs do not rise unduly.

It is, therefore, the policy of this plan to only permit new single or two unit permanent or seasonal residential development in the Rural designation provided that the lot has frontage on a public road which is maintained on a year round basis by a public authority, and either:

- (a) the lot is a lot of record or separate parcel existing at the time of adoption of this plan; or
- (b) the lot and proposed dwelling comply with the consent Policies of Section 5.2.2 and 5.2.3; or
- (c) the lot is developed in accordance with the rural subdivision policies of Subsection 2.1.3.3.

2.1.3.2 Exceptions

The protection and enhancement of prime agricultural areas and lands exhibiting ongoing agricultural activity shall be encouraged. Development shall not be located in areas that would adversely affect existing agricultural operations. When considering development proposals in the vicinity of agricultural uses, the Minimum Distance Separation formulae as per the Provincial Policy Statement will be used. The Zoning By-law will implement the Minimum Distance Separation requirements.

Development of Agricultural lands for non-farm related uses shall only occur where the following criteria have been satisfied:

- (i) the lands have not been used for agricultural purposes for the past 10 years;
- (ii) the lands do not contain farm buildings that are in good condition;
- (iii) new dwellings and non agricultural development comply with the Minimum Distance Separation Formulae;
- (iv) the development will not adversely affect neighbouring farming operations; and,
- (v) the least productive portion of the lands are proposed for development.

Where livestock operations are permitted, livestock operations having 2.5 animal units per hectare (1 unit per acre), or greater than 150 nutrient units in accordance with the regulations to The Nutrient Management Act and any other applicable legislation, shall only be permitted where the operation:

- (a) meets the Minimum Distance Separation Formulae;
- (b) meets the specific regulations as may be implemented through site specific zoning;
- (c) has been shown through a Nutrient Management Plan to not affect groundwater quality or quantity;
- (d) where the use exceeds 150 nutrient units, a site plan agreement is registered against the lands.

2.1.3.3

Rural Subdivision

- (a) It is the intent of this Plan to encourage new residential development to locate primarily within the Hamlet Communities, and secondarily as infilling within existing "*built-up areas*", and "*waterfront areas*". Limited new residential subdivisions, however, may establish outside of these areas in accordance with the policies of this Plan, and subject to the following:
 - (i) a justification report which addresses the need for the development, in light of projected demand and available opportunities for development within the Hamlet Communities, "*built-up areas*" and "*waterfront areas*"; and
 - (ii) a Zoning By-law Amendment.
- (b) The Zoning By-law that implements this Official Plan shall provide for an Estate Residential Zone. The uses of land in the Estate Residential Zone shall include permanent single unit and two unit dwellings, seasonal dwellings and neighbourhood park facilities.
- (c) In determining the location of proposed rural subdivision development, Council shall consider:
 - (i) the proximity of the development to major roads;
 - (ii) the proximity of the development to community facilities, schools and other services;
 - (iii) the proximity of development to existing built up areas, hamlets or waterfront areas;
 - (iv) the impact of the proposed development on the financial and environmental resources of the municipality; and
 - (v) the cumulative impact of rural residential development on the financial and environmental resources of the municipality.
- (d) Rural Subdivision development shall occur in accordance with the following policies:

- (i) new estate lot subdivisions shall preferably contain lots with a minimum lot area of 8,000 square metres and a minimum frontage of 60 metres;
- (ii) all lots shall front on to and have access from a public road which is maintained on a year round basis by a public authority;
- (iii) such development should not infringe on lands with a potential for mineral aggregate or agricultural production or have significant negative impacts on areas of forestry production, recreational uses or environmentally sensitive areas and shall comply with the Minimum Distance Separation One criteria as amended from time to time;
- (iv) all applications for new development shall be accompanied by each of the studies outlined in Section 4.16 as well as the applicable studies outlined in Section 3.4;
- (v) the Ministry of the Environment and Energy will be contacted for recommendations with respect to water quality and lake development capacity for shoreline and back lot development on any lake in the Township.

2.1.5 **Commercial**

2.1.5.1 **Permitted Uses**

The Plan anticipates that commercial, recreational commercial and service uses which primarily serve the needs of the rural area or the travelling public may seek to establish in the Rural designation. Such uses may include but shall not be limited to the following:

- (a) farm implement dealers and agricultural service uses;
- (b) automobile service stations;
- (c) hotels, motels, lodges, and housekeeping cabins, recreational vehicle parks, and campgrounds together with accessory retail uses in waterfront areas and other areas directly related to a recreational resource;

- (d) private clubs;
- (e) tourist commercial uses;
- (f) other commercial uses associated with recreation including retail and service uses, marinas, boat sales, rental and servicing; and
- (g) a dwelling unit for the resident owner/operator either as single unit detached dwelling or in the second story of the commercial use (except for automobile service stations) shall also be permitted.

2.1.5.2 **Development Policies**

Such locations are not predictable and approvals for these uses will require an amendment to the implementing Zoning By-Law. In considering applications for such amendments, Council shall have regard for possible impacts on adjacent residential uses, and appropriate conditions regarding setbacks, buffering and limitations on road access should be imposed.

Such uses may be permitted provided that:

- (a) they primarily serve the needs of the rural area or the travelling public;
- (b) lighting poles and other surface utilities shall be carefully sited and advertisements shall be in keeping with good design and highway safety practices in order to maintain the appearance and safety of the area;
- (c) adequate off-street parking and off-street loading facilities shall be provided;
- (d) adequate buffering shall be provided between the proposed commercial use and any adjacent residential uses. Such buffering in the form of a strip of land shall be devoted to no other purpose than landscaping;
- (e) an adequate supply of potable water and an acceptable method of sewage disposal can be provided in accordance with the policies of Section 3.4;

- (f) they have frontage on a public road which is maintained on a year round basis by a public authority;
- (g) access points to and from the road shall be limited to curb ramps at selected points and shall be limited in number; and
- (h) environmentally sensitive and resource production areas are not adversely affected.

2.1.6 **Industrial**

Certain industrial uses which do not require the provision of municipal urban services and which are compatible with existing rural uses and are related to and support rural uses such as servicing of agricultural and forestry equipment, sawmills, contractors storage yard, etc., may be permitted in the Rural designation by amendment to the implementing Zoning By-Law, provided that:

- (a) it shall be clearly demonstrated to the satisfaction of the Municipality that a rural rather than an urban location is necessary for the industrial operation;
- (b) adequate off-street parking shall be provided on any industrial site for employees and visitors;
- (c) any proposed industrial development shall not infringe upon lands with the potential for mineral aggregate, forestry, agricultural production and/or recreational development nor adversely affect environmentally sensitive areas;
- (d) the proposed industrial use shall be subject to approval by the Ministry of the Environment and Energy in accordance with its guidelines including the MOEE's Land Use Compatibility Guidelines and in particular Section 3.4 of this Plan;
- (e) all industrial sites shall front on a public road which is maintained on a year round basis by a public authority and shall have a limited number of openings for vehicle exits and entrances;
- (f) an adequate supply of potable water and an acceptable method of sewage disposal can be provided. Only low

water industrial uses shall be permitted. For the purposes of this Section low water usage shall be defined as 50,000 litres per day or less, but the following also applies for various assessment and approvals:

- i. for industrial uses that have an average daily flow greater than 4,500 litres per day, the B-7 Guideline “Incorporation of the Reasonable Use Concept into Groundwater Management Activities” will apply.
- ii. for industrial uses that have subsurface sewage disposal systems of greater than 10,000 litres per day, a Certificate of Approval from MOE will be required. For subsurface sewage disposal systems of 10,000 litres per day or less, a Building Code Act permit is required from the appropriate approval body.

New Industrial Uses that will require more than 50,000 litres per day shall require an Amendment to this Plan and the Zoning By-law as well as a Permit to Take Water under the Ontario Water Resources Act.

- (g) the amenity of the surrounding rural area is adequately protected;
- (h) adequate open space is provided around any industrial use so that a buffer of trees, shrubs or fencing is provided; and
- (i) limited retail sales of products manufactured on the same premises may be permitted as an ancillary use.

A dwelling unit for the resident owner/operator either as a single unit detached dwelling or in the second story of the industrial building shall be permitted in association with a permitted industrial use or uses.

2.1.7 **Waste Disposal Sites**

The Township will continue to use the two existing waste disposal sites in accordance with the standards and requirements of the Ministry of the Environment and Energy. Active and former waste disposal sites are shown on Schedule B. The establishment of new waste disposal or waste treatment facilities, shall require an amendment to the implementing Zoning By-law, provided that:

- (a) the requirements of the Ministry of Environment and Energy and other public agencies authorized to grant approvals or comment respecting solid waste disposal facilities shall be met; and
- (b) adequate environmental protection and protection from sight, noise and dust, etc. is given to all adjacent uses.
- (c) they are located so as to provide adequate protection to residents against any adverse environmental effects, as determined by the Ministry of the Environment D-4 Guideline: Land Use On or Near Landfills and Dumps;”

New developments utilizing private sewage disposal and water supplies shall not locate within 500 metres of the perimeter of the fill area of an existing or former waste disposal site unless it has been demonstrated through the preparation of studies per the D-4 Guideline that there are no potential impacts associated with gas migration and ground water contamination.

2.1.8 **Recreational**

The development of recreational facilities of an active or passive nature by either public or private persons or agencies may be permitted in the Rural designation if such recreational facilities do not provide for permanent or seasonal living quarters, except for an owner or resident manager. Prior to the establishment of such a use, it shall be demonstrated to Council that such uses shall be directly related to a recreational resource identified through a business plan. Such uses shall require an amendment to the implementing Zoning By-law, provided that:

- (a) regard shall be had to the potential impact of the proposal on adjacent land uses and the environment;
- (b) an adequate supply of potable water and an acceptable method of sewage disposal can be provided;
- (c) any proposed recreational development shall not infringe upon lands with the potential for mineral aggregate, forestry and/or agricultural production, nor adversely affect environmentally sensitive areas;
- (d) adequate automobile parking areas shall be established and access points to parking areas shall be designed in such a

manner that they will minimize the impact to vehicular and pedestrian traffic; and

- (e) all recreational uses permitted in the Rural Designation shall not require the undue extension of existing rural collector roads nor the construction of any new rural collector roads. The development of private recreational facilities which require the construction or maintenance of additional public local roads shall in no way place a financial burden on the municipality.

