



# Township of O'Connor

## Draft Official Plan June 2016

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PLANNING | DESIGN | LANDSCAPE ARCHITECTURE

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# 1. INTRODUCTION

This document, and the attached schedules, constitutes the Official Plan of the Township of O'Connor. This Plan replaces the official plan, and all amendments thereto, of the Township of O'Connor Official Plan adopted in 2001. This Plan was passed under Section 17 of the Planning Act and applies to all lands within the corporate boundaries of the Township of O'Connor. It is designed to govern for the period 2016-2026.

## 1.1 OBJECTIVES OF THIS PLAN

The Township is committed to encouraging new development that maintains and improves the quality of life of residents. In addition to responding to matters of provincial interest, Council has set the following objectives:

- a. to maintain, where possible and appropriate, the rural and natural character of the Township which provides serenity, privacy and spaciousness;
- b. to create an environment which enhances the physical, social and economic well-being of the residents of the Township;
- c. to manage change and promote efficient cost-effective development and land use patterns which stimulate economic growth and protect the environment and public health; and
- d. to protect natural heritage features and cultural heritage resources for their economic use and/or environmental benefit, and for the benefit and enjoyment of present and future residents.

## 1.2 PURPOSE & EFFECT OF THIS PLAN

The Planning Act mandates that all planning authorities prepare and adopt an official plan. In addition to fulfilling this statutory requirement, the Official Plan of the Township of O'Connor is designed to achieve a number of purposes, namely to:

- a. establish, in general terms, the type, form, intensity, character and desired pattern of land use and the approach to ensuring the wise management of the resource base;
- b. establish a municipal-wide growth management strategy;
- c. provide a consistent basis for actions and decisions on all matters relating to the use of land, development, redevelopment and physical improvement of the Township;
- d. inform the general public, private interests, and business of the intended nature and direction of the use of land, development, redevelopment and physical improvements in the Township; and,
- e. provide a framework for the implementation of the Township's powers and authority under the Planning Act, and other relevant statutes.

### **1.3 RELATIONSHIP TO OTHER PLANS**

This Plan is one component of the policy-led planning system in Ontario. The Province through the Planning Act, Provincial Policy Statement, Growth Plan for Northern Ontario, and various ministerial guidelines and standards establishes the framework for land use planning and development in Ontario. Specifically the Provincial Policy Statement establishes province-wide policy-directives, these policies direct official plans across the Province while the Growth Plan for Northern Ontario, establishes specific direction for physical growth and economic development in Northern Ontario. This Plan is consistent with the Provincial Policy Statement and the Growth Plan for Northern Ontario. In the event of conflict, the Provincial Policy Statement and the Growth Plan for Northern Ontario prevail.

### **1.4 INTERPRETATION OF THIS PLAN**

Policies relating to the interpretation of specific components of this Plan are discussed in this Section.

#### **1. Land Use Boundaries**

The boundaries of land use designations are shown on the schedules of this Plan and are considered to be approximate. Where the boundaries are defined by roads, railways or similar physical features, they shall be considered to be absolute.

#### **2. Accessory Uses**

Where a use is permitted in a given designation, uses accessory to the said use shall be deemed to be permitted. The Zoning By-law shall establish regulations to determine what constitutes an accessory use and the circumstances under which they are permitted.

#### **3. Numbers**

Numerical figures in this Plan are considered approximate. Minor deviations from these figures may be acceptable without the need for an amendment to the Plan provided the general intent and spirit of the Plan are maintained.

#### **4. Statutes / By-laws / Plans**

Where any Act, By-law, Standard, Plan or other document is referred to in this Plan, such references shall be interpreted as referring to any and all subsequent amendments, revisions, or successors. In no case shall the policies of this Plan relieve individuals from having to adhere to any other requirement of this Municipality or other statutory authority.

## **5. Defined Terms**

It is intended that all terms herein contained be interpreted with the same generality as official plans are accustomed except where defined herein. Where a term is not defined in this Plan but is defined in the Provincial Policy Statement or the Growth Plan for Northern Ontario that definition will govern.

## **2. GROWTH MANAGEMENT**

Growth management is the method by which the Township regulates development in an attempt to ensure that land is used efficiently and that development does not outpace the Township's ability to provide the services and infrastructure needed to meet the demands of its population. Growth management is also used to protect the natural environment, natural resources, and agricultural lands from unregulated growth. This section outlines the growth management strategy of the Municipality.

### **Goals & Objectives**

The following goals and objectives shall guide the growth management strategy for the Township to:

- a. direct the majority of future growth to areas served by an existing road network to limit the costs to the Township and avoid the urbanization of the countryside;
- b. preserve and protect natural heritage features and areas and prime agricultural lands; and,
- c. make efficient use of land and the capital investment in infrastructure made by the Township and other levels of government.

### **2.1 GROWTH MANAGEMENT STRATEGY**

Census data from 2011 calculates the population of the Township of O'Connor to be 685. The population had declined by 7.3% since the 1996 population of 739, or a decline of approximately 0.5% per year. The Township's population is expected to remain stable, with the possibility of limited growth due to interest in rural properties. It is the policy of this Plan that future population growth shall be accommodated in areas served by an existing road network.

#### **1. New Settlement Areas**

The Township is entirely rural and does not contain any designated Settlement Areas, such as a hamlet, village, or town. This Plan aims to preserve the rural character of the Township, and as such no new Settlement Areas shall be permitted.

#### **2. Creation of New Lots**

Given the limited services that exist in the Township, new development that requires the creation or extension of new roads and / or the construction of new municipal infrastructure is generally discouraged. Applications for development that will result in the creation of new infrastructure of servicing shall require a Financial Implementation Plan detailing the phasing and financial implication of such costs to the Township.

A parcel held under unity of ownership as of November 1, 1997 may not be subdivided into more than two parcels, exclusive of the retained parcel, except for the purpose of boundary adjustment, partial discharge of mortgage, easements and rights-of-way.

### 3. Land Use Designations

This section establishes the policies for the land use designations shown on Schedule A.

#### 3.1 RURAL AREA

The 'Rural Area' of the Township constitutes the land base of the Municipality. Primarily composed of natural areas and agricultural operations, portions of the 'Rural Area' have been converted in the past for other uses such as rural residential development and some industrial / commercial and recreational uses. The location of the lands designated 'Rural Area' is illustrated on Schedule 'A'.

##### Goals & Objectives

The following goals and objectives shall guide the use of land and maintain the character of the Rural Area to:

- a. preserve and protect the rural character and the scenic quality of the rural landscape;
- b. permit a wide range of uses compatible with rural character and rural servicing levels;
- c. support

#### 1. Permitted Uses

The primary use of land in the Rural Area shall be for : Rural Residential Uses; Rural Commercial and Industrial Uses; Forestry; Recreation and Open Space Uses; Conservation Uses; Agricultural Uses and Agriculture-related Uses. Secondary uses in the Rural Area may be permitted provided they will not negatively impact the rural character or planned servicing levels in the Rural Area and shall include: Home Occupations; Home Industries (including animal kennels); Bed and Breakfast Establishments; On-farm Diversified Uses; Group Homes; Secondary Dwelling Units; and Garden Suites.

#### 2. Rural Residential Uses

Rural residential use are limited to a single-detached dwelling on a lot. New rural residential lots shall be permitted provided that lot is sized to minimum area necessary for the residence and the installation of a private water supply and sanitary sewage disposal system. Generally residential lots must be a minimum of 2 hectares, or have a lot frontage of a minimum of 90 metres.

#### 3. Rural Commercial & Industrial Uses

Rural Commercial and industrial uses are uses that provide services and goods to and in support of: mineral mining and mineral aggregate extraction; agricultural operations; agri-tourism; outdoor recreation shall only be permitted through a Zoning By-law Amendment

and subject to the following policies:

- a. Appropriate buffering shall be provided where the use is located adjacent to a sensitive land use;
- b. There is no adverse impact on the amenity and character of the rural area; and
- c. Adequate on-site parking is provided.

The Zoning By-law shall contain an appropriate Rural Commercial & Industrial Uses zone that shall provide specific regulations detailing permitted uses, scale, intensity, buffering, and parking.

