



# Official Plan

Township of the North Shore



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Deletions are shown as ~~strikethrough~~.

Additions are shown as **underlined red text**.

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**(BY-LAW PAGE)**

## SECTION 1 - INTRODUCTION

### 1.1 Preamble

The Township of The North Shore is located in Northern Ontario, approximately midway between the cities of Sudbury and Sault Ste. Marie in the District of Algoma, on the north shore of Lake Huron. It is located on the eastern boundary of the Town of Blind River and directly south of the City of Elliot Lake. The Serpent River Indian Reserve and the Township of Shelden ~~Spanish~~ abut the Township to the east and south. The geographic Townships of Lewis, Spragge, Long and part of Striker combine to form the Township of The North Shore. The Township boundaries extend into the North Channel of Lake Huron, including the North Channel Islands.

The Township is committed to actively seeking and encouraging new development, maintaining the health of existing businesses and diversifying the economic base. After having completed a Strategic Plan for the Township, this Official Plan represents the next step in the process.

Information to support the Official Plan policies and designations is included in the Community Profile, and the Issues and Options Report, prepared for this Official Plan study.

### 1.2 Purpose of the Plan

(a) The purpose of this Official Plan is to:

- i) Establish policies that guide the nature and location of development in The Township of The North Shore over the next ~~ten~~ twenty years;
- ii) To manage and direct land uses to achieve efficient development and land use patterns;
- iii) Secure the health, safety, convenience and welfare of residents of the Township;
- iv) Ensure the Township's resources are rationally used and natural features protected;
- v) Provide a basis for planning future municipal services;
- vi) Qualify the Municipality for various programs funded by senior levels of government;
- vii) Provide policies that will encourage the expansion and diversification of the local economic base;
- viii) Provide policies that guide developments that are environmentally compatible and support sustainable development;
- ix) Inform the residents of the Township of the policies that affect the development of lands; and
- x) Provide a guiding framework for implementing by-laws passed by Council and for decisions of local boards, commissions, committees and other authorities.

- xi) To promote economic development activities that enhance the Township's quality of life and which preserves important heritage and ecological features of the community.

### **1.3 Amendment and Review**

- (a) This Official Plan is not a static document. Although it provides some degree of flexibility, the Plan's provisions will be reviewed at five year intervals, pursuant to Section 26 of the Planning Act, to ensure that the policies are relevant and appropriate in light of changing conditions and are consistent with the Provincial Policy Statement and which conform to the Growth Plan for Northern Ontario and any other provincial plans that are in effect on that date or not conflict with them.
- (b) All Official Plan amendments are subject to the approval of the Minister of Municipal Affairs and Housing.

### **1.4 Responsibilities of Council**

- (a) With regard to the Official Plan, the Council of the Corporation of the Township of The North Shore has the responsibility to:
  - i) Prepare an Official Plan;
  - ii) Review the Official Plan from time to time and make amendments as necessary;
  - iii) Advise and secure the views of the public, local authorities, agencies and boards in respect to the Official Plan and amendments; and
  - iv) Prepare, consider and adopt local by-laws, and amendments to by-laws, which implement the policies of the Official Plan.
- (b) Where the Official Plan requires an evaluation or other action by one or more provincial ministries, the policy should generally be interpreted to mean that it is Council's responsibility to consider such evaluation or action and to ensure that any land use planning decision is consistent with the Provincial Policy Statement and conforms with the Growth Plan for Northern Ontario.

### **1.5 Official Plan**

This document constitutes the Official Plan for the Township of The North Shore and was prepared in accordance with the provisions of the Planning Act.

### **1.6 Title**

This Plan may be cited as "The North Shore Official Plan".

## **1.7 Scope**

This Plan applies to all lands within the corporate limits of the Township of The North Shore.

## **1.8 Public Works**

Any public works undertaken in the Township shall conform to the policies of the Official Plan, in accordance with Section 24 of the *Planning Act*.

## **1.9 Municipal By-laws**

All municipal by-laws passed after this Plan is in effect shall conform to the policies of this Plan, in accordance with Section 24 of the *Planning Act*.

## **1.10 Private Interests**

Private interests must adhere to the policies of this Plan. The specific use of private lands, however, will be regulated in an implementing Zoning By-law passed pursuant to Section 34 of the *Planning Act*, and other by-laws passed under other relevant Provincial statutes.



## SECTION 2- BASIS

### 2.1 Background, Assumptions and Principles

This Official Plan is based on:

- (a) Background information on the character and nature of the Township;
- (b) Assumptions about the future growth of the Township; and,
- (c) Principles indicating this Plan's commitments.

This section sets out the key background information, assumptions and principles on which this Plan is based.