2.1.9 Mineral Aggregate Resource Uses

2.1.9.1 General

A "*Mineral Aggregate Resource Use*" includes the use of lands related to the extraction and processing of raw materials from the earth, which would include quarrying, sand and gravel pit operations and associated operations such as washing, screening, crushing and storage of sand, gravel, ballast, stone aggregate, clays, brick, and other surface and sub-surface resource materials.

It is also deemed to include accessory and associated operations such as cement and concrete batching plants, asphalt and road materials operations, offices and weight equipment, conveyers, parking and garage areas for trucks, as well as incidental accessory uses such as water storage.

2.1.9.2 Existing, New or Expanded Operations

Legally existing mineral aggregate operations shall be recognized and placed in a separate zoning category in the implementing Zoning By-law. The expansion of existing aggregate removal operations or the establishment of new operations may be permitted in areas designated Rural through the process of rezoning. In considering such applications, Council shall, in consultation with the appropriate Provincial Ministries and/or the Ministry of Environment and Energy, assess the impact of the proposal on adjacent land uses and the environment. Furthermore, such applications shall:

- (a) include site development plans which show the following information:

- (i) The topography, contours, dimensions, area and location of the property to be developed as well as the extent of adjacent property held for future pit or quarry operations;
 - (ii) the existing use of all land and the location and use of all buildings and structures lying within a distance of 150 m from the land that is to be the subject of the extractive operation;
 - (iii) the location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the property, as well as the method and phasing of the operation;
 - (iv) existing and anticipated final grades of excavation, shown by contours where necessary, as well as excavation set-backs and location of naturally occurring vegetation which could act as screening;
 - (v) the provision of drainage planning and drainage works approved by the Ministry of the Environment and Energy for the filtration of water from the operation such that no polluted waters from washings, screenings and/or other water using operations shall be discharged directly into any creek or any water course or drainage channel or ditch;
 - (vi) all entrances and exits proposed and existing and truck traffic routes;
 - (vii) as far as possible, ultimate pit development, progressive and ultimate road plan, any water diversion or storage, location and size of stockpiles for stripping and products, progressive and rehabilitation plans and where possible, intended use of the land after the extractive operations have ceased; and
 - (viii) cross sections through the deposit to show among other matters, the location of the watertable.
- (b) have regard for the following policies:

- (i) All water discharge from any mineral aggregate operations shall be diverted to effective and maintained silt traps on the land being mined or quarried which meet the approval of the Province and/or the Ministry of the Environment and Energy;
- (ii) no building or road shall be constructed on the land until its location is approved by the Council;
- (iii) no aggregate removal or quarrying operations may commence until appropriate buffering (eg. a planted tree screen, a berm) is established around the periphery as required, in order to remove the aggregate or quarrying operation from sight, with the position and type of buffering having been approved by Council in consultation with the Ministry of Environment and Energy prior to its establishment. The owner of the land shall maintain all buffering in an aesthetically pleasing condition;
- (iv) all the topsoil removed prior to or in the course of the aggregate removal or quarrying operation shall be retained on part of the land and redistributed for progressive rehabilitation purposes on the surface of such land in a manner that will return the land to its intended after use. Agricultural lands, including specialty crop and Classes 1 to 4, are to be rehabilitated and substantially the same acreage and average soil capability for agriculture are to be restored;
- (v) no excavation other than for an access road shall take place within 30 metres of an adjacent property line or within 30 metres of any public street or highway. In addition, no mineral aggregate operations or related operations may occur within 15 metres of a watercourse. Furthermore, no excavation shall take place within 150 metres of residential structures;
- (vi) The concept of an influence area is recognized as a means of protecting against incompatible land uses in the vicinity of lands zoned for mineral aggregate resource uses. In this regard, extractive operations will generally be prohibited within approximately 150 m of any adjoining residential structure. Conversely,

new buildings and structures for residential purposes will generally be prohibited within approximately 150 m of any adjoining property zoned for extractive purposes in the implementing zoning by-law;

- (vii) Upon completion of mineral aggregate operations and when there is no intention to reopen such operations:
 - (a) all buildings and machinery shall be removed from the site unless otherwise indicated on a site development plan;
 - (b) the excavation or the site shall be rehabilitated so that it does not constitute a danger to the public or present an unsightly appearance, and provides for the intended after use of the site. Rehabilitation measures may include grading the sides and bottom of the excavation or site, and/or sloping the sides.
- (viii) all mineral aggregate operations shall be conducted so that no danger or nuisance is caused to the public;
- (ix) the Council shall enter into an agreement with the owners of any proposed mineral aggregate operations to ensure compliance with the above regulations and the effective rehabilitation of the area after such operations have been completed; and
- (x) aggregate removal operations, as well as other related industries such as asphalt and concrete batching plants, will require the approval the Ministry of the Environment and Energy for noise, dust, and vibration emissions, as well as water, sewage and waste disposal.

2.1.9.3 **Regulatory By-Law**

Council shall consider the adoption of a by-law under the Municipal Act to regulate matters such as excavation setbacks, screening and berming, entrances, gating, hours of operation, rehabilitation and other matters deemed necessary by Council. Prior to adoption, a draft of the by-law will be circulated to the

Ministry of Natural Resources, the Ministry of Environment and Energy and the Ministry of Transportation for comment.

2.1.9.4 **Mineral Aggregate Resource Areas**

Mineral Aggregate Resource Areas are lands that are identified as having deposits of aggregates, with the potential for future extraction. There is no mapping currently available that identifies the location of primary and secondary aggregate areas in the planning area. However, should a future inventory identify significant deposits, then Council shall designate such areas as "*Mineral Aggregate Resource Area*" on Schedule 'B' by an amendment to this plan. The amendment would include policies to protect and preserve deposits for future extraction as well as policies identifying the matters to be considered when reviewing proposals for non-aggregate development. Until mapping becomes available, proponents of residential development by plan of subdivision may be required to undertake studies of aggregate potential, satisfactory to the Province.

2.1.9.4.1 **Mineral Aggregate Deposits**

If mineral aggregate deposits are identified, Council shall evaluate the following prior to considering the proposal any further:

- (a) extraction would not be feasible;
- (b) the proposed land use or development serves a greater long-term interest of the general public than does aggregate extraction, or
- (c) the proposed land use or development would not significantly preclude or hinder future extraction.

2.1.10 **Hunt Camps and Trappers Cabins**

Hunt camps and trappers cabins which are used only as a temporary base for hunting or trapping activities may be permitted as-of-right within the Rural designation and shall not be required to front on a public road.

2.1.11 **Mining Operations**

Legally existing mining operations (mineral exploration and mineral production) shall be recognized and placed in a separate

zoning category in the implementing Zoning By-law. The expansion of existing mining operations or the establishment of new operations may be permitted in areas designated Rural through the process of rezoning. In considering such applications Council shall, in consultation with the Ministry of Northern Development & Mines and/or the Ministry of Environment and Energy, assess the impact of the proposal on adjacent land uses and the environment.

2.1.12 **Bed and Breakfast Establishments**

Bed and breakfast establishments which provide small scale, short term accommodation for travelers in private homes are permitted as-of-right throughout the rural designation except within recreational waterfront areas where they may be permitted by rezoning.

2.2 **HAMLET COMMUNITY**

2.2.1 **General**

The communities of Nipissing, Commanda, and Sunset Cove provide Community Focus areas for the municipality. These areas presently contain a variety of commercial and community facilities.

The intent of this Plan is to accommodate the bulk of the permanent population growth, commercial, limited industrial and community facilities in the three hamlet communities. As such, lands designated for Hamlet Community, on Schedule 'A', are intended primarily for the following:

- (a) low density residential uses (single unit and two unit dwellings) in accordance with Section 2.2.2;
- (b) commercial uses in accordance with Section 2.2.3;
- (c) limited industrial uses in accordance with Section 2.2.4;
- (d) institutional and public uses such as schools, places of worship, community centres, public buildings, and cemeteries;
- (e) recreational uses of an active or passive nature by either public or private persons or agencies such as playgrounds, conservation areas, parks and open space;

- (f) limited agricultural uses provided that such uses do not interfere with the desirable residential development in the Hamlet community; and
- (g) bed and breakfast establishments.

2.2.2 Residential

2.2.2.1 General

It is the policy of this Plan to only permit residential development in the Hamlet Community designation provided that the lot has frontage on a public road which is maintained on a year round basis by a public authority and, either:

- (a) the lot is an existing lot of record or separate parcel existing at the time of adoption of this Plan; or
- (b) the lot and proposed dwelling comply with the consent policies of Section 5.2.2 and 5.2.3; or
- (c) the lot is developed by registered plan of subdivision in accordance with the policies contained in sub-section 2.2.2.2.

2.2.2.2 Plans of Subdivision

The general principles to be considered for new residential subdivisions within the Hamlet Community designation include:

- (a) Development shall be encouraged in depth rather than strips along the main roads. Provisions shall be made in appropriate locations to leave access from the main road to a second or third tier of lots behind the existing development;
- (b) lot sizes for new residential development should generally not be less than 4000 sq.m with a minimum lot frontage of 46 metres where such development is to be serviced by individual private water and sewage systems; and
- (c) all applications for new development shall be accompanied by the studies outlined in Section 4.16 as well as the applicable studies outlined in Section 3.4.