#### **4. Agricultural Operations**

Agricultural operations shall be promoted and protected in the Rural Area, and include such uses as: growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre including poultry and fish; aquaculture; apiaries; agro-forestry; and maple syrup production. The principle of normal farm practice, as defined by the Farming & Food Protection Act, shall be upheld when addressing complaints with respect to noise, odour, dust and similar nuisances brought against farmers in the Municipality.

#### **5. Forestry**

Forestry uses shall be permitted in the Rural Area designation, including the production of wood and wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, recreation, and protection and production of water supplies. Forestry shall be permitted as of right in the Rural Area however the processing of forest products is considered a Rural Commercial & Industrial Use, and shall be subject to the policies and regulations governing such uses.

#### **6. Bed and Breakfast**

Bed and breakfast establishments may be permitted in any zone in which a residential use is permitted subject to the following policies:

- a. Location on an open road maintained year-round by the Township or the Ministry of Transportation;
- b. Having sufficient site area to accommodate on-site recreation amenities, adequate on-site parking, and provide adequate buffering for any adjacent use; and
- c. Being clearing secondary to the main use of the dwelling and conducted by those residing in the dwelling.

#### **7. Home Occupations**

Home occupations shall be permitted provided they are clearly secondary to the main

residential use of the lot. Such activity is to be conducted entirely within the dwelling by those residing in the dwelling plus not more than 1 person who is not a resident thereof and provided it does not create a nuisance or potential nuisance or detract in any way from the character, peace and enjoyment of the area within which it is situated.

### **8. Home Industries**

Home industries may be permitted in any zone in which a residential use is permitted through a Zoning By-law Amendment. Home industries shall be small scale, conducted primarily within an accessory building to the main dwelling by those residing in the dwelling plus not more than 3 persons who are not a resident thereof and provided it does not generate adverse impacts on surrounding properties. Home industries may include: wood working shops, small engine repair, animal kennels, auto body repair, tradesmen / contractor's shops, and blacksmith shops. Home industries which can no longer be considered secondary to the residential use of the property shall be required to relocate to a site zoned to permit industrial uses.

### **9. On-farm Diversified Uses**

On-farm industrial uses such as feed mills, grain drying facilities, fertilizer blending stations, and abattoirs, shall be permitted in association with an agricultural operation subject to a Zoning By-law Amendment. On-farm commercial uses such as stables, greenhouses, fruit and vegetable stands, market gardens, and nurseries may be permitted as-of-right in association with an agricultural operation. All parking shall be located on site. Additionally, these uses may be regulated through site plan control.

Where one of the above-noted uses is proposed as in independent operation (i.e. not associated with an agricultural operation) it shall be considered a Rural Commercial & Industrial Use and subject to the policies and regulations governing those uses.

### **10. Secondary Dwelling Units**

Secondary dwelling units are permitted in a single-detached dwelling provided that:

- a. the principal dwelling unit is located in a designation that permits the residential use;
- b. the secondary dwelling unit is located within the main building or a detached ancillary structure (e.g. a detached garage);
- c. there is adequate private water and sewer capacity to accommodate the secondary dwelling;
- d. the secondary dwelling unit would not otherwise qualify as a garden suite; and
- e. only one secondary dwelling unit is permitted on a lot.

Standards shall be established in the Zoning By-law to govern compatibility with the main

dwelling and surrounding land uses, as well as the size of secondary dwelling units and other performance standards.

### **11. Garden Suites**

The placement of a second dwelling on a lot is prohibited, with the exception of a garden suite or a secondary suite. A garden suite may be permitted subject to:

- a. the provisions of Section 39.1 of Planning Act;
- b. the lot being sufficiently large enough to accommodate the garden suite and its required servicing; and,
- c. a temporary use by-law being passed, in accordance with the Planning Act, along with an agreement with the Township that addresses occupancy of the garden suite, its removal at the end of the temporary period, and the posting of security to ensure due performance.

In the case of a secondary suite, the Township shall be satisfied that the secondary suite does not constitute a second independent main dwelling on the lot.

### **12. Existing Institutional Uses**

The Municipality recognizes a number of existing institutional uses such as the municipal hall, churches, and the important function they serve. These uses shall be recognized in the Zoning By-law as conforming uses and expansions may be permitted without amendment to this Plan.

### **13. Recreation & Open Space Uses**

Recreation and Open Space uses include provincial parks, conservation areas, research stations, campgrounds, hunting and game preserves, golf courses, and various other passive recreational uses. Secondary uses such as a club house and other uses functionally associated with an open space use shall also be permitted. These uses may be regulated by the Township's Site Plan Control By-law. The Zoning By-law shall contain an appropriate Recreation & Open Space Uses zone that shall provide specific regulations detailing permitted uses, scale, intensity, buffering, and parking.

### **14. Mineral Mining & Aggregate Extraction**

Mineral Mining and Aggregate Extraction consists of active and proposed operations. All new operations shall require an Official Plan Amendment and Zoning By-law Amendment. In approving any new operations, Council shall consider:

- a. the effect of the operation on the natural environment including fish habitat;
- b. compatibility with surrounding land use;
- c. the suitability of the rehabilitation plans for the site;

- d. potential negative effects on ground and surface water resources; and
- e. the main haulage routes and proposed truck traffic to and from the site.

Site Plan Control shall apply for new operations. In addition to standard site plan requirements, the site plan agreement may require the proponent to address:

- a. hours of operation;
- b. existing and anticipated final grades of excavation;
- c. haulage routes;
- d. improvements/maintenance to Township roads as a result of increased truck traffic;  
and,
- e. site rehabilitation.

Rehabilitation of exhausted operations shall be required and implemented through a site rehabilitation plan. Site rehabilitation plans shall be prepared to the satisfaction of the Ministry of Natural Resources and the Township.

#### **15. Mineral & Aggregate Processing**

Mineral and Aggregate processing is considered an accessory use to an operation and may be permitted provided setbacks for buildings, machinery and equipment from lot lines is determined on a site specific basis in consultation with the Township and with the Ministry of the Environment through the issuance of an Environmental Compliance Approval (ECA). Existing operations shall be permitted to continue without an Official Plan Amendment, Zoning By-law Amendment.

#### **16. Waste Disposal Sites**

The Township of O'Connor will require an Official Plan amendment for the establishment of any new Waste Disposal Site. Expansion of the existing waste disposal site will require a Zoning By-law Amendment. The Township will evaluate applications based on a completed Environmental Assessment or an Environmental Screening Report under the Environmental Assessment Act considering such items as the:

- a. rationale for the undertaking;
- b. potential impact on the Township's commitment to waste reduction, reuse and recycling;
- c. potential community, public health, transportation, environmental, visual, financial and land use impact of the facility;
- d. use of mitigation measures, such as buffers and setbacks, to address potential land-use conflicts;
- e. potential impacts and mitigation measures related to roads and haul routes to the facility;

- f. environmental monitoring of the facility; and
- g. the end use of the facility.

Notwithstanding the requirement for a study, the following compatible uses do not require a study: utilities, waste-processing facilities, transportation routes, forestry activities, and gravel pits, quarries and other mining activities.

## 4. DEVELOPMENT CONSTRAINTS

The Township recognizes that there are certain areas and features (both natural and manmade) throughout the Municipality which have the potential to cause damage, harm, or nuisance to people and property. As such, this Plan restricts, and in some cases prohibits, development in certain areas and near certain features in accordance with established guidelines and criteria. The location of these lands and features are illustrated on Schedule 'A' of this Plan.

### Goals & Objectives

The following goals and objectives shall guide the planning, development, redevelopment and improvement of areas subject to hazard lands and regulated area development constraints to:

- a. Protect the personal safety and property of the citizens of the Township;
- b. Respect the guidelines and requirements of public bodies and other authorities when making land use decisions; and,
- c. Apply guidelines and requirements of public bodies and other authorities reasonably.