### 2.2 Existing Situation

#### 2.2.1 *Natural Environment*

- (a) The Township of The North Shore is 69,800 hectares in area. The land area is 23,781 hectares and the water area is 46,019.
- (b) The topography of the Township was formed by glacial action and is quite broken and varied.
- (c) Soil depth is shallow to bare and exposed bedrock is quite common in the Township.
- (d) The climate of the Township is influenced by Lake Huron.
- (e) The natural environment presents considerable constraints to development in the Township.
- (f) The Township contains a number of areas with limited mineral aggregate potential.
- (g) The Township is an area of moderate and high mineral potential.

#### 2.2.2 *Population*

- (a) The North Shore's population in 2011 was 509.
- (b) The population of the Township has declined over the past decade, from 826 in 1985 to 665 in 1994 to 509 in 2011.
- (c) The highest proportion of the Township's population is in the 45-64 age range. There is a higher proportion in this age range, and a higher proportion of seniors, than Algoma District, as the table below shows.

Age Structure of the Township of the North Shore and the Algoma District, 2011

(Statistics Canada,, 2011)

	0-14	15-24	25-44	45-64	65+
Township	8.8%	6.8%	9.8%	49%	24.5%
District	14%	11.9%	20.8%	32.4%	20.7%

**2.2.3 Employment and Economic Base**

- (a) North Shore's unemployment rate of 11.5% (2006) was higher than those of the District of Algoma (8.9%) and the Province (6.4%) in 2006. In the past, employment opportunities in The North Shore area were related to mining activities inside and outside the Township boundary.
- (b) In 2006, the predominant sources of employment in the Township were in the retail and services - 32%, followed by the resource-based industries - 15%

**2.2.4 Land Uses and Settlement Pattern**

- (a) The Township's population has historically been linear, along the Trans Canada Highway and the Huron Central Railroad. Early settlement patterns resulted in the three settlement areas shown on the **Land Use Schedules** of this Plan: Serpent River, Spragge, and Algoma Mills.
- (b) The Township's population is divided between the settlement areas and a significant number of residential dwellings (permanent and seasonal) along the Township's water bodies.

**2.2.5 Urban Settlement Area**

It is the intent of this Plan that no expansion of settlement area boundaries will take place unless at the time of a comprehensive review, and where it has been demonstrated that sufficient opportunities for growth are not available through intensification and redevelopment in the settlement in order to accommodate projected needs, and where the infrastructure and public service facilities are suitable for the proposed expansion over the long-term and where public health and safety is protected.

### **2.2.6 Income**

In 2005, the average family income in The North Shore was \$45,809. This was below the District and Provincial averages.

### **2.2.7 Municipal Services and Facilities**

- (a) Most of the developed properties in the settlement area of Serpent River are served by a municipal water supply system. The source of water is the Serpent River.
- (b) There is no municipal water supply at Spragge or Algoma Mills.
- (c) The Pronto East subdivision operates a publicly owned water and sewage system. The Dumencu subdivision has a private communal water system.
- (d) Only the Pronto East subdivision is serviced with a municipal sanitary sewer system. Individual septic systems serve the remainder of the Township's residents.
- (e) Storm drainage is by means of a system of open ditches and self-draining catchbasins.
- (f) The Township of The North Shore operates a solid waste management facility which is located in Serpent River.
- (g) Limited streetlighting is provided in parts of the Township.
- (h) Elementary and secondary education facilities are provided outside of the Township. A school for exceptional children is located in Serpent River.
- (i) Medical and social service facilities are provided outside of the Township.
- (j) Residents of the Township have access to a variety of recreational facilities related to the natural environment. A number of parks, rinks, playgrounds, picnic areas and boat launching areas are provided by the Township.

## **2.3 Future Growth**

- (a) Council acknowledges that if the population continues to decline at the existing rate, there will be a population of 466 persons in 2016. Council also recognizes that there has been a positive rate of dwelling construction along the Township's water bodies, suggesting an increase in the seasonal population. There has also been an increase in demand for converting seasonal dwellings to permanent year round dwellings, a trend that Council recognizes as helping to stabilize the local population rate. As the overall Provincial population continues to age, Council expects a stabilization of the Township's population over the next ten years as baby-boomers retire and seek to remain at their seasonal residences on a

permanent basis. The Plan does not anticipate any permanent population growth over the planning period.

- (b) Council wishes to encourage economic diversification in the Township in the industrial, commercial, and tourism sectors. Future growth will also rely on the management and use of natural resources, notably minerals and mineral aggregates.
- (c) Good highway and rail access, a deep water port and the availability of plentiful hydro-electric power provide opportunities for commercial and industrial development.
- (d) Council recognizes that the junction of Highway 108 and 17 provides an excellent opportunity for the development of a highway tourist commercial node;
- (e) The North Channel of Lake Huron, Lake Lauzon and the Serpent River provide opportunities for the future development of eco-tourism activities in the Township.