2.2.3

Commercial

The development of commercial uses such as grocery stores, convenience stores, hardware stores or other retail stores, personal service shops such as hairdresser or shoe repair shop, service shops, offices, hotel, motel and eating establishments, and residential uses accessory to the above noted uses, and automobile service stations may be permitted in the Hamlet Community designation by amendment to the Zoning By-Law provided that:

- (a) such uses do not significantly interfere with the desirable residential development in the Hamlet community;
- (b) adequate automobile parking areas shall be established for the convenience of the people using such commercial areas;
- (c) adequate buffering or screening is provided to protect existing residential uses;
- (d) an adequate supply of potable water and an acceptable method of sewage disposal can be provided, and
- (e) adequate buffering or screening is provided to reduce any potential negative impacts on residential uses.

2.2.4

Industrial

The development of limited industrial uses which are not obnoxious and which are considered "*dry*" industries (i.e. do not require water in its process for cooling, washing, production or manufacturing) and which do not handle, store or otherwise utilize substances that could constitute a threat to ground water resources in the event of a leak or spill may be permitted in the Hamlet community designation by amendment to the Zoning By-Law, provided that:

- (a) where feasible, such uses shall locate within the periphery of the Hamlet community designation;
- (b) such uses do not significantly interfere with the desirable residential development in the Hamlet community;
- (c) adequate off-street parking shall be provided on any industrial property for employees and visitors;

- (d) an adequate supply of potable water and an acceptable method of sewage disposal can be provided;
- (e) all industrial sites shall front on a public road which is maintained on a year round basis by a public authority and they shall have a limited number of openings for vehicle exits and entrances;
- (f) adequate buffering or screening is provided to reduce any potential negative impacts on residential uses;
- (g) the amenity for the surrounding area is adequately protected; and
- (h) the proposed industrial use shall be subject to approval by the Ministry of the Environment and Energy in accordance with its guidelines including the MOEE's Land Use Compatibility Guidelines and in particular Section 3.4 of this Plan.

2.3 HAZARD LANDS

2.3.1 General

Hazard Lands are those areas which, because of inherent physical or environmental characteristics are unsuitable for a number of land uses. In some instances the hazard may be such that building and human occupancy should be prohibited. In other cases the hazard is less serious yet still sufficient to require restrictions of the type and nature of land use or development which is permitted. These hazards include such things as flood susceptibility, soil instability, steep slopes, poor drainage or any other physical condition which could endanger human life and/or property if these areas were to be developed. To date, very little information is available identifying either the location, extent or severity of other constraints such as steep slopes, unstable soils, poor drainage, etcetera. Maintenance of flood plain areas and other hazard lands in their natural condition to achieve other environmental benefits is also encouraged.

2.3.2 Where hazard land information is not sufficient or available the proponent may be required to undertake studies to define the area susceptible to risks, and to address mitigating measures.

2.3.3 **Park Land Dedication**

Where new development is proposed on a site, part of which has physical or environmental hazards, then such hazard lands shall not necessarily be acceptable as part of the five percent dedication under Section 50(5) of the Planning Act R.S.O., 1990. All lands dedicated to the Municipality shall be conveyed in a physical condition satisfactory to the Municipality.

2.3.4 **Hazard Land - Flood Plain Areas**

Except for a portion of the South River watershed and land subject to lake flooding in the Greenings Bay area of Lake Nipissing where the delineation of Hazard Land is based on engineered flood lines, the delineation of Hazard Land is based upon a combination of air photo interpretation and field examination. These lands have been designated as Hazard Land - Flood Plain Areas on Schedule 'A' and are to be zoned Hazard Land in the implementing Zoning By-Law. When more detailed engineered flood lines become available, they may be used as a basis for amending this plan and the implementing Zoning By-law.

- (a) An amendment to this plan will not be required for changes to the boundaries of the Hazard Land - Flood Plain Areas, which are deemed to be suitable by council after consultation with the Ministry of Natural Resources. Where such changes occur, the appropriate abutting land use designation shall apply and the implementing Zoning By-Law shall be amended accordingly.
- (b) The uses permitted on the Hazard Land - Flood Plain Area identified on Schedule 'A' shall be limited to agriculture, conservation, horticultural nurseries, forestry, golf courses, and other outdoor recreational activities. No placing or removal of fill of any kind, whether originating on the site or elsewhere, shall be permitted in any Hazard Land - Flood Plain Area and no new buildings or structures, except for docks, boat houses and hangers for water based aircraft, shall be permitted except where such buildings, structures or fill are intended for flood and erosion control and are approved by the Municipality, and the Ministry of Natural Resources. Uses and activities which could be adversely affected by or which could increase the associated flood hazards both on and off site are not permitted.

Any works on the shoreline or in the water of the abutting lake or river (e.g. retaining walls, beach creation, docks, boathouses, etc.) will require the written authority of the Ministry of Natural Resources in the form of a work permit under the Public Lands Act and/or the Lakes and Rivers Improvement Act.

- (c) All buildings and structures existing at the date of adoption of this plan will be recognized as permitted legal conforming uses in the implementing Zoning By-law. No enlargements or extensions will be permitted without an amendment to the Zoning By-law. Renovation or replacement of these existing structures may be considered by Council, in consultation with the Ministry of Natural Resources, provided that:
 - (i) the building or structure is situated on the location of the original foundation;
 - (ii) the size of the building or structure is not increased;
 - (iii) there is no change in use except to a use permitted in a hazard area;
 - (iv) the proposed renovation or replacement will be adequately protected and will not be subject to flooding or flood-related damages nor increase the hazards associated with the floodplain, both on and off site; and
 - (v) the original structure was not damaged by flooding.
- (d) Enlargements or extensions to existing building or structures on lands designated Hazard Land - Flood Plain Areas shall generally not be permitted and only in special cases shall expansions be considered. Such enlargements or extensions will require an amendment to the Zoning By-Law. In determining the appropriateness of a proposed enlargement or extension, Council shall consider:
 - (i) the degree of flood risk;
 - (ii) the need for the proposed enlargement or extension;

- (iii) the physical characteristics of the flood plain and the potential for upstream or downstream impacts;
- (iv) the technical feasibility and cost effectiveness of incorporating floodproofing measures;
- (v) whether the proposed expansion would be adequately protected or subject to flooding or flood related damages.

Proposals for enlargements or extensions shall be reviewed in consultation with the Ministry of Natural Resources.

- (e) In addition to zoning by-laws, the Township may use building by-laws and site plan control to implement floodproofing measures. Regulatory floodproofing enforcement will require preparation of a comprehensive floodproofing code. Canada Mortgage and Housing Corporation's flood plain construction standards for floodproofing shall be used as criteria for assessing proposed enlargements or extensions. The following is a partial list of some of the main floodproofing considerations:
 - (i) detailed design and construction criteria for flood-water pressures;
 - (ii) no openings should be permitted below the flood datum;
 - (iii) incoming power service should be above the flood datum;
 - (iv) design of heating, air conditioning, ventilation, plumbing, sanitary and water systems to consider flood vulnerability;
 - (v) water supply systems should be designed to prevent contamination from flood waters;
 - (vi) gas and oil fired furnaces should be provided with float operated automatic control valves to shut off fuel in the event of flooding;

- (vii) escape provisions for occupants in the form of horizontal berms around buildings for egress and road surfaces built above flood datum.
- (f) An application for the removal of the Hazard Land - Flood Plain Area Designation for other purposes may be given due consideration by the Council in consultation with the Ministry of Natural Resources after taking into account:
- (i) a detailed landscape inventory and evaluation;
 - (ii) the existing environmental and physical hazards;
 - (iii) the potential impacts of these hazards;
 - (iv) the potential impact of the proposed development both on and off site upon these hazards;
 - (v) the proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices;
 - (vi) an evaluation of alternatives to the proposed undertaking; and
 - (vii) the cost and benefits in monetary, social, and biological value terms of any engineering works and/or resource management practices needed to overcome these impacts.

2.3.5 **Special Policy for Lake Nipissing Flood Plain**

Notwithstanding Section 2.3.4, all lands below the Flood Datum Elevation for Lake Nipissing of 197.25 metres Canadian Geodetic Datum (C.G.D.) and not subject to the influence of riverine flooding shall be subject to the following:

- (a) New development may be permitted without an amendment to this plan provided that all structures have a 2 metre horizontal berm surrounding the outside walls, and no openings such as doors, windows, etc. shall be permitted below the flood elevation of 197.25 metres C.G.D., provided all structures are setback 30 metres from the normal highwater mark. Furthermore, all roads leading to the

structure must be constructed to a minimum elevation of 197.25 metres C.G.D.

Floodproofing design considerations which contemplate structural integrity and the placement of services are encouraged.

- (b) Lands within the limits of the Lake Nipissing flood plain, as shown on Schedule 'A', shall be zoned in the implementing zoning by-law in accordance with the policies of the abutting land use designation. The 197.25 m contour shall be delineated on the Zoning By-law schedule.
- (c) Development in the flood plain of Lake Nipissing including residential applications with less than 25 dwelling units, may be subject to a site plan agreement between the landowner and the municipality, to ensure development is adequately protected and will not increase flood risks, both on and off site, and to protect other environmental concerns.

2.4 PROVINCIALY SIGNIFICANT WETLAND AREAS

2.4.1. Wetlands are important to the economy and ecological diversity of Ontario. They maintain and improve water quality, protect shorelines from erosion, aid in flood control, provide fish and wildlife habitat and contribute substantial social and economic benefits, including selected outdoor recreational and tourism related activities.

Many wetlands have disappeared over the years through urban encroachment, land clearance, drainage and filling. In fact, land surveys indicate that only a quarter of the original wetlands remain in southern Ontario. North of the southern most boundary of the Canadian Shield, wetland loss is also occurring, particularly near urban areas and along shorelines of the Great Lakes and other water bodies.