### 4.1 REGULATED AREA (LRCA)

Regulated Areas are identified on Schedule B of this Plan. These lands are considered potentially hazardous or hazardous and pose a risk to life and property as a result of their susceptibility to flooding, erosion, and subsidence; and the presence of steep slopes and organic / poorly drained soils. Other lands in the Municipality characterized by poor drainage, organic soils and other inherent physical limitations to development may also constitute Regulated Area lands. Such lands are regulated by the Lakehead Region Conservation Authority.

#### 1. Lands Affected

Lands shown as Regulated Area are general limits. The actual limits of Regulated Areas shall be more precisely determined at the time of development or, on an 'as required' basis using the most recent mapping of the Conservation Authority, a site inspection, more detailed mapping and supporting technical studies.

#### 2. Uses Permitted

While the use of land within the Regulated Area designation shall be governed by the policies applying to the applicable under-lying land use designation, it is generally intended that these lands be maintained in their natural state and managed to protect adjacent uses from any physical hazards and their effects. Notwithstanding the above, uses normally

associated with waterfronts, such as docks, boathouses, marinas and marina facilities, parks and recreation facilities, and other uses compatible in floodplains, are permitted while institutional uses and essential emergency services shall not be permitted. All buildings and structures shall require a permit and approval by the Conservation Authority.

### **3. The Floodway**

Within the Regulated Area designation is the 'Floodway'. While not mapped in this document, the limit of the Floodway is defined by the extent of flooding under the regulatory storm as established by the conservation authorities. Notwithstanding the previous policies, buildings and structures on lands designated as Floodway are generally prohibited with the exception of the following:

- a. open space / recreational and agricultural uses, excluding permanent buildings and structures;
- b. water-oriented recreational uses and related structures and other appurtenances which would not obstruct the passage of flood waters or debris;
- c. storage yards and parking areas with the exception of any materials which are explosive, buoyant, corrosive, flammable or a potential pollutant; and,
- d. approved structural works used for flood and erosion-sediment control.

### **4. Existing Buildings & Structures**

The enlargement and / or reconstruction of existing buildings and structures in the Regulated Area designation shall be permitted subject to the approval of the Conservation Authority. In the 'Floodway' minor additions or extensions to existing buildings and structures may be permitted by the Conservation Authority, and the Township, subject to appropriate flood-proofing elevations and measures and compliance with the Zoning By-law. The Conservation Authority shall determine whether the proposed addition is minor in nature and specify the level of flood-proofing required.

### **5. Destruction by Natural Causes**

If partial or total destruction of a building or structure occurs due to flood, fire or other natural disaster, such building or structure may be rebuilt subject to the approval of the Conservation Authority. In the Floodway reconstruction shall be limited to the building or structure's former basic dimensions and used for the same purposes as existed before its destruction subject to the approval of the Conservation Authority.

### **6. Evaluation of Development Proposals**

Where development is proposed in Regulated Area designation, at the time of application, the proponent may be required to undertake the appropriate flood-line, hydro-geotechnical and geotechnical studies, field work, and mapping necessary to provide the technical

information necessary to evaluate the proposal in accordance with the following:

- a. the degree of existing or potential physical hazard;
- b. the potential impact of these hazards on proposed buildings, structures or additions thereto;
- c. the proposed methods by which these impacts may be overcome in a manner consistent with accepted resource management practices and engineering techniques;
- d. minimum building setbacks in relation to the kind, extent, and severity of both the existing and potential hazard; and,
- e. ingress / egress such that vehicular and pedestrian movement is not restricted during times of flooding.

Such studies shall be required at the time of application. The approval of the Conservation Authority shall be required and may only be given where the control of flooding, erosion, pollution or the conservation of land will not be affected by the development.

### **7. Placement or Removal of Fill & Interference with Waterways**

The placing or removal of fill of any kind, whether originating on the site or elsewhere, within the Regulated Area designation shall only be permitted in accordance with the approval of the Conservation Authority. The straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse shall not be permitted unless a permit is issued. Where required, prior approval from the Conservation Authority shall be obtained. In addition, where required under the federal Fisheries Act, prior authorization from Fisheries and Oceans Canada must also be obtained.

### **8. Zoning**

Appropriate regulations shall be established in the Zoning By-law restricting development in the floodplain and prohibiting development in the floodway. Such zone, zones, or overlays shall be developed in consultation with the Conservation Authority and shall have regard for their regulatory authority.

## **4.2 MINING HAZARDS**

Mine hazards include areas where the operation of mines or former mines has left the lands in a hazardous state. Mine hazards include any feature of a former mine defined in the Mining Act or any related ground disturbance that has not been rehabilitated (e.g. contaminant, mine shaft, pits). Mine hazards may pose a threat of injury and potential loss of life if they are not mitigated or rehabilitated.

### **1. Consultation with Northern Development & Mines**

The Township shall require applicants for any proposed new development within 1 km of a

mine hazard symbol to consult with the Ministry of Northern Development and Mines regarding the nature of the hazard, and any remediation measures that may be required under the Mining Act.

## **2. Development Requiring Rehabilitation / Mitigation**

While the underlying land use designation shown on Schedule A shall apply, no development or site alteration shall proceed on a mining hazard until rehabilitation measures to address and mitigate known or suspected hazards have been completed to the satisfaction of the Township and the Ministry of Northern Development and Mines. Additionally, the policies contained in the Potentially Contaminated Sites of this Plan shall apply to lands that may be contaminated due to the presence of mine tailings.

### **4.3 WILDFIRE HAZARDS**

Where new development is proposed on lands which are subject to wildland fire risk:

- a. Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire.
- b. Development may be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards, as identified by the Ministry of Natural Resources and Forestry.
- c. Proponents may be required to undertake a site review to assess for the risk of high extreme wildland fire behaviour on the subject lands and adjacent lands (to the extent possible). If development is proceeding where a high to extreme risk for wildland fire is present, proponents are required to identify measures that outline how the risk will be mitigated.

Wildland fire mitigation measures shall not be permitted in significant wetlands, significant wildlife habitat and significant areas of natural and scientific interest, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

### **4.4 LANDFILL & CONTAMINATED SITES**

Due to the potential for methane gas, leachate migration, soil degradation and instability in soils on, and adjacent to, operating and closed landfill sites and other contaminated sites (often referred to as 'brownfield' sites) measures are required to ensure public health and safety. In accordance with the Environmental Protection Act, changes in use from certain commercial, industrial uses to more sensitive land uses may also require an environmental site assessment.

## **1. Landfill Sites**

No use shall be made of any closed landfill site for a period of 25-years from which such land ceased to be used as a landfill site without the approval of the Minister of Environment as stipulated by the Environmental Protection Act. Within 500 metres of the perimeter of an operating or closed landfill site as shown on Schedule 'F' or any other known landfill site, soil and groundwater testing in accordance with the guidelines of the Ministry of Environment shall be required and submitted at the time of application or prior to the issuance of a building permit, as the case may be.

## **2. Contaminated Sites**

As per the Environmental Protection Act, prior to any approval being given for a change in use to a more sensitive land use on contaminated, or potentially contaminated sites, an environmental site assessment shall be completed and a record of site condition filed with the Ministry of the Environment and the Township. Decommissioning and / or remediation of the site may be required. Development shall not be permitted which may result in health or safety risks to the public or future occupants as a result of previous uses or activities.

## **4.5 LIVESTOCK FACILITIES & MANURE STORAGEES**

Based on the standards established by the Ministry of Agriculture & Food, sensitive land uses such as residential and institutional uses are not appropriate in close proximity to livestock facilities, such as barns and manure storages in the 'Rural Area'. Such uses have the potential to create odour nuisance for sensitive land uses and may subsequently restrict a farmer's ability to expand their operation.

### **1. Minimum Distance Separation Formulae**

All development in the 'Rural Area' (with the exception of the 'Hamlet' designation) shall comply with the Minimum Distance Separation Formulae (MDS) I and II, as established and amended by the Province. Said formulae shall be implemented through its inclusion in the Zoning By-law. The administration / interpretation of the formulae shall be guided by implementation guidelines as established by the Province.