## 2.4 General Goals

- (a) To create an attractive, convenient and controlled environment in which growth is well planned, efficient and cost-effective.
- (b) To ensure that an adequate supply of land continues to be available to meet projected development needs for housing, employment uses and other land uses for the next 10 years;
- (c) To create an environment which benefits most residents and is economical, safe and healthy.
- (d) To ensure that the Township provides for an appropriate range of housing types and densities to meet projected requirements of current and future residents;
- (e) To minimize land use conflicts, ensure compatibility of present and future uses and promote the efficient use of land.
- (f) To improve public health and safety of residents;
- (g) To work with Provincial ministries to improve vehicular safety in Algoma Mills;
- (h) To maintain and/or enhance the visual and aesthetic qualities of the Township.
- (i) To provide for the preservation and rehabilitation of properties and structures.
- (j) To provide stability to areas of sound development that presently exist.
- (k) To have a policy framework of long-range goals and objectives that is generally agreed upon by residents of the Township.

- (l) To inform the residents of the Township of the public policies that affect the development of land.
- (m) To provide for the protection or enhancement of water quantity and quality.
- (n) To protect ground water and surface water resources and the function of sensitive ground water recharge/discharge areas, aquifers and headwaters from incompatible uses.
- (o) To promote environmentally sensitive shoreline development opportunities which adopt sound shoreline and coastal management practices.
- (p) To conserve the rich legacy of the Township's cultural heritage and archaeological resources;
- (q) To ensure that all development can be sustained over the long-term by cost-effective and efficient infrastructure and public service facilities; and
- (r) To ensure that development in the rural area is compatible with the rural landscape and can be sustained by rural service levels.
- (s) To protect and preserve hazard lands, sensitive areas, cultural heritage resources and important natural resources.
- (t) To identify and protect natural heritage systems, which includes natural heritage features and areas and their functions, as well as the linkages between them. These include fish habitat, significant wetlands, significant wildlife habitat, significant habitat of endangered and threatened species, and significant areas of natural and scientific interest;

#### **2.4.1 Land Use**

- (a) To provide for a sufficient supply of land for industrial, commercial and institutional activities including the identification of candidate areas for new industrial and commercial development in the Township.
- (b) To protect and preserve hazard lands, sensitive areas, cultural heritage resources and important natural resources. To recognize the need to identify and protect natural heritage features and areas, including fish habitat, significant wetlands, significant wildlife habitat, significant habitat of endangered and threatened species, and significant areas of natural and scientific interest.
- (c) To encourage compact growth and infilling. The focus of growth will be in the settlement areas of Algoma Mills, Sprague, and Serpent River.
- (d) To preserve the North Channel Islands.

### **2.4.2 Housing**

- (a) To provide for an appropriate range of housing types and densities to meet projected housing requirements of present and future residents, including the provision of affordable housing.
- (b) To promote the establishment of new housing options for senior citizens and residents with special needs.
- (c) To establish a target of 28% of new housing developed in the Township to be affordable to moderate and lower income households.
- (d) For the purposes of this Plan, affordable is defined as set out in Appendix '1', "Provincial Policy Statement Definitions".
- ~~(e)~~ (e) To encourage the establishment of affordable housing, Council may consider tools such as the use of community improvement plans, the elimination or reduction of cash-in-lieu of parkland dedications, as well as the waiving of fees for applications required for an affordable housing development.

### **2.4.3 Economic Development**

- (a) To encourage and facilitate the expansion and diversification of the Township's economic base.
- (b) To promote the Township's natural features for the development of eco-tourism opportunities;
- (c) To promote the Township's recreational, park and beach assets to the public.
- (d) To promote the presence and development of the deep water port as an economic asset to the community.
- (e) To align economic development initiatives to the Growth Plan for Northern Ontario;
- (f) To manage the natural resource base for the economic benefit of the Township;
- (g) To ensure that the Township's economic development strategies conform with the Growth Plan for Northern Ontario.
- (h) To work with neighbouring municipalities and Serpent River First Nation to achieve economic development goals of mutual interest.

### **2.4.4 Municipal Services and Public Service Facilities**

- (a) To guide the location and nature of development in accordance with the Municipal and Provincial ability to pay for the services to support the development.

- (b) To optimize the use of existing municipal services and public service facilities and to plan, coordinate and integrate services and facilities to meet current and projected growth and development needs.
- (c) To promote municipal owned parks and beaches to the public.
- (d) To upgrade and assume existing private roads into the municipal road system, where appropriate.
- (e) To provide and encourage a range of facilities capable of satisfying the health, educational and social needs and priorities of the Township's population.

## SECTION 3 - LAND USE POLICIES

### 3.1 General

This section establishes the detailed policies for each land use category. The text of the Plan should be read in conjunction with lands shown and designated for various land use classifications on the **Land Use Schedules**.