Provincially significant wetlands are those wetlands that have been identified as being Provincially significant by the Ministry of Natural Resources and/or Council through a wetland evaluation system.

2.4.2 **Lands Designated Provincially Significant Wetland Areas**

Wetlands evaluated to be provincially significant have been designated as Provincially Significant Wetland Areas on Schedule A.

Lands within provincially significant wetlands shall be placed in a non-development zone category that limits permitted uses to those that would not require structural development, new drainage works or landform modification. The maintenance of existing municipal and agricultural drains shall be permitted.

The zoning of lands designated Provincially Significant Wetland Areas shall recognize all existing buildings and structures, including utilities and facilities as permitted legal conforming uses. Development and site alteration shall not be permitted within provincially significant wetlands. For clarity, reference should be made to the Schedule to Official Plan Amendment No. 1 to determine the boundaries of the Fish Bay Provincially Significant Wetland.

2.4.3 **Adjacent Lands**

This Plan also recognizes that development on lands adjacent to significant wetland areas may result in negative impacts to adjacent wetland features or functions. Adjacent lands are defined as all lands within 120 metres of individual significant wetlands and, in the case of wetland complexes, within 120 metres of individual wetlands comprising the complex. Lands within the limit of adjacent lands, shown on Schedule A, shall be zoned in the implementing zoning by-law in accordance with the policies of the abutting land use designation.

Proponents of proposals involving a change in land use requiring rezoning or lot creation shall be required to demonstrate that there will be no negative impacts on the natural features or on the ecological functions for which the adjacent wetland is identified. Proponents shall be required to demonstrate that there will be no negative impacts through procedures described in Section 2.4.4.

2.4.4 **Assessing Impact**

The impact of proposals for development within provincially significant wetlands and on adjacent lands shall be determined by the proponent through an impact assessment prepared in accordance with procedures recommended by the Province.

Impact assessments will be required to meet the satisfaction of Council, the approval authority, and/or the Ministry of Natural Resources.

The scope and level of detail of impact assessments may vary on a case by case basis depending on the scale of the proposal and on the anticipated effects of development. Formal impact assessment requirements may be waived for certain small scale proposals such as single lot severances or minor zone changes if an environmental screening of the proposal has been undertaken and it has been determined that there are no potential negative impacts or that impacts can be readily mitigated through standard mitigation measures.

Where it has been demonstrated upon completion of an impact assessment or environmental screening that development is permitted subject to recommended mitigation, measures to mitigate impacts shall be implemented through a site specific zoning amendment, subdivision agreement or site plan control agreement.

2.4.5 New utilities/facilities shall be located outside provincially significant wetlands wherever possible. Approval authorities shall consider alternative methods and measures for minimizing impacts on wetland functions when reviewing proposals to construct transportation, communication, sanitation and other such utilities/facilities in provincially significant wetlands.

2.4.6 Schedule A shows wetland areas that are presently known to be provincially significant and their adjacent lands. As developments are proposed and/or detailed studies undertaken, other wetland areas may be discovered to be of provincial significance. Such areas will be designated Provincially Significant Wetland Areas, by an amendment to this Plan.

2.4.7 Council shall endeavour to protect other wetland areas that are not provincially significant.

2.5 **SENSITIVE AREAS**

Sensitive areas are land and/or water locations of ecological, geological, archaeological or historical importance, which are significant because of their uniqueness and/or their importance in meeting provincial and regional natural resource objectives. This significance is often related to one or more functions, such as:

scientific research; education and interpretation; species maintenance; conservation of unique or representative occurrences of flora, fauna, land forms, geology, historical and cultural features.

Sensitive areas can be easily damaged by development because many of the features are fragile or dependent on ecosystems that are delicately balanced.

The sensitivity of each sensitive area depends on the type of use proposed, the potential for damage and recommendations for use in each area will also vary accordingly.

The various sensitive areas have been overlaid on Schedule 'B'. The sensitive area designation is an overlay designation providing an additional level of protection to those areas. Minor adjustments to expand or reduce the limits of these boundaries may be agreed upon by the municipality and the applicable provincial ministry having an interest at the time of consideration of adjacent development proposals. Such minor refinements would not necessitate an amendment to this plan. The uses permitted shall be those permitted by the underlying land use designation provided that the use will not significantly affect the designated area. The following policies are to be used as a guide for council in assessing the impacts of proposed uses.

- 2.5.1 Development and site alteration shall not be permitted in any areas identified as significant habitat of threatened or endangered species, or provincially significant wetlands.

Development and site alterations shall not be permitted in areas identified as significant wildlife habitat or significant areas of natural or scientific interest or areas adjacent to significant habitat of threatened or endangered species and Provincially Significant Wetlands" unless it has been Demonstrated through the appropriate studies undertaken by qualified persons appointed by Council that there will be no negative impacts on the natural features or their ecological functions

- 2.5.2 In addition to Section 2.5.1 the following special policies shall apply accordingly:

- (a) *Prime Agricultural Lands* - include lands where soil class 1, 2, 3 or 4 predominate as defined in the Canada Land Inventory of Soil Capability for Agriculture. All development on these lands shall comply with the Minimum Distance Separation

One and Two criteria as amended from time to time. Furthermore, non-agricultural development on prime agricultural lands should only be considered where the need to use this land is justified in accordance with the following:

- (i) the necessity for the land use in the municipality;
- (ii) the amount of land needed for the proposed use or uses; and
- (iii) the reason for the choice of location.

Mineral aggregate extraction may occur on prime agricultural lands provided that rehabilitation of the site is carried out and substantially the same hectarage and soil capability for agriculture are restored.

- (b) *Active or Former Waste Disposal Sites* - The Ministry of the Environment and Energy shall be consulted on all developments proposed with private services, or expansions of current use, located within 500 metres of the boundaries of open or closed waste disposal sites. These proposals will require an Environmental Impact Assessment Report to demonstrate that the water supply of the proposed development is not negatively impacted and that other problems are not present (e.g. leachate, methane gas, rodents and vermin). Development shall not be permitted within 30 metres of a waste disposal site.

Re-use of land(s) used for waste disposal purposes within 25 years of the date waste was last deposited will require approval in accordance with Section 46 of the Environmental Protection Act, RSO 1990.

- (c) *Cultural Heritage Resources* - Council recognizes that there may be remnants of prehistoric and early historic cultural heritage resources within the township. In areas where there are archaeological remains Council will encourage archaeological survey by archaeologists licensed pursuant under the Ontario Heritage Act, to ensure the preservation, rescue excavation, and conservation of significant archaeological resources which might be affected during any future development, in cooperation with the Ministry of Culture, Tourism and Recreation. In development areas where there are structural remains such as historic buildings,

bridges, and/or industrial ruins deemed to be significant, Council will also encourage heritage impact assessments (HIAs) on these properties.

- (d) *Active or Former Mining Operations* - The Ministry of Northern Development & Mines shall be consulted on all developments within 120 metres of the boundaries of an active or former mining operation. New land uses proposed on or near active or former mining operations, or areas of significant mineral potential may be restricted to ensure compatibility with exploration, development and mining of mineral resources.
- (e) *Site Decommissioning* - Where a change in land use is proposed/contemplated and the present use has the potential to have caused environmental contamination (eg. industrial to residential designation) the site shall be decommissioned and/or cleaned up prior to receiving the Ministry of the Environment and Energy's recommendation for approval of the new use. The decommissioning/cleanup shall be undertaken in accordance with the Ministry of the Environment and Energy's Guidelines for the Decommissioning and Cleanup of Sites in Ontario (February 1989).

2.5.3 Schedule 'B' shows areas that are presently believed to be sensitive. As developments are proposed and detailed studies undertaken, other areas may be discovered to be sensitive. Such areas will be designated Sensitive Area by an amendment to this Plan. Such areas may be subject to the study requirements outlined in subsection 2.5.1, if required by Council in consultation with the provincial Ministry having an interest.

2.5.4 All new developments within or adjacent to critical (Type 1) fish habitat or unknown fish habitat should be undertaken in a manner that results in no negative impacts on the habitat. Adjacent lands are defined as lands within 30 metres of critical (Type 1) fish habitat. The only exception to this policy would be where the Department of Fisheries and Oceans has previously authorized a "Harmful Alteration, Disruption or Destruction" of fish habitat as provided for under the Federal Fisheries Act.

Critical fish habitat, including Class One fish habitat, coldwater streams and cold-water lakes are shown on Schedule B.

It is a policy of this Plan that the streams and lakes in the Township shall be protected such that angling or sport fishing opportunities, an important recreational activity for residents and tourists can be enhanced.

2.5.5 Where development occurs within or adjacent to critical fish habitat, the proponent will be required to prepare a report at their cost to the satisfaction of Council and/or the appropriate approval authority in consultation with a qualified biologist retained by the municipality, outlining the measures that need to be undertaken to ensure that there is no negative impact on fish habitat as the result of the development. Where new lots are proposed abutting critical or unknown fish habitat, there shall be sufficient frontage to provide an area for recreational use of the waterfront outside of the critical or unknown fish habitat area and appropriate buffer area between the habitat area and the recreational area. The Township may impose site plan control for residential uses adjacent to critical fish habitat in order to impose mitigation measures recommended by the biologist. In addition, site-specific zoning may be used to impose greater setbacks and place these critical areas in a zone that will prohibit development.

2.5.6 Where there has been no assessment of the quality of the waterway in terms of fish habitat, the implementation authority shall treat the waterway as critical Fish habitat until proven otherwise through technical reports prepared by a qualified professional. In the absence of an assessment no development shall be permitted within 30 metres of critical or unknown habitat, including cold or cool water streams and waterbodies, or within 15 metres of a warm water stream or waterbody.