### **2. Reductions to MDS**

While the administration / interpretation of MDS formulae shall be guided by the implementation guidelines as established by the Province, it may be desirable in certain circumstances to reduce a required MDS. This can be accomplished through either a zoning by-law amendment or minor variance. Reductions MDS will generally be restricted to situations where a reduction in the setback will result in an overall improvement over the existing separation distance, or when the reduction will result in an overall environmental improvement over the existing separation distance.

## **4.6 INDUSTRIAL USES**

Based on guidelines established by the Ministry of Environment, sensitive land uses such as residential and institutional uses may not be appropriate in close proximity to certain classes of industrial facilities, as such uses can create a nuisance for the sensitive land use (i.e. noise, vibration, dust, odour, etc.). In-turn, sensitive land uses can inhibit industry ability to expand based on their industry standards as well as those established by the Province.

### **1. Influence Areas**

Where a proposed industrial use has the potential to cause nuisance or adverse impacts to a sensitive land use, the applicant may be required to complete an analysis of potential impacts following the guidelines established by the Ministry of the Environment. Said analysis shall be required at the time of application. Mitigation measures, setbacks, performance measures or other recommendations from the analysis shall be implemented. The same shall apply to a sensitive land use proposed in proximity to an industrial use.

## **5. ECONOMIC & COMMUNITY DEVELOPMENT**

### **5.1 ECONOMIC DEVELOPMENT**

Economic development refers to any actions undertaken to support the economic and social well-being of the Township. Opportunities to increase employment, support local business, and attract new industries contribute to overall community well-being, and aid in sustaining population growth, expanding local assessment and tax revenues, and provide increased markets for goods and services in the Township.

#### **Goals & Objectives**

The following goals and objectives shall guide the planning, development, redevelopment and improvement of the Township to:

- a. actively participate in the development of the local economy;
- b. ensure an adequate range and supply of housing;
- c. participate in community improvement programmes where needed; and,
- d. promote sustainability efforts and programmes in the Municipality.

#### **1. Supporting Business**

The Township shall encourage the expansion and diversification of the Township's economic base in order to maximize employment opportunities and increase the tax base. In particular, priority economic sectors such as agriculture and forestry shall be promoted.

#### **2. Economic Development Strategy**

The Township may undertake an Economic Development Strategy to assist in articulating the economic development goals and objectives of the Township. This Strategy may be completed with regional partners and may focus on business attraction and retention programmes.

#### **3. Engaging Local Groups**

Opportunities to engage local community groups and volunteer organizations to assist in economic development efforts, such as beautification, business promotion, and increasing community pride / awareness may be considered.

#### **4. Infrastructure Needs**

The Township shall improve and maintain, to the extent its resources and priorities permit, the infrastructure necessary to meet the needs of industry in the Township and shall protect industrial uses from the unwarranted encroachment of land uses which have the potential to create land use incompatibilities and conflicts.

## **5. Community Design & Built Form**

The Council of the Township of O'Connor aspires to principles of good community design for a rural context, and recognizes the importance of built form. In general, elements of built form, such as building setbacks and maximum building heights, will be implemented through the Zoning By-law.

### **5.2 COMMUNITY IMPROVEMENT**

The community improvement provisions of the Planning Act provide the primary mechanism for the Township to directly intervene in the marketplace to offer incentives to citizens and businesses to advance economic development and cultural priorities and foster the development and redevelopment of land in the Township.

#### **Goals & Objectives**

The following goals and objectives shall guide the development and administration of community improvement in the Township to:

- a. improve the physical appearance and environmental condition of the Township;
- b. support redevelopment and the rehabilitation of brownfield sites and other underutilized lands for other purposes to make more efficient use of existing infrastructure; and,
- c. assist in attracting new business and residents to the Township.

#### **1. Authority to Create a CIP**

Council may pass a By-Law designating a Community Improvement Project Area under the Planning Act. The boundary of the Project Area may be the whole Township, or any part thereof. Subsequently, the Township may develop a comprehensive program for the preservation, rehabilitation, reuse, and redevelopment of one or more Community Improvement Project Areas.

#### **2. CIP Project Area**

In determining the location of a Community Improvement Project Area and the preparation of a Community Improvement Plan, one or more of the following conditions may exist:

- a. inadequate appearance of buildings, streetscaping, landscaping and other site features;
- b. poor local physical services such as roads, storm water drainage, lighting, and hydro;
- c. the presence of land use conflicts such as incompatible, unsightly land and / or non-conforming land uses;
- d. natural heritage resources in need of preservation or renewal;
- e. built heritage resources in need of conservation;

- f. inadequate mix of housing types;
- g. known or perceived environmental contamination;
- h. high industrial, commercial or residential vacancy rates.

### **3. CIP Programs / Incentives**

In the implementation of a community improvement program within the selected Community Improvement Area, it is the policy of Council:

- a. to undertake community improvement in accordance with the provisions of the Planning Act, as amended;
- b. to use public funds acquired through appropriate municipal, provincial and federal programs to assist in implementing the community improvement policies of this Plan;
- c. to acquire, clear, grade or otherwise prepare land for the purpose of undertaking community improvements;
- d. to encourage the relocation of incompatible land uses;
- e. to encourage the rehabilitation of private buildings and the improvement of private property by advising owners of government subsidies and programs; and, by providing advice and guidance on energy conservation and the maintenance and rehabilitation of buildings and structures.

## **5.3 HOUSING**

Housing constitutes a basic human need and the provision of adequate and affordable housing, which meets the needs of all segments of society, is a goal of the Township. Council recognizes that adequate housing opportunities aids in encouraging population and economic growth.

### **Goals & Objectives**

The following goals and objectives shall guide the development, redevelopment and improvement of housing in the Municipality, to:

- a. maintain at all times an adequate supply of housing in terms of dwelling types, tenure and affordability;
- b. encourage the provision of a wide variety of housing types to meet community needs; and,
- c. pursue the eradication of substandard housing in the Township.

### **1. Housing Stock**

A variety of housing types and tenure shall be encouraged to meet the needs, affordability and preferences of existing and future residents which will be articulated in the Zoning By-law. Notwithstanding this, it is the policy of this Plan that mobile home parks shall not be

allowed in the Township, as the density and servicing requirements are not compatible with the desired rural environment.

## **2. Housing for Special Needs**

Within the limits of its financial resources and statutory authority, the Township shall use its best efforts, to ensure that an adequate supply of housing is available for those with special needs. As applicable, Council will endeavour to coordinate with applicable boards and other agencies on housing matters within the Township.

## **3. Substandard Housing**

The Township shall use its legislative authority under the Municipal Act and the Building Code Act, to adopt and enforce minimum standards for occupancy and may participate in programs designed to eradicate substandard housing conditions.

## **4. Affordable Housing**

The Township shall encourage the adequate provision of a full range of affordable housing opportunities. This may include support for, or involvement in income-geared housing and housing co-operatives. Additionally, to aid in its accessibility and development, secondary suites shall be permitted in single, semi and townhouse dwellings as well as accessory buildings, subject the requirements of the Zoning By-law.

## 6. THE NATURAL ENVIRONMENT

The health of our natural environment is directly tied to the health of our community and its residents. Natural heritage features and areas such as woodlands and wetlands provide wildlife habitat and contribute to air and water quality. The natural environment also provides the Township with a source of drinking water, vital to any community, and other natural resources such as mineral aggregate and petroleum resources with their associated economic value.

### Goals & Objectives

The following goals and objectives shall guide the conservation, planning, and development of the natural environment to:

- a. Protect the natural environment and its areas, features and resources from development and / or incompatible development;
- b. Ensure a healthy environment and improved quality of life through the protection and enhancement of the natural environment, and its areas, features and resources; and,
- c. Encourage compatible development in keeping with environmental, social and economic goals.

### 6.1 NATURAL HERITAGE FEATURES & AREAS

Natural heritage is a system composed of natural heritage features and areas, which are linked by natural corridors. Natural heritage features, areas and corridors are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems.

#### 1. Location

Natural heritage features and areas consist of a variety of features and areas including wetlands, woodlands, areas of natural & scientific interest (ANSI), river systems and wildlife habitats. These features and areas are dynamic, and in some cases, not possible to map for the purposes of this Plan. The actual location and limits of natural features and areas shall be determined through consultation with the Township, the Conservation Authority and / or the Province. Where development is proposed within, or adjacent to, these features and areas, the proponent may be required to undertake appropriate field work and mapping necessary to provide the technical information necessary to evaluate the proposal.