2.6 SHORELINE AREAS

Shoreline Areas are those lands that physically and functionally relate to the shorelines of Lake Nipissing and the smaller inland lakes in the Township. Lands that are ecologically connected to the shoreline areas shall also be considered in the context of the following policies. These areas are shown generally on Schedule A.

2.6.1 Development in Shoreline Areas shall occur primarily as a single tier of development adjacent to the shoreline. In addition, compatible commercial uses shall also be permitted in this designation subject to the policies and criteria set out in this Plan.

2.6.2 No development should be permitted which would result in a waterbody being developed to a point of being over capacity. When reviewing development proposals Council shall ensure the

protection, improvement or restoration of the water quality and quantity, including:

- i) the biological capacity of the lake in terms of maintaining the current level of fish habitat, water clarity and water quality and;
- ii) the recreational capacity of the lake in terms of maintaining a reasonable level of enjoyment on the surface of the lake for persons presently using the lake for recreational purposes.

2.6.3 Should development be proposed which may bring a lake near the estimated capacity, Council and/or the approval authority shall only consider such a proposal after the developer has submitted an impact report with appropriate lake modelling prepared by a qualified professional retained by the Township at the cost to the developer, that provides evidence to the satisfaction of Council that the development will not adversely affect the recreational and biological lake quality and meets the requirements of any lake capacity study commissioned by the Township and paid for by the proponents as a relevant basis for planning and development. Council may retain independent experts to provide a peer review of technical reports submitted in support of any application at the cost to the developer or proponent.

2.6.4 The shoreline of lakes that have been determined to be over capacity by the Province or identified through modelling prepared in support of development applications, shall not be subject to further lot creation (by consent or subdivision) or more intensive uses unless it can be demonstrated to the satisfaction of Council that such development will not result in increased impacts on the water quality of the lake.

2.6.5 In the case of lakes at or near their biological capacity, lot creation and land use changes which would result in a more intensive use will not be permitted except under one of the following special circumstances:

- i) the tile fields on each new lot are set back at least 300 metres from the shoreline of the lake, or such that drainage from the tile fields would flow at least 300 metres to the lake;
- ii) the tile fields on each new lot are located such that they would drain into the drainage basin of another waterbody, which is not at capacity;
- iii) to separate existing, habitable dwellings which were included in the original capacity calculation, each having a

separate septic system, provided that the land use would not change

2.6.6 In order to protect and preserve water quality in the adjacent lakes all new shoreline development shall be subject to the following:

- i) a vegetative buffer of 30 metres on natural vegetation shall be maintained between the shoreline and any development on the lot. This vegetative buffer shall only be interrupted for a pathway not to exceed 4 metres in width to provide access to the water,
- ii) all new septic systems shall utilize tertiary treatment technologies that are designed to reduce or remove a substantial proportion of the phosphorous in the sewage effluent.
- iii) Septic systems that use in-ground weeping tiles shall utilize sands that at certain depths and composition have been tested to reduce phosphate, and
- iv) new development and existing uses undergoing major renovations shall be subject to site plan control under Section 41 of the Planning Act.

2.6.7 **Backlot Development**

Backlot or second tier strip development adjacent to waterfront areas shall be strongly discouraged and, shall only be considered as rural estate subdivisions subject to the rural subdivision policies of Subsection 2.1.3.3. All proposals for backlot development adjacent to waterfront areas around Ruth Lake will require an amendment to the Official Plan. Where such development is considered, the applicant shall demonstrate to the satisfaction of the Municipality that adequate public access to the waterbody can be provided. Waterfront areas shall be that portion of the Municipality extending inland approximately 150 metres from the shoreline of Ruth Lake, Wolfe Lake, McQuaby Lake, Lake Nipissing or the Navigable portion of South River.

Residential Development

2.6.8 New lots shall have sufficient size to accommodate a dwelling, septic system and appropriate access while maintaining natural vegetation between the developed portion of the lot and the shoreline. All development, including septic systems shall be set back at least 30 metres from the shoreline.

2.6.9 Cluster forms of development shall require an Official Plan Amendment and shall be regulated through the subdivision or condominium approval process and site plan control.

2.6.10 Shoreline developments that combine residential and commercial uses such as condominiums, time-share or leaseback condominiums, or co-operative developments shall meet frontage and density requirements based on the proportion of the development that is used for either residential or commercial purposes.

Units designed and used primarily for long-term single-unit occupation shall be considered as residential and shall have at least 20 metres lake frontage per unit. Units designed and used primarily for short-term tourist accommodation, shall be considered as commercial.

2.6.11 **Conversions of Seasonal Dwellings to Permanent Dwellings**

In recent years more and more seasonal dwellings are being used for periods longer than the summer months. While welcoming the extension of recreational activities over a longer period, the municipality recognizes that problems can be caused by extensive year round occupancy in certain areas.

Although not wishing to encourage the conversion of cottage dwellings to permanent residential dwellings, the municipality recognizes the pressure for such conversions and, therefore, requires that such conversions shall only be made to dwellings provided that:

- (i) the lot has frontage on a public road which is maintained on a year round basis by a public authority or if the lot has frontage on a private road, seasonal road or unopened road allowance, the road is upgraded to a public road and will be maintained on a year round basis by a public authority in accordance with the Transportation policies of Section 3.3;
- (ii) the lot, building and construction standards applying to permanent houses can be met;
- (iii) an adequate supply of potable water and an acceptable method of domestic sewage disposal can be provided; and
- (iv) the conversion will not, in Council's opinion, require an undue extension of services at public expense.

Commercial Development

2.6.12 The Zoning By-law will establish standards for tourist commercial developments on the basis frontage on the water body per unit and a maximum density based on five units per hectare where a unit is defined as:

- i) a tent site
- ii) a trailer site
- iii) a rental cabin or rental cottage
- iv) a room or suite in a hotel, motel or lodge.

2.6.13 Densities up to a maximum of eight metres frontage on the water body per unit and a maximum density that does not exceed five units per hectare, may be permitted through an amendment to the zoning by-law subject to the developer:

- i) proving to Council's satisfaction through an impact study, that there will be no negative impact on the environment, the water body capacity, and the property values and quiet enjoyment of surrounding owners, and
- ii) entering into a Site Plan Agreement with the municipality limiting boat docking/launching facilities and making provision for land based recreational facilities such as a golf course, tennis courts, or swimming pools.

Zoning By-law

2.6.14 The Zoning By-law shall provide for a Recreational Residential Zone to those areas adjacent to Wolfe, Ruth and McQuaby Lakes, Lake Nipissing and the navigable portions of the South River. This zone shall recognize existing residential uses and provide for infilling and further development subject to the policies in this Plan. Commercial uses shall be placed in a separate zone.

In addition, the Zoning By-law will identify Limited Service Area where the municipality does not provide year-round road maintenance and, as a result, emergency services and other services requiring access to the lands will be limited during winter months.

PART 3: SERVICES AND FACILITIES

Servicing in rural municipalities is generally difficult and expensive to provide due to the scattered development patterns associated with the rural way of life. In recent years, the rural life has been attractive to generally urban-oriented people wanting to take advantage of those residential amenities such as low taxes, large lots and solitude which are not usually found in semi-urban and urban communities. This trend seems to be increasing in most rural areas. With it, however, has come demands for increased levels of servicing such as more frequent snowplowing, opening of seasonal roads to year-round use and maintenance, dust control on roads, better road upkeep, regular garbage pickup and improved fire protection. This can place a direct financial burden on the municipality.

The general intent of the Plan is to maintain a level of public works and community facilities appropriate to a predominantly rural and seasonal area while having three settlement communities in which growth is encouraged. The moderate increase in permanent population is not expected to create demands significantly above the levels presently experienced. A demand for municipal water and sewerage works is not seen as a future possibility though this is not entirely predictable due to the many variables involved. However, were unexpected growth to occur, the Township will prepare a multi-year servicing plan and review and amend the policies of this Plan as required.

3.1 SERVICING REQUIRED

All areas in which major new development and redevelopment are to take place shall be adequately serviced with roads and other services which in the opinion of Council may be deemed appropriate.

3.2 STANDARDS FOR DEVELOPMENT

A developer may be permitted to provide municipal services and other public works provided that such installation is in accordance with a subdivision agreement or a development agreement between the developer and the municipality, agreeing to construct such services to the standards and specifications set from time to time by the municipality.

3.3 TRANSPORTATION

The intent of the Plan is to ensure as far as possible a road network that will adequately accommodate the transportation needs of the

municipality and to maintain these roads in a good state of repair within the financial capabilities of the Township.

- 3.3.1 Minimum building setbacks will be set out in the zoning by-law to allow for adequate rights-of-way for all public roads.
- 3.3.2 The Township will continue to improve public roads as funds become available.
- 3.3.3 Unless it is clearly in the public interest for the municipality, it is not intended that existing private roads will be assumed by any public agency and no responsibility for access, snow removal, maintenance or use by school buses is acknowledged.
- 3.3.4 Provincial road standards (i.e. Ministry of Transportation's minimum maintenance subsidy standards) and adequate storm drainage will be a minimum requirement for any private road before it is assumed by a public agency and for any new road set out in a plan of subdivision.
- 3.3.5 Until such time that the municipality considers it economically feasible and in the public interest to extend road maintenance or open new roads:
 - (a) year-round road maintenance will only be provided on those roads identified by Council as being maintained by the municipality on a year-round basis.
 - (b) summer road maintenance only will be provided on those roads identified by Council as seasonal roads.
 - (c) no unopened road allowances will be opened by the municipality. An individual may, however, request that a road allowance be opened provided that:
 - (i) the road is opened at the individual's expense; and
 - (ii) the individual enters into a development agreement with the municipality for opening the road and bringing the road up to the minimum provincial road standards.
- 3.3.6 Bicycling is recognized as an alternative mode of transportation which can play a positive role in improving mobility and quality of life of a balanced transportation system.

3.3.7 Snowmobile routes and recreational trails form an important component of the Municipality's transportation system. The location of these routes may change from time to time. Crossing of Provincial Highways requires approval of the Ministry of Transportation.

3.3.8 The Township will acquire title to roads that have historically been used and maintained as public roads in the Township but have not been dedicated as public highways. Where lands abutting these roads are subdivided the Township will, as a condition of approval, require the owner to dedicate a minimum of 10 metres on either side of the existing road centreline to the municipality for road purposes.

3.4 **SEWAGE DISPOSAL AND WATER SUPPLY**

3.4.1 Any development requiring a private sewage treatment system requires the approval of the Ministry of the Environment and Energy(M.O.E.E.) or its designate.

3.4.2 Where residential development has been proposed (e.g. draft plan of subdivision) for more than **five** units on individual private water and sewage, the Ministry of the Environment and Energy will require an Environmental Impact Assessment Report to be prepared by the owner/ developer and submitted for the M.O.E.E.'s review and approval. This report shall include an evaluation of servicing alternatives, including full municipal services, publicly owned and operated communal servicing systems and private individual servicing systems, and provide justification for the proposed form of servicing. The report shall also demonstrate potable groundwater quality, adequate groundwater yield, negligible groundwater quantity interference, soil suitability (re: Ontario Regulation 358), and sufficient area available for effluent treatment.

3.4.3 Where a private system is required which will handle more than 4500 litres/day, such as for highway commercial operations, tourist camps or multiple unit dwellings, a hydrogeological impact report is also required which is to be submitted to M.O.E.E. for its review and approval. This report must demonstrate soil suitability, sufficient area for the effluent treatment and site suitability.

3.4.4 It is the preference of the Ministry of Environment and Energy that multi-unit/lot development (i.e. more than 5 units/lots or residential, industrial, commercial or institutional development) in

unserviced areas occur on communal water and sewage services. Communal servicing will not be required where it can be demonstrated to the satisfaction of the M.O.E.E. that the need for such communal servicing is not justified. If a proposed development is to be serviced by a communal sewage and/or water system, the municipality is to attain ownership, operation, and maintenance of the system. In the case that the lots/units are not for full-time residential occupation, the municipality shall enter into a default agreement with the developer such that the municipality shall take over responsibility in the event of default of the owner. When any private communal system is upgraded or expanded, the provision for municipal ownership, operation and maintenance will apply.

- 3.4.5 All new industrial developments must meet the requirements of the Ministry of the Environment and Energy and/or the local Health Unit, which include approvals for water, sewage and air emissions. The development of "wet" industries on private subsurface sewage systems (i.e. industry requiring water in its process for cooling, washing, production or manufacturing) are discouraged, as well as other industries which handle, store or otherwise utilize substances that could constitute a threat to groundwater resources in the event of a leak or spill.

3.5 **STORM WATER MANAGEMENT**

The control/management of stormwater is of concern to Council, the Ministries of the Environment and Energy, and Natural Resources. Stormwater control/management encompasses flooding, erosion, fisheries, groundwater recharge and water quality. The mandates of the two Ministries include: prevention of loss of life, minimization of community disruption and property damage due to erosion and flooding, and the maintenance and enhancement of surface and groundwater resources sufficient for aquatic life, recreation and other uses.

Council shall support the guidelines and strategies established by the provincial government to improve water quality and to control stormwater flows within and adjacent to the municipality. In this regard, proponents of new development may be required to develop stormwater control/management systems and or plans to appropriately address the mandates of the Ministries of Natural Resources and Environment & Energy.

In reviewing plans of subdivision or official plan and zoning by-law amendments to permit new development, Council shall give consideration to the requirement for a master drainage plan and/or a stormwater management plan. In determining whether a master drainage plan is required, Council shall consult with the Ministry of Natural Resources and the Ministry of the Environment and Energy, and shall have regard for the portion of the watershed which is already developed.

If it is determined that a master drainage plan is not required, a stormwater management plan shall be prepared which details pre-development runoff and anticipated changes in water quantity and quality. The stormwater management plan shall consider flood control, erosion control, sedimentation, fish and wildlife habitat, general water quality issues and the location and design of all storm sewers and stormwater management facilities. The plan shall be prepared to the satisfaction of the agencies noted above.

Stormwater management plans shall be required for all new plans of subdivision, without exception.

3.6 **MUNICIPAL PARKS**

3.6.1 Municipal parks will be established when sufficient funds have been accumulated from municipal funds and through the provisions of the Planning Act.

3.6.2 Council may require a developer to give to the municipality, for park purposes, up to 5% of the land he proposes to develop or redevelop for residential purposes, and up to 2% for commercial or industrial projects.

3.6.3 Where the land dedication is of insufficient size, physically unsuitable, or poorly located to be of use for parks purposes, a cash payment may be given in lieu of the land dedication.

3.6.4 Where cash is accepted in lieu of the land dedication, Council shall keep the funds in a special account. The funds in this account shall only be used for park and recreational purposes.

PART 4: GENERAL LAND USE POLICIES

The following policies shall have general application throughout the municipality. Other more specific policies for those land use designations shown on Schedules 'A' and 'B' to this Plan are dealt with in PART 2.

4.1 GENERAL STATEMENT

It shall be the policy of the council to ensure that all development takes place in accordance with the general and overall intent of the land use designations and the policy statements set out in this Plan.

4.2 EXISTING USES

Nothing in this Plan shall affect the continuance of uses which were legally established prior to the date of adoption of this Plan, so long as it continues to be used for that purpose. Council shall, however, attempt to reduce the number of non-conforming uses whenever and wherever possible.

4.3 NON-CONFORMING USES

A comprehensive Zoning By-Law will be passed implementing and regulating the land use designations and the policies set out in this Plan.

Some existing uses of land will not meet all the policies set out in this Plan. This situation is recognized and notwithstanding the policies in this Plan, such uses may be zoned in the Zoning By-Law in accordance with their present use and performance standards and all other applicable circumstances, provided:

- (a) the zoning will not permit any change of use or performance standard that will aggravate any situation detrimental to adjacent conforming uses;
- (b) they do not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or the traffic they generate;
- (c) they do not pollute air and water or cause noise to the extent of interfering with the ordinary enjoyment of property;
- (d) they do not interfere with the desirable development, or enjoyment of the adjacent area; and

- (e) where the use is discontinued any rezoning may only take place in accordance with the policies and intent of this Plan.

Existing uses which are not in conformity with the policies of this Plan and do not satisfy the conditions outlined above, shall be considered a non-conforming use under the Zoning By-Law. Such non-conforming uses should in the long run cease to exist. Council may, however, when sufficient funds are available, acquire or expropriate such non-conforming uses or assist in whatever way possible in the relocation of the use.

4.4 **EXTENSION OR ENLARGEMENT OF A NON-CONFORMING USE**

Where a use is not in conformity with this Plan but where it is reasonably in harmony with the adjacent area in light of the preceding requirements, appropriate additions and enlargements may be made through a special by-law for this purpose, passed under the applicable provisions of The Planning Act, R.S.O. 1990 and amendments thereto, provided that:

- (a) this would not further aggravate any adverse conditions attendant upon the use and the proposed extension or enlargement is small in relation to the size of the existing non-conforming use;
- (b) measures are simultaneously required to improve compatibility through additional landscaping, buffering, parking or loading; and to mitigate any adverse effects from storage, traffic, signs or lighting and;
- (c) the changes are generally acceptable to the residents and other interested parties in the vicinity.

4.5 **LANDSCAPE AMENITIES**

Wherever possible, the amenities of the Municipality shall be preserved and enhanced in keeping with the Municipality's natural setting. To this end, effort shall be made to control, through appropriate by-laws, the display of advertising signs, and to replace trees and other landscape material, which, for one reason or another, are destroyed or removed.

4.6 **ACCESSORY USES**

Whenever a use is permitted in a land use designation it is intended that uses of land, buildings or structures normally incidental, accessory and essential to that use shall also be permitted.

4.7 **HOUSEHOLD OCCUPATIONS AND HOME INDUSTRIES**

It is a policy of this plan that residential dwellings may be used in part for household occupations or home industries - catering mainly to the needs of the local residents and tourists - provided that the provisions as contained within the implementing Zoning By-Law are complied with.

4.8 **GROUP HOMES**

For the purposes of this section, group homes are defined as a single housekeeping unit in a residential dwelling in which three to ten persons (excluding supervisory staff or the receiving household) live under responsible supervision consistent with the particular requirements of its residents. A group home is licensed and/or approved for funding under Provincial statutes and in compliance with municipal by-laws.

4.8.1 Group homes are permitted in all areas designated Rural and Hamlet Community on Schedule 'A'.

4.8.2 In order to prevent an undue concentration of group homes in specific areas of the municipality, standards requiring a reasonable minimum distance separation between these facilities will be incorporated in the implementing Zoning By-Law.

4.8.3 Facilities existing on the date the Zoning By-Law comes into effect but not complying with the requirements of the By-Law will be allowed to continue in operation but will not be permitted to extend or expand without municipal approval.

4.9 **BOAT HOUSES AS A MAIN USE**

It is the policy of this Plan that boathouses may be permitted as a main building provided that the building does not have any living accommodations, kitchen or toilet facilities and provided that the provisions as contained in the implementing Zoning By-Law are complied with.

4.10 **WAYSIDE PITS AND QUARRIES AND PORTABLE ASPHALT PLANTS**

4.10.1 Wayside Pit or wayside quarry means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

4.10.2 It shall be the policy of this Plan that wayside pits and quarries will be permitted throughout the Municipality without requiring an amendment to the Official Plan or Zoning By-Law except for lands within the Hamlet Community, Sensitive Areas (except Prime Agricultural Lands) and the Hazard Lands designations where an amendment to the Zoning By-Law shall be required.