#### 2. Commitment

The Township shall use its best efforts and the assistance offered by public authorities, agencies and the community to ensure the protection of the natural environment when exercising its authority under the Planning Act.

### **3. Maintenance & Restoration**

The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and groundwater features. When the opportunity exists, such as through parkland dedication, the Municipality shall examine opportunities to improve and / or rehabilitate natural heritage features and areas.

### **4. Potential Impact**

When potential development may have an impact on, or be impacted by, one of the natural heritage features and areas described in this section, the Township may refer to the appropriate agency for comment.

### **5. Environmental Impact Assessments**

Where development is proposed as noted in Subsections 4 and 5 of this Section, the proponent shall be required to submit a Environmental Impact Assessment (EIS) at the time of application. Approval of the EIS shall rest with the Township in consultation with the Ministry of Natural Resources and / or the Conservation Authority having jurisdiction.

### **6. Areas of Natural & Scientific Interest (ANSI)**

Development may be permitted in Areas of Natural and Scientific Interest, provided it does not negatively impact on the natural features or ecological functions for which the area has been identified. Where development or site alteration is proposed within 120 m of the boundary of the ANSI, the proponent shall provide the Township with an EIS that demonstrates that there will be no negative impacts on the ANSI or on its ecological function.

### **7. Endangered & Threatened Species**

The Endangered Species Act (ESA) prohibits the killing, harming, harassment, capture, or taking of a Species at Risk, and the damaging or destroying of their habitat. The presence of Species at Risk shall be identified by Ministry of Natural Resources and Forestry. Anyone undertaking an activity is responsible for ensuring that the activity does not contravene the ESA. Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. The Township shall consult with the Ministry of Natural Resources and Forestry on development applications that may be impacted by these habitats.

### **8. Fish Habitat**

Development may be permitted in Fish Habitat only in accordance with the Fisheries Act. Generally development adjacent to Fish Habitat shall be required to be setback 30 m from

the shoreline and maintained as a natural vegetative buffer. Site alteration and disturbance of vegetation within 30 m of the shoreline shall be limited to minor alterations to accommodate access trails, docks, water pumping equipment or restoration work.

### **9. Provincially Significant Wetlands**

Development and site alteration are not permitted on or within 30 m of a Provincially Significant Wetland unless it is demonstrated through an EIS that the development or site alteration will not result in a negative impact on the wetland feature or its functions. Where development and/or site alteration is proposed within 120 m of the boundary of a provincially significant wetland, the proponent may be required to provide the Township with an EIS, prepared by a qualified professional, which demonstrates that there will be no negative impacts on the wetland or its ecological function. The Lakehead Region Conservation Authority is responsible for reviewing and accepting EISs relating to development and/or site alteration in or adjacent to provincially significant wetlands.

### **10. Zoning**

Appropriate zoning shall be established in the Zoning By-law recognizing the varying degree of protection provided to natural heritage features and areas in this Plan. Overlays, in conjunction with zones, may be used.

## **6.2 MINERAL AGGREGATE, MINERAL MINING & PETROLEUM RESOURCES**

There are limited mineral mining and mineral aggregate resources in the Township and no evidence of commercially viable deposits of petroleum. Notwithstanding this, it is recognized that these resources may exist within the Township and shall be protected for long-term use. The following policies shall apply to petroleum resources and mineral aggregate resources.

### **1. Protection of Viability**

Where feasible, the viability of mineral mining, mineral aggregate, and petroleum resources will be protected from uses that may compromise the future extraction. On lands identified as being potential resource areas, development of other land uses shall be permitted, provided that:

- a. extraction of the resource is not feasible;
- b. the proposed use serves a greater long-term public interest; and
- c. issues of public health, safety and environmental impact are addressed.

## **2. Non-resource Extraction Uses**

Non-resource extraction uses such as forestry, agriculture, agricultural-related industrial and commercial and secondary uses, conservation, and fish and wildlife uses shall be permitted, provided that these uses will not preclude future extraction of the resource.

## 7. CULTURAL HERITAGE

Cultural Heritage Resources are tangible resources which provide the context of the social and physical make-up of the Township and its residents. They foster civic pride among citizens, and provide connections to our past. Although the Township of O'Connor has not designated any heritage resources under the Ontario Heritage Act to date, the following policies are established to provide a framework for future heritage planning, as applicable.

### Goals & Objectives

The following goals and objectives shall guide planning, development, redevelopment and improvement of cultural heritage to:

- a. protect, conserve and enhance cultural heritage resources;
- b. increase public awareness of the importance of cultural heritage resources to the community; and,
- c. respect private property rights in the protection of cultural heritage resources.

### 7.1 BUILT HERITAGE RESOURCES & HERITAGE LANDSCAPES

Built Heritage Resources include buildings, structures and monuments, while Heritage Landscapes are features such as public spaces, cemeteries, parks, natural features, views and vistas. Built Heritage Resources and Heritage Landscapes are subject to the following policies:

#### 1. Protection

The Township shall use its powers under the Ontario Heritage Act and the Planning Act to protect, conserve and enhance its cultural heritage resources. Development and redevelopment which is sensitive to cultural heritage resources, uses these resources, and is respectful of these resources shall be encouraged.

#### 2. Inventory & Designation

The Township is required to maintain a register of all property designated under Part IV of the Ontario Heritage Act. In addition, the Township will maintain an inventory of all properties that are not designated but have been identified as being of cultural heritage value or interest.

#### 3. Alterations to Heritage Resources & Adjacent Lands

Development, redevelopment and site alteration to a designated heritage resource or on lands adjacent to a designated heritage resource shall only be permitted where it has been evaluated and demonstrated that the heritage attributes of the resource will be conserved. Mitigating measures and / or alternative development approaches may be

required in order to conserve the heritage attributes of the affected resource.

#### **4. Demolition / Destruction**

The demolition or destruction of designated cultural heritage resources shall generally not be permitted. Prior to considering such a request, the Township shall require the applicant to:

- a. submit accurate and complete information pertaining to the structural condition of the building or structure, with respect to the Ontario Building Code; and
- b. any other relevant information to determine the feasibility of restoring as opposed to demolishing the building or structure.

The Municipality shall engage the services of an architect or structural engineer to review any required documentation or reports and may conduct an independent assessment prior to granting a demolition permit.

#### **5. Municipally-owned Heritage Resources**

The Township shall protect, restore and maintain cultural heritage resources under its ownership to express its commitment to the protection and preservation of these resources, to enhance the identity and character of the Municipality and to provide an example of the merits of quality restoration and maintenance.

#### **6. Assistance**

Council may utilize available government funding assistance programs to assist in the implementation of cultural heritage conservation policies. Council, where appropriate, shall cooperate with other levels of government, as well as with private agencies and individuals, in the conservation of local cultural heritage resources.

#### **7. Awareness**

Measures to increase public awareness of cultural heritage resources shall be encouraged through a variety of means including the:

- a. identification and designation of potential cultural heritage resources;
- b. maintenance of historic records and archives; and
- c. appointment of a heritage advisory committee or similar entity.

### **7.2 ARCHAEOLOGICAL RESOURCES**

Archaeological resources include artifacts, archaeological sites, and marine archaeological sites identified and evaluated by archaeological fieldwork.

**1. Protection of Archaeological Resources**

Development, redevelopment and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the archaeological resources have been conserved by removal and documentation, or by preservation on-site. Council will obtain available archaeological site data locations from the Ontario Archaeological Sites Database maintained by the Ministry of Tourism, Culture and Sport for the purpose of heritage conservation planning. Where archaeological resources must be preserved on-site, only development, redevelopment and site alteration which maintain the heritage integrity of the site may be permitted.

**2. Archaeological Assessments**

Archaeological resource areas are determined through the use of provincial screening criteria, or potential mapping developed based on the known archaeological record or features within the Township and is usually developed with a licensed archaeologist. Development applications that meet one or more provincial criteria shall be required to undertake an archaeological assessment to the satisfaction of the Province prior to the development approval.