4.10.3 Portable Asphalt plants, used by a public road authority or their agents shall be permitted throughout the municipality without amendment to this plan or the zoning by-law. Portable asphalt plants are not permitted in existing built up areas and in environmentally sensitive areas.

Where possible, consideration shall be given to locating the portable plant in a wayside pit, vacant industrial sites, the highway right of way or on less productive or inactive agricultural lands.

Portable asphalt plants are subject to the following provisions:

- (a) All portable asphalt plants must have a certificate of approval from the Ministry of the Environment and Energy and must meet the minimum separation distance of that ministry.
- (b) Portable asphalt plants will be removed from the site upon completion of the project.
- (c) Sites used for portable asphalt plants within the agricultural area, shall be rehabilitated to their former agricultural capability.

A Portable Asphalt Plant means a facility:

- (a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt

paving material, and includes stockpiling and storage of bulk materials used in the process;

- (b) which is not of permanent construction, but is designed to be dismantled and moved to another location as required.

4.11 **PUBLIC USES**

In all land use designations, it shall be the policy of this Plan that public parks, playgrounds, or the use of any building or structure for public purposes by the Municipality or any department of the Government of Ontario or Canada, including local boards, Ontario Hydro, or any telephone, telegraph or utility company be permitted provided they are designed to harmonize with the character of the area in which they are located and they show regard for the Sensitive Area Policies of Section 2.5 and/or the Wetland policies of Section 2.4.2.

All existing electric power facilities and the development of any new electric power facilities, including all works as defined in The Power Corporation Act, such as transmission lines, transformer stations and distributing stations shall be permitted within all land use designations throughout the planning area without an amendment to the plan, provided that such development satisfies the provisions of The Environmental Assessment Act, including regulations made under the Act and any other relevant statutes.

The above policies, however, do not preclude the municipality's right to participate in discussions on the location criteria of new facilities.

4.12 **PIPELINES**

Any development adjacent to pipelines shall meet the requirements of the pipeline company with respect to setbacks.

4.13 **CROWN LANDS**

The policies of this Plan are not binding on undertakings carried out on Crown Lands including provincial parks by the Crown or its agents. However, Council will encourage all levels of government to have regard to the policies in the Plan wherever possible.

Crown land, administered by the Ministry of Natural Resources, is scattered throughout the municipality. Applications for development or changes in land use adjacent to Crown lands will be considered by Council, in consultation with the Ministry of Natural Resources, to assess impacts on Crown land management and the need for special development controls to mitigate any adverse effects.

4.14 **NOISE - VIBRATION**

Residential areas, and other uses of similar sensitivity, such as the sites of hospitals, nursing homes, and homes for the aged, will be protected from situations of undesirable air quality and excessive noise/vibration through good land use planning, site plan control, and building control.

Developers may be required to carry out noise and/or vibration assessments and determine control measures, which are satisfactory to the Ministry of the Environment & Energy and the Municipality, in meeting the Ministry's recommended sound and vibration limits.

4.15 **NEW DEVELOPMENT**

Before any development is permitted to proceed and before any by-law is amended or land division approved, the Council shall be satisfied that:

- (a) soil and drainage conditions are appropriate to permit the proper siting of buildings;
- (b) appropriate arrangements have been made for water supply, sewage disposal, storm drainage, waste disposal and any other necessary engineering services and that there is no danger of any increases in pollution;
- (c) traffic hazards caused by excess traffic generation, or limited sight lines on curves or grades are minimal; and that the land fronts on a public road which is of an acceptable standard of construction;
- (d) appropriate protection and preventive services for persons and property are available including health, welfare, fire and police;

- (e) appropriate education and recreation facilities are available within a reasonable distance;
- (f) persons and property are adequately protected from flood and erosion hazards; and
- (g) that the development will not create an undue financial burden on the Municipality.

4.16

NEW DEVELOPMENT SUPPORTING STUDIES

In addition to the required supporting studies outlined in other sections of this plan, before approving any application for development, Council shall be entitled to require the applicant to prepare at his or her own expense, one or more of the following studies:

- (a) a study which establishes to the satisfaction of the Municipality that such development will not have a detrimental effect on the financial position of the municipality, community facilities and adjacent uses and developments;
- (b) a study which examines the development's potential impact on the natural environment. Such impact study shall have regard for:
 - (i) the existing environmental and physical characteristics;
 - (ii) the potential impacts of these characteristics; and
 - (iii) the proposed methods by which these impacts may be overcome in a manner consistent with accepted resource management practices;
- (c) a study undertaken by a qualified Professional Engineer certifying that sufficient groundwater supplies are available to meet the needs of the proposed development. Furthermore, the study shall determine whether the proposed development site(s) has sufficient land area in order that a private sewage disposal system could be installed and function to the satisfaction of the Ministry of the Environment & Energy (MOEE) or its designated agents;

- (d) where lot creation is proposed with private sewage systems on waterbodies, approval of the development will be subject to an assessment of the development capacity of the waterbody. Development capacity will be assessed based on available water quality data in consultation with the Province;
- (e) where a change in land use is proposed/contemplated and the present use has the potential to have caused environmental contamination (e.g. industrial to residential designation) the site shall be decommissioned and/or cleaned up prior to receiving MOEE's recommendation for approval of the new use. The decommissioning/cleanup shall be undertaken in accordance with MOEE's Guidelines for the Decommissioning and Cleanup of Sites in Ontario (February 1989).

4.17 LAKESHORE ROAD ALLOWANCES

Throughout the years, some Township residents have unintentionally constructed dwellings and accessory buildings on the 20 metre lakeshore road allowance.

In addressing title problems that have resulted from these encroachments, without jeopardizing environmental concerns, the following policy is considered to be necessary and appropriate:

- 4.17.1 With the approval of the Ministry of Natural Resources, the Municipality will consider the closing and sale of the 20 metre lakeshore road allowance to abutting property owners.
- 4.17.2 Exceptions will be made for unique shoreline nesting areas, spawning grounds, environmentally sensitive areas and in areas where the public has or could have access to the water.
- 4.17.3 The possible closing of the 20 metre lakeshore road allowance will be reviewed on an individual basis and will be subject to the comment of area and or abutting landowners.
- 4.17.4 All costs incurred in the closing and sale of the lakeshore road allowance shall be paid for by the respective landowner who shall be subject to any additional fees or requirements as determined by the Municipality.

4.17.5 The Municipality will not stop up or sell unmaintained road allowances where there is any possibility that there is a potential future public use for the lands. Road allowances leading to water will not be sold to abutting property owners unless there is other public access to the water in the immediate area.

PART 5: IMPLEMENTATION

5.1 GENERAL

This Plan will be implemented by means of the powers given to Council, Planning Advisory Committee and other public agencies by the Planning Act, the Municipal Act, the Building Code Act and such other statutes as may apply. In particular, this Plan will be implemented by:

- subdivision controls
- zoning by-laws
- construction of public works
- Committee of Adjustment
- by-laws passed pursuant to the Municipal Act
- building by-laws
- property standards by-laws
- site plan controls

5.2 LAND DIVISION POLICIES

It is the intent of Council that the primary form of land division in the Township shall generally occur by Registered Plan of Subdivision. All divisions of land must conform with Schedules 'A' and 'B' and with the policies of this Plan to ensure conformity with principles and policies covering the distribution and organization of land use in the Planning Area. Furthermore, all land division will be subject to the provisions of the Planning Act.

Where it is determined that a registered plan of subdivision is not required to ensure proper and orderly development, the land to be developed may be divided by consent. In determining whether a proposed land division should require a consent to sever, or a plan of subdivision, the following concerns will be addressed:

- (a) whether the extension of an existing public road, opening of an unopened road allowance or the creation of a new road is required; or
- (b) whether the extension, or expansion of municipal services is required; or
- (c) whether an agreement with complex conditions is required by the Municipality, or Province in respect to any part of the

lands that would be defined as remaining land in a consent application; or

- (d) whether the proposal is in excess of the number of lots considered appropriate as per Section 5.2.2 (m).

Where there is an affirmative answer to any of these concerns, the proposed development should generally take place by a plan of subdivision.

5.2.1 **Plans of Subdivision**

It shall be the policy of the Municipality only to recommend to the Ministry of Municipal Affairs those plans of subdivision which comply with the policies of this Plan. Before recommending a plan of subdivision to the Ministry of Municipal Affairs, Council will ensure that the area to be subdivided can be provided with the necessary services and amenities, and that the proposed development will not adversely affect the economy of the Municipality. Council will also consult with relevant government agencies. All plans of subdivision shall include a subdivision agreement between the Municipality and the developer.

Special attention will be given to proposals for the development of lands, which are located on, or adjacent to lake front land, in order to provide opportunity to obtain and preserve both private and public open space. Further concerns will be met in regard to the environmental impact which the development of such lands may have on the quality of the water bodies within the Municipality.