## 8. INFRASTRUCTURE & SERVICING

Infrastructure is the basic physical and organizational arrangement required for the township to function. It provides basic needs for the citizens of the municipality including drinking water, sanitary waste disposal, and the transportation system. Additionally, infrastructure includes the methods by which we treat and dispose of stormwater as well as parks and recreation facilities and municipal drainage. The following policies relate to both the existing and planned infrastructure requirements of the Township.

### Goals & Objectives

The following goals and objectives shall guide the planning, development, redevelopment and improvement of servicing and infrastructure to:

- a. ensure that servicing and infrastructure are provided in a cost effective and efficient manner;
- b. protect the health, safety and wellbeing of the citizens and property within the Township; and,
- c. ensure that development does not out-pace the Township's ability to provide infrastructure and servicing.

### 8.1 WATER & SEWAGE

The Township does not maintain municipal water services or municipal sewage services. As such, all development is required to be serviced by individual on-site sewage services and individual on-site water services.

#### 1. Private Services

All proposals for development will require individual on-site sewage services and individual on-site water services that are approved by the Thunder Bay District Health Unit, the Township, and / or the Province.

#### 2. Requirements for Septic Systems

To accommodate an individual on-site sewage service, new lots shall generally be 2 ha, or have a lot frontage of 90 m, unless a smaller lot size can otherwise be supported by technical information pertaining to the physical characteristics and hydrogeology of the site in accordance with guidelines of the Ministry of the Environment and prepared by qualified professionals.

#### 3. Requirements for Drinking Water

An adequate supply of water for new lots under 4 hectares (10 acres) in area shall be demonstrated by a licensed well driller or master plumber as a source of water having a

flow of at least 15 L of water per minute after one hour of pumping from the subject water source at the rated flow. The potability of the water shall be demonstrated in the form of a written report from a recognized testing laboratory, indicating that the water source is potable.

#### **4. Multi-unit Development**

Where multi-unit development greater than 5 units is proposed, the preparation of a hydrogeological assessment is required to confirm that an acceptable quality and adequate quantity of drinking water is available. The assessment must be prepared by qualified professionals and should provide technical guidance on private wells.

## **8.2 LOCAL ROADS**

Council intends on maintaining a safe and efficient road system for the movement of people and goods to, from, and throughout the Township. The road system should be adequate to safely serve the Township but should not be over-extended or developed to a standard that would result in a financial burden.

### **1. Primary Purpose**

The primary purpose of Township roads is to facilitate local traffic and provide access to development areas. Direct access to Township roads from abutting lots is permitted, provided that all other Official Plan policies are met.

### **2. Road Width**

Township roads are intended to be used all year and carry a low to moderate volume of traffic. As such they shall have a design minimum right-of-way of 20 m. The Township shall pursue land acquisitions for road widening purposes through development / planning approvals where the existing road allowance is less than 20 m. Typically the amount of land to be taken shall be taken in equal amounts from both sides of the subject road measured from the centreline of the road except where circumstances may warrant an alternative approach.

### **3. Entrances & Access Points**

Entrances and access points onto roads shall require approval by the Township. Access shall not be permitted where safety hazards could result due to poor sight lines, proximity to a traffic intersection or other hazard, or the traffic flow characteristic of the road.

### **4. New Roads**

The Township does not intend to approve, construct, accept, or maintain new roads,

except in exceptional circumstances where a new configuration of lots warrants a public road. Extensions to existing roads may be allowed, provided that they meet Ministry of Transportation standards. The costs of design and construction of new roads or extensions to existing roads shall be the responsibility of the proponent.

### **8.3 PROVINCIAL HIGHWAYS**

Provincial highways include highways under the jurisdiction of the Ministry of Transportation, and include Highways 590, 595, and 588, as identified on Schedule A.

#### **1. Primary Purpose**

The primary purpose of provincial highways is to move people and goods between destinations within and beyond the Township. Access to provincial highways is restricted to allow the highways to fulfill their primary purpose. The legal basis for highway access control is established in the provisions of the Public Transportation and Highway Improvement Act.

#### **2. Entrances & Access Points**

Direct access onto a provincial highway will be restricted. Development shall be encouraged to utilize Township roads, wherever possible. Where access is a possibility, it will only be considered for properties that meet the requirements of Ministry of Transportation access management practices and principles. In accordance with Ministry of Transportation policy, one separate highway entrance is required for each lot of record fronting onto the highway. Back lot development is not permitted to use another entrance for access to a provincial highway.

#### **3. Development Adjacent to Provincial Highways**

Proposed development located adjacent to, and in the vicinity of, a provincial highway may fall within the Ministry of Transportation's Permit Control Area and if so, is subject to Ministry of Transportation approval. Early consultation with the Ministry is encouraged to ensure the integration of municipal planning initiatives with provincial transportation planning.

#### **4. Snowmobile & Hiking Trails**

Any proposals for snowmobiles or trail crossings of provincial highways will require the prior approval of the Ministry of Transportation.

#### **5. Adjacent Outdoor Storage**

Outdoor storage and loading areas on lands adjacent to a provincial highway should be

visually screened or appropriately located so as not to be visible to the travelling public.

## **8.4 OTHER INFRASTRUCTURE**

In addition to municipal infrastructure and services, is the infrastructure of other public utilities including electricity, telecommunications and natural gas. These utilities are operated by public, semi-public and private bodies and provide important and essential services to the Municipality. The following outlines the Municipality's policies as they relate to other public utilities.

### **1. Energy Generation & Telecommunication Systems**

The location of energy generation and telecommunication systems is often dictated by factors outside of the Township's, and the proponent's, control such as access to infrastructure and other environmental requirements. Additionally their development is governed by federal and provincial regulations and policies. Notwithstanding this, the following shall be considered when selecting a site:

- a. Minimizing adverse impacts on agricultural operations;
- b. Maximizing the distance from residences and residential areas;
- c. Avoiding natural features and areas, including hazard lands;
- d. Avoiding areas of topographical prominence, to minimize any negative visual impacts;
- e. Ensuring that access requirements are sensitively integrated; and,
- f. Avoiding locating in heritage conservation districts and heritage conservation study areas.

Where the development of an energy generation system or a telecommunication system falls under the jurisdiction of the Township, a zoning by-law amendment shall be required and site plan control shall apply.

### **2. Temporary Construction Facilities for Roads**

Wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted, without the need for an amendment to this Plan or a rezoning, except in areas of existing development or particular environmental sensitivity which has been determined to be incompatible with the proposed activities. Upon completion of the road project, the facility and / or excavation shall be removed / rehabilitated and the site restored to its original condition. Public authorities are encouraged to consult with the Township in advance of constructing these facilities.

## 9. IMPLEMENTATION

This Plan shall be implemented by means of the powers conferred upon the Municipality by the Planning Act, the Municipal Act, the Ontario Heritage Act and such other statutes as may be applicable from time to time. More particularly, the Plan shall be implemented by the enactment of zoning by-laws, sign by-laws, the application of site plan control, the granting of consents and minor variances, the approval of plans of subdivision and condominium, the undertaking of community improvement projects, and public works as well as the collective actions of Council, municipal staff, private enterprise and the general public. Matters related to the implementation of the Official Plan are addressed in this section.

### Goals & Objectives

The following goals and objectives shall guide the implementation of the Official Plan to:

- a. ensure the Township is able to use the powers conferred upon it by various pieces of legislation;
- b. provide an equitable and consistent means of implementing the policies of this Plan; and,
- c. encourage public participation and engagement in the planning process.

### 9.1 REVIEW OF EXISTING BY-LAWS

Upon adoption of this Plan, the Township shall review all existing by-laws governing or affecting the use of land and the erection, alteration and demolition of buildings and structures. Where necessary, the Township shall amend these by-laws or adopt new by-laws as may be required to ensure they are in conformity with this Plan.

### 9.2 PLANS OF SUBDIVISION / CONDOMINIUM

When new development involves the creation of new lots from a larger parcel(s), it is required to go through a plan of subdivision / condominium process as required, and set out, in the Planning Act. The Lakehead Rural Planning Board is approval authority for Plans of Subdivision / Condominium.