5.2.2 **Consents**

Consents to sever will only be considered when it is clearly not in the public interest that a plan of subdivision be registered. If a plan of subdivision is not deemed necessary, regard shall be had to other policies in this Official Plan and to the following criteria when considering an application for consent:

- (a) consents may be granted only when the proposed severed and retained land fronts on a public road which is maintained on a year round basis by a public authority;
- (b) notwithstanding item (a) above, consents for seasonal type uses may be considered for lands with frontage on Lake

Nipissing or the navigable portion of South River between Lake Nipissing and Chapman's Chute provided that:

- (i) the proposed use is a seasonal residential dwelling only;
 - (ii) suitable provision has been made on the mainland for public docking and public automobile and boat trailer parking or it has been confirmed that suitable docking and automobile and boat trailer parking will be provided by a private commercial marina establishment; and
 - (iii) the proposed lot is accessible only by water.
- (c) the size of any parcel of land created by consent should be appropriate for the use and no parcel shall be created which does not conform to the policies of this plan or the requirements of the implementing Zoning By-Law;
 - (d) the minimum lot area and frontage shall generally be 4,000 sq.m and 60 metres respectively. Lots with water frontage (except water access only lots) shall also abut a public road which is maintained on a year round basis by a public road authority for a minimum continuous distance of 20 metres;
 - (e) for waterfront lots, consents should be granted only if it has been established by the Ministry of the Environment & Energy that the water quality of the waterbody is capable of accepting further development;
 - (f) consents should not be granted when access to the site creates a traffic hazard because of limited sight lines, curves, or grades of existing development as set out in accepted traffic engineering standards;
 - (g) consents should be granted only when it has been established by the Ministry of the Environment & Energy or its delegate that soil and drainage conditions are suitable to permit the proper siting of buildings, to obtain a sufficient and potable water supply and, where applicable, to permit the installation of an adequate means of sewage disposal;
 - (h) recommendations shall be requested from all relevant agencies prior to a decision being made;

- (i) prime agricultural lands with soil classes 1 to 4 as identified on Appendix 'B' should be preserved for agricultural purposes. Consents shall comply with Minimum Distance Separation One criteria as amended from time to time;
- (j) the lots should not adversely affect areas of mineral aggregate or forestry production, recreational uses or environmentally sensitive areas;
- (k) the lots should be reasonably well proportioned and of regular shape and dimension;
- (l) the creation of the severed and retained lot(s) will not have the effect of preventing access to or land locking any other parcel of land; and
- (m) it shall be the policy of this plan to permit a maximum of two consents (i.e. the creation of two new lots plus the retained remainder of the parcel) from any parcel in existence on or before October 30, 1980 (Date of adoption of former Policy Plan).

5.2.3 **Exceptions to Consent Policies**

Notwithstanding Section 5.2.2 of this Plan further division of parcels of land which were themselves created by a previous consent may be approved under the following conditions:

- (a) to correct lot boundaries;
- (b) to convey additional lands to an adjacent lot provided the conveyance does not lead to the creation of an additional building lot and/or create an undersized or irregular shaped lot;
- (c) to separate dwellings in existence at the date of adoption of this plan provided that the new lots have frontage on a road which is maintained on a year round basis by a public authority or has water access only;
- (d) to dispose of surplus dwellings when two or more parcels are consolidated provided that the new lots have frontage on a road which is maintained on a year round basis by a public authority or has water access only;

- (e) an easement or right of way; and
- (f) To recreate original Township lots of approximately 40 hectares (100 acres) along the originally surveyed lot lines provided that the lot has frontage on a maintained public road or for seasonal residential lots having frontage on Lake Nipissing or the navigable portion of the South River where Council is satisfied that suitable mainland parking and docking facilities are available by private commercial marinas in the area and the lot is water access only.
- (g) It will be a policy of this plan to permit a maximum of two consents from any 40 hectare lot recreated as per Section 5.2.3(f). Recreated original Township lots of approximately 40 hectares will be treated the same as any parcel in existence on October 30, 1980.

5.3 ZONING BY-LAW

A comprehensive Zoning By-Law will be passed implementing and regulating the land use designations and the policies set out in this Plan. In general, the zoning of the Municipality will initially reflect the existing land use situation in the Municipality.

All amendments to the Zoning By-Law will be checked for conformity against Schedules 'A' and 'B' and the text of this Plan.

5.4 TEMPORARY USE BY-LAW

Notwithstanding any other policy of this Plan, Council may pass by-laws under the Planning Act, to authorize the temporary use of land, buildings, or structures, which may not comply with the land use designation as established by the Official Plan. In considering the use of a temporary use by-law, Council shall ensure that the use is not detrimental to the existing land uses in the area and that large capital expenditures would not be incurred in reverting to the original use.

5.5 HOLDING PROVISIONS BY-LAW

While the Zoning By-Law will normally implement the Official Plan directly, it may, in some areas, reflect an interim state of affairs. Holding zones may be established in accordance with the Planning Act, where changes of land use in the future are contemplated.

Where the principle of development has been established, a holding zone may be placed on the lands to prevent or limit the use of the land until such time as Council is satisfied that further development may take place.

Where this Plan refers to specific measurements, those measurements shall be considered with a reasonable degree of flexibility provided that the purpose and intent of this Plan are met.

5.6 **INTERIM CONTROL BY-LAW**

In special situations, Council may wish to make use of the Planning Act to control development in areas where it wishes to review the existing land use and development policies, or where new policies are in the process of being developed. The purpose of the interim control by-law is to prevent or limit development pending the completion of a planning study.

5.7 **SITE PLAN CONTROL**

5.7.1 **Purpose**

The purpose of exercising site plan control regulations is to assist the municipality to achieve its objective of encouraging development that is environmentally acceptable, efficient and attractive.

5.7.2 **Development Guidelines**

The areas in which site plan control regulations will be exercised are described in Section 5.7.3 of this Plan. Through the application of site plan control by-laws the municipality will attempt to:

- (a) retain natural site features and shoreline areas in as natural a state as possible;
- (b) implement recommendations with respect to specific properties which may be put forth by the Ministry of Natural Resources or other applicable agencies;
- (c) enhance the provision of services such as waste disposal, water supply, storm drainage and other utilities;

- (d) provide access, both pedestrian and vehicular, as well as site parking and loading areas in appropriate locations;
- (e) control lighting, landscaping and buffering;
- (f) minimize incompatibility between adjacent uses;
- (g) deal with development conditions which cannot be adequately controlled by the Zoning By-Law or subdivision agreements.

5.7.3 **Designated Areas**

Council hereby designates the following areas as established in the implementing Zoning By-Law as site plan control areas:

- (i) all Commercial Zones;
- (ii) all Industrial Zones except mineral aggregate extractive zones;
- (iii) all lands located below the established flood elevations as indicated on Schedule 'A';
- (iv) any Special Zone that would permit a commercial or industrial use;
- (v) Council may deem that any new use within a sensitive area designation be subject to Site Plan Control; and
- (vi) all uses abutting shorelines.

5.7.4 No person may undertake any development in the areas designated under Section 5.7.3 until all conditions have been met to the satisfaction of Council and or the Planning Committee as prescribed under the Planning Act.

5.8 **PUBLIC WORKS**

It is intended that construction of public works within the Township shall be carried out in accordance with the policies of this plan.

5.9 **PROPERTY STANDARDS**

Council may pass and enforce a property maintenance and occupancy standards by-law pursuant to the provisions of the Planning Act. The purpose of this by-law is to encourage the proper maintenance and repair, and establish standards of occupancy for all private property.

Complimentary to the enforcement of minimum standards on private properties, Council shall undertake to keep in a fit and well-maintained condition, all municipally-owned properties and structures, and to provide or maintain in good repair such municipal services as roads, sidewalks, parks, etcetera.

5.10 **TARIFF OF FEES**

Council may, pursuant to the provisions of the Planning Act pass a by-law to establish a tariff of fees for the processing of planning applications. The tariff will only apply to the anticipated costs incurred by the Municipality in processing a planning application and may include legal, planning, and engineering fees.

5.10.1 The tariff of fees by-law shall establish a fair and equitable fee structure based on the actual or anticipated costs incurred by the Municipality in processing each type of planning application provided for in the by-law.

5.10.2 Council shall review the tariff of fees by-law from time to time and revise the tariffs as processing costs change.

5.11 **DEVELOPMENT CHARGES**

Under the Development Charges Act, municipalities can pass Development Charge By-Laws in which they can assess and recover part of their anticipated expenses for new growth for both hard and soft services. Hard services include such items as sewer and water services, landfill sites, roads and power services. Soft services include such items as an addition to the municipal office or a new office, a new fire station, library expansion, recreational facilities, and additional municipal staff.

5.11.1 Council may pass a by-law under the Development Charges Act, to assess and recover their anticipated expenses for new growth for both hard and soft services.

5.11.2 Development charges may be levied against plans of subdivision, consents, condominiums, Zoning By-Law amendments, minor variances, building permits, and lands exempted from part lot control.

5.12 **REVISIONS AND AMENDMENTS**

Council shall review the Official Plan on a regular and on-going basis to review the adequacy of the Plan in meeting municipal objectives; and to determine the necessity for making amendments to provide for changing circumstances. Any change, deletion or deviation from a statement of intent, either in the text or on the attached schedules will necessitate an amendment to the Official Plan.

5.13 **5 YEAR REVIEW**

Council shall, from time to time, and not less than every five years, hold a special meeting, open to the public, for the purpose of determining the need for a revision to the Plan, as required by the Planning Act.

5.14 **TECHNICAL AMENDMENTS**

No public meeting or notice is required for technical amendments to the Official Plan or for the creation of a consolidated plan. For the purpose of this section, the following shall be considered technical in nature:

- (a) the creation of a consolidated Official Plan provided that only existing approved amendments are added to the Plan;
- (b) the updating of section references to the Planning Act;
- (c) the translation of measurements from one unit to another, provided that no change to standards result;
- (d) the renumbering of sections in the Plan;
- (e) the correction of grammatical or typographical errors provided they do not result in changes to policy.

5.15

INTERPRETATION

The boundaries between land uses designated on Schedules 'A' and 'B' are approximate only, except where they coincide with major roads, rivers or other clearly defined physical features. Where the general intent of the Plan is maintained, minor adjustments to boundaries will not necessitate an amendment to this Plan, and neither are numerical standards contained in the text to be construed as being absolutely rigid.

5.15.1

Notwithstanding other policies of this Plan, if the policies of this Plan require consultation with government agencies (as the Ministry of the Environment and Energy, Ministry of Natural Resources, etc.) for development applications under the Planning Act where the Ministry of Municipal Affairs and Housing is the approval authority, the Township shall consult with the Ministry of Municipal Affairs and Housing.