#### 1. General Criteria

Consideration of a plan of subdivision or condominium by the Municipality shall be subject to the requirements of the Planning Act and the following criteria being satisfied:

- a. Conformity with the applicable goals, objectives, policies and land use designations of this Plan;
- b. Being consistent with the Provincial Policy Statement and the Growth Plan for Northern Ontario;
- c. Conformity with the Zoning By-law, Servicing Standards, secondary plans, and design

guidelines / standards of the Township;

- d. The input received from circulated public bodies and agencies and neighbouring property owners and residents;
- e. The submission and approval of all required information / studies, reports and plans;
- f. The entering into of a subdivision agreement with the Municipality; and,
- g. The posting of sufficient financial security to ensure due performance and the protection of the Municipality.

## **2. Part Lot Control**

Where land lies within a registered plan of subdivision, the Municipality may consider the adoption of a part lot control by-law to create new lots or reconfigure existing lots, in accordance with the Planning Act where it is satisfied that any conditions appropriate to the creation and development of such lots are capable of being addressed.

## **3. Deeming**

The Municipality may deem plans of subdivision (or parts thereof) more than 8-years of age not to be plans of subdivision within the meaning of the Planning Act where development of such plans would not be in conformity with this Plan or the Zoning By-law and where development would be detrimental to the Municipality or neighbouring uses.

## **9.3 CONSENTS**

When new development involves the creation a minimal number of lots from a larger parcel(s), it may be permitted to go through the consent process as set out in the Planning Act. In addition to certain types of land division, consents are also required for certain easements and rights-of-way.

### **1. When Appropriate**

As established in the Planning Act, lot creation through the consent process is only appropriate when it has been deemed that a plan of subdivision is not necessary. The Municipality shall evaluate the need for a plan of subdivision in accordance with the policies of the Growth Management section of this Plan.

### **2. General Criteria**

The creation of lots by consent shall be considered in accordance with the requirements of the Planning Act and the following:

- a. Conformity with the applicable goals, objectives, policies and land use designations of this Plan;
- b. Being consistent with the Provincial Policy Statement and the Growth Plan for Northern

Ontario;

- c. Conformity with the Zoning By-law, Servicing Standards, secondary plans, and design guidelines / standards of the Municipality;
- d. The input received from circulated public bodies and agencies and neighbouring property owners and residents;
- e. The submission and approval of all required information / studies, reports and plans;
- f. The resolution of issues arising out of the above evaluation through conditions imposed to the granting of the consent, which may include the entering into of an agreement and / or the posting of financial security.

### **3. Adjusting & Correcting Lot Boundaries**

The granting of a severance for purposes of adjusting or correcting lot boundaries or to convey a relatively modest amount of land to an abutting lot shall be permitted provided:

- a. the conveyance does not lead to the creation of an undersized or irregularly shaped lot(s), or a lot that is contrary to the provisions of the Zoning By-law unless the By-law is amended or a variance granted;
- b. the lands being conveyed are registered in the same name and title as the lands to which they are being added; and,
- c. it is stipulated in the granting of the consent that any subsequent conveyance or transaction shall require a future severance.

### **4. Consents for Mortgage Purposes**

A consent shall only be granted for mortgage purposes where it is capable of satisfying the appropriate policies of this Plan and the appropriate provisions of the Zoning By-law with respect to the use to which the lands would be put and the dimensions and size of the parcel if the mortgage is foreclosed and a separate lot created.

### **5. Consents for Easements**

Consents may be granted for easement purposes where the use of land is being conveyed for periods in excess of 21 years subject to whatever conditions may be deemed to be appropriate.

## **9.4 ZONING**

Zoning By-laws govern the use of land, buildings and structures through regulation and are the primary mechanism through which the policies of this Plan will be implemented. The following outlines the Township's policies as they relate to the development and maintenance of a Comprehensive Zoning By-law.

### **1. Adoption**

The Township shall adopt and thereafter maintain a comprehensive Zoning By-law in conformity with the land use designations and policies of this Plan to establish appropriate regulations to control the use of land and the character, location, and use of buildings and structures in accordance with the authority of the Planning Act.

### **2. Uses Deemed to Conform**

Some existing uses of land may not satisfy the land use designations and policies of this Plan. To prevent undue hardship, these uses may be zoned as conforming uses in the Zoning By-law provided:

- a. The use was legally in existence as of when this Plan was adopted;
- b. The use does not constitute a danger, nuisance, or a blight with respect to neighbouring uses by virtue of its characteristics or the traffic which it generates; and,
- c. Any potential expansions or enlargements would not be detrimental to neighbouring uses;
- d. Where any building or structure associated with such use is situated in a Regulated Area or Hazard Land area, any reconstruction, extension or enlargement of such use shall comply with policies of this Plan governing such areas and the requirements of the Conservation Authority.

### **3. Non-conforming Uses**

Existing uses of land which do not satisfy the requirements of the previous subsection shall not be recognized as conforming uses in the Zoning By-law. While it is the intent of this Plan that such uses cease to exist in the long term, it may be desirable to permit their extension or enlargement. In these circumstances, permission to extend or enlarge a non-conforming use shall be based on the following considerations:

- a. The proposed extension or enlargement shall not unduly aggravate the situation created by the existence of the use particularly in regard to neighbouring uses, the policies of this Plan and the regulations of the Zoning By-law;
- b. The proposed extension or enlargement is in appropriate proportion to the size of the non-conforming use as it existed on the date of passing of the Zoning By-law;
- c. The characteristics of the non-conforming use and the proposed extension or enlargement with regard potential nuisance shall not add significantly to the incompatibility of the use with the surrounding area;
- d. Neighbouring uses shall be protected, where deemed necessary, by landscaping, buffering or screening, and appropriate setbacks for buildings and structures; and,
- e. Traffic and parking conditions in the vicinity shall not be adversely affected by the extension or enlargement. Improvements to existing conditions may be required.

### **4. Use of the Holding (H) Symbol**

The use of a holding symbol ('H') may be applied in conjunction with any land use zone of the

Zoning By-law. The 'H' symbol shall generally be used to prevent or limit the use of land in order to achieve orderly, phased development and to ensure that the servicing and other requirements of this Plan have been met. Removal of the 'H' symbol shall not take place until the following conditions have been satisfied:

- a. a specific proposal has been submitted to and approved by the Municipality;
- b. the relevant policies of this Plan are satisfied with respect to the use or development being proposed;
- c. services and utilities have been demonstrated to have sufficient capacity and are available to service the proposed development;
- d. a plan of subdivision, where appropriate, has been submitted and has received draft plan approval;
- e. a satisfactory agreement, where deemed necessary, has been entered into with the Municipality; and,
- f. all other conditions which may have been imposed by the Municipality with respect to any related approval under the Planning Act.

In the interim and until such time as the 'H' symbol is removed, the Zoning By-law may permit uses, buildings and structures which are compatible with neighbouring uses, which would not compromise the ultimate and desirable development of the lands and which are in conformity with this Plan.

## **5. Amendments**

Applications for amendments to the Zoning By-law shall be evaluated in accordance with the requirements of the Planning Act and the following:

- a. Conformity with the applicable goals, objectives, policies and land use designations of this Plan;
- b. Being consistent with the Provincial Policy Statement and the Growth Plan for Northern Ontario;
- c. Conformity with, Servicing Standards, secondary plans, and design guidelines / standards of the Township;
- d. The input received from circulated public bodies and agencies and neighbouring property owners and residents;
- e. The submission and approval of all required information / studies, reports and an acceptable concept drawing / plan.

## **6. Minor Variances**

Applications for minor variances to the Zoning By-law shall be evaluated in accordance with the criteria established in the Planning Act and the following:

- a. whether compliance with the Zoning By-law would be unreasonable, undesirable or would impose undue hardship; and,

- b. whether the variance would result in a detriment, hazard or nuisance that would detract from enjoyment, character or use of neighbouring lands.

In granting applications for minor variances, conditions may be imposed where necessary to ensure the intent of the above-noted criteria are, or will, be satisfied.

## **9.5 TEMPORARY USES**

The use of land for temporary purposes may be assigned in certain circumstances where a short-term use is proposed, considered appropriate, and to be phased-out. Under the Planning Act the maximum term of a temporary use by-law is 3 years.

### **1. Use & Scope**

The temporary use of land, buildings and structures may be authorized by the Township through the passing of a temporary use by-law in accordance with the Planning Act. Such uses may be permitted in all land use designations without amendment to this Plan, with the exception of lands designated 'Natural Environment'. The temporary use by-law shall describe the area affected and specify the duration for which the use is permitted.

### **2. Criteria**

An application for a temporary use by-law shall be considered in accordance with the requirements of the Planning Act and the following:

- a. Conformity with the applicable goals, objectives, policies and land use designations of this Plan;
- b. Being consistent with the Provincial Policy Statement and the Growth Plan for Northern Ontario;
- c. The input received from circulated public bodies and agencies and neighbouring property owners and residents; and
- d. Satisfactory assurances that the land will be returned to its previous state and all buildings and structures removed (where deemed appropriate) upon the lapsing of the period stipulated in the by-law or upon the lapsing of any extension period that may be granted.

## **9.6 INTERIM CONTROL**

Where the Township has authorized a review or study is undertaken regarding land use planning, the Municipality may adopt an interim control by-law to prevent potentially inappropriate development or use of land, pursuant to the Planning Act. The by-law shall specify a time period (not to exceed one year) for prohibiting the use of land, buildings or structures for, or except for, such purposes as are set out in the by-law.

## **9.7 SITE PLAN CONTROL**

The Planning Act permits the Township to designate all or part of its territory as a site plan control area. Within this area certain types of development (typically, commercial, industrial, and institutional) cannot proceed until a site plan has been approved by the Township.

### **1. Scope**

To ensure a high standard of development and to provide compatibility with, and protection of, neighbouring uses, new development and significant expansions to existing development shall be subject to the site plan control provisions of the Planning Act. While not generally applied to low density residential and agricultural uses, specific instances may be warranted to reduce impacts and ensure compatibility with the use and neighbouring lands. A site plan control by-law shall be adopted by the Township specifying the lands and type of development where site plan approval shall be required.

### **2. General Criteria**

Consideration of a plan subject to site plan control by the Municipality shall be subject to the requirements of the Planning Act and the following criteria being satisfied:

- a. Conformity with the applicable goals, objectives, policies and land use designations of this Plan;
- b. Conformity with the Zoning By-law, Servicing Standards, secondary plans, and design guidelines / standards;
- c. The input received from circulated public bodies and agencies;
- d. The submission and approval of all required information / studies, reports and plans;
- e. The entering into of a site plan agreement with the Township; and,
- f. The posting of sufficient financial security to ensure due performance and the protection of the Township.

### **3. Site Plan Agreement**

A site plan agreement pursuant to the provisions of the Planning Act shall be required in most instances. Any such agreement shall require the filing of plans with the Township and the posting of financial security to ensure due performance.

## **9.8 PARKLAND CONVEYANCE**

The Planning Act permits the Township to, by by-law applicable to all or part of its territory, require that land be conveyed to the township for park or other public recreational uses as a condition of development or redevelopment of land.

### **1. Scope**

To aid the acquisition of land for parkland and other public recreational uses, development and redevelopment within the Township shall be subject to the parkland conveyance provisions of the Planning Act. A parkland dedication by-law may be adopted by the Township specifying the circumstances in which parkland dedications are to be required.

### **2. Cash In-lieu**

Where a dedication of land for park purposes would be inappropriate or impractical the Township may permit a proponent to provide a cash in-lieu payment for parkland purposes. The rate of payment shall be in accordance with the provisions of the Planning Act.

### **3. Reductions in Cash In-lieu**

Where a cash in-lieu dedication is deemed appropriate, it may be reduced accordingly based on the following:

- a. The provision of publically accessible parkland / open space within the proposed development; or
- b. Based on previous conveyances of land or receipt of cash in-lieu monies for previous phases / stages.

## **9.9 DEVELOPMENT CHARGES**

The Development Charges Act provides the legal basis for municipalities to impose growth-related levies to aid in the recovery of the capital costs associated with growth such as new roads, water and wastewater systems, and parks and recreation facilities.

### **1. Scope**

To aid in the recovery of growth related costs, the Township may adopt a Development Charges By-law developed in accordance with the requirements of the Development Charges Act. The amount of the levy, the type of development it applies to, the method of calculation are prescribed by the Development Charges Act.

### **2. Exemptions / Reductions**

While equitability shall be a key principle in the development and administration of a development charges by-law, Council may wholly or partially exempt certain classes of development in order to promote economic competitiveness and job creation. Additionally, Council may exempt areas of the Township from the application of a development charges by-law, including downtowns or community improvement project areas, in order to promote development and redevelopment to meet the goals and objectives of this Plan.

## **9.10 OTHER BY-LAWS**

The Municipal Act, Building Code Act and other legislation provides authority for municipalities to regulate a number of issues related to land use and development in order to promote health and safety and prevent nuisance, among other matters. The following shall provide guidance to the Municipality when developing new by-laws or revising existing by-laws.

### **1. Property Maintenance & Occupancy Standards**

The Municipality may prepare and adopt by-laws to ensure minimum standards of property maintenance and occupancy to protect public health, safety and welfare; to eliminate or avoid unsightly conditions and appearances with respect to buildings, lands and neighbourhoods; and to ensure adequate enjoyment of property. These by-laws may take the form of property maintenance and occupancy standards adopted under the Building Code Act or the clearing and cleaning of land adopted under the Municipal Act.

### **3. Signs & Advertising Devices**

To ensure that signs and other advertising devices do not become a nuisance, blight or safety hazard, the Municipality may prepare and adopt a signage by-law regulating the placement of signs and other advertising devices on both public and private property as per the Municipal Act. These regulations may govern height, spacing, illumination, permitting, and any other matter that Council determines is in the public interest to regulate.

## **9.11 CONSULTATION & PARTICIPATION**

Consultation and public participation and input is a fundamental requirement of the planning process. The following outlines how the Township intends to ensure adequate information and consultation has taken place prior to making land use planning and development decisions.

### **1. General Public**

While the Township shall at all times comply with the minimum requirements of the Planning Act in informing the public of matters requiring approval under the Act, the Township may take extra measures to inform the public of emerging planning issues, to facilitate access to planning-related information and to convene non-statutory public meetings / forums when considerable public interest or concern is apparent.

### **2. The Applicant**

The Township encourages all applicants or potential applicants to consult with the Township prior to submitting any planning application to:

- a. review for policy and regulatory conformity; and,

- b. provide guidance on the planning process

As permitted by the Planning Act, the Township may prepare and adopt a by-law to mandate pre-consultation for official plan amendments, zoning by-law amendments and site plan approval applications.

### **3. First Nations**

The Township recognizes the unique status of First Nations within Canada, and the importance of consultation and an open dialogue with First Nation communities, both adjacent and regional, when considering land use planning and development decisions. As such, the Township endeavours to continue the open dialogue established with adjacent First Nations and to build new relationships with other First Nations in the region.

## **9.12 COMPLETE APPLICATION**

In accordance with the Planning Act, a municipality may require other information or material in addition to the information prescribed by the Act, but only if the official plan contains provisions relating to requirements under the relevant subsections. This ensures the Township can make informed decisions, and that the public and other bodies have access to all relevant information to allow them to participate fully in the planning process. Applications for an official plan amendment, zoning by-law amendment, consent and plan of subdivision shall be subject to the additional information requirements of the Planning Act. Studies and reports noted in the Plan are identified as “required” or as “may be required” at the time of application.

## **9.13 OFFICIAL PLAN UPDATE**

In accordance with the requirements of the Planning Act, the Township shall, not less frequently than every 5 years after this Plan comes into effect, review this Plan as required, to:

- a. ensure that it conforms to provincial policies, and the Planning Act;
- b. update and review population projections and land needs assessment; and
- c. ensure that the Plan’s assumptions, policies and designations remain current and relevant.