The Township is divided into a Rural Area and three “Settlement Areas”: Algoma Mills, Spragge and Serpent River.

### 3.2 Residential

#### 3.2.1 Permitted Uses

Permitted uses in the residential land use designation include:

- (a) Single and semi-detached dwellings, duplexes, mobile homes, group homes, garden suites and low density multiple residential uses such as apartment buildings and continuum-of-care facilities, all of which are permitted according to the Zoning By-law.
- (b) Two unit dwellings within single-detached houses, semi-detached houses, or rowhouses if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains a single residential unit subject to subsection 3.2.2(i);
- (c) Multiple housing types such as apartments, and senior’s housing;
- (d) Other uses complimentary to, and compatible with, residential development such as schools, places of worship, cemeteries, municipal offices and works yards and structures, post offices, retail convenience stores and local commercial uses, bed and breakfast establishments and parks are permitted, subject to a Zoning By-law amendment. .
- (e) Retail convenience stores in the residential designation should be located on a lot which has frontage on a year round publicly maintained road; and
- (f) Home occupations, home industries and home professions are permitted in the Residential Designation, subject to the policies in **Section ~~4.214.214.20~~ - Home Occupations and Home Industries**.

#### 3.2.2 Policies

- (a) Low density multiple residential uses shall:
  - i) Be zoned appropriately in the Zoning By-law;



- ii) Be provided with adequate off-street parking; and
  - iii) Be designed, situated, buffered and landscaped as to minimize the adverse effects on adjacent properties.
- (b) Multiple residential and local commercial uses shall be subject to site plan control (see Section 4.5).
- (c) The division of land in the Residential designation shall comply with the policies of Section 4 of this Plan.
- (d) All residential development shall be adequately serviced with an approved water and sewage service. Multiple Residential dwelling units discharging greater than 10,000 litres per day of wastewater are subject to a servicing options report and/or a hydrogeological study to be reviewed by the appropriate designated agency or approval authority. Water supply systems which take more than 50,000 litres per day of water must obtain a permit to take water from the Ministry of the Environment and may require an Environmental Compliance Approval.
- (e) Any development which has frontage on a water body, or which is within 300 metres of Lake Lauzon or any other “at-capacity” water body shall conform with the policies of ~~Section 4.13.24.13.24.12.2~~ of this Plan;
- (f) Council encourages intensification in the settlement areas anticipating that virtually all development will be through redevelopment, infill or conversions given the slow rate of growth;
- (g) In general, a minimum lot area of ~~0.4~~ 0.6 1.0<sup>1(a)</sup> hectares is required to support individual on-site sewage disposal (septic) systems. New lot creation as well as lots of record smaller than ~~0.4~~ 0.6 1.0<sup>1(a)</sup> ha may be developed provided site conditions are suitable for the long-term provision of such services and the applicable zoning standards can be met. The minimum lot area may be increased where development is located along the shoreline of the Township’s water bodies (see Section 4.13.1 - Policies for all Development Adjacent to Waterbodies).
- (h) Lot areas less than ~~0.4~~ 0.6 1.0<sup>1(b)</sup> hectares are permitted in the settlement area of Serpent River where services are provided by the piped municipal water service or where a hydrogeological study demonstrates that the site is suitable for private services on a smaller parcel.
- (i) Second Dwelling Units within a dwelling are permitted subject to the following criteria:
- i) A second unit is permitted within a single-detached dwelling, a semi-detached dwelling or a rowhouse dwelling if no accessory building or structure thereto (e.g., a garage) already contains a residential unit; or
  - ii) A second unit is permitted in a building or structure accessory to a single-detached dwelling, a semi-detached dwelling or a rowhouse dwelling (e.g., a garden suite) where such single-detached dwelling, semi-detached dwelling or rowhouse dwelling contains a sole residential unit.

- iii) Where the lot can be serviced on a long-term basis with individual on-site sewage disposal services and a well where municipally owned and operated water and sewage systems are not available (see 3.2.2 (g)).

### 3.3 Commercial

#### 3.3.1 Permitted Uses

- (a) Permitted uses in the Commercial land use designation are establishments which sell and/or lease commodities and/or supply business and personal services. The permitted uses in the Commercial land use designation are dry in nature. Examples of permitted uses are offices, retail stores, vehicle fuel retail outlets, sales and service establishments, tourist lodges, marinas, motels and hotels, restaurants and truck stops.
- (b) Other permitted uses include public uses, post offices, utilities, offices, libraries, clinics, accessory residential uses in the form of apartments over or behind ground floor commercial uses, dwellings ~~or mobile homes~~ as an accessory residential uses, parking area and structures, accommodation service establishments with adequate parking, theatres, service and private clubs, retail stores, vehicle service stations and sales agencies, building supply outlets, restaurants, drive-through facilities and tourist service establishments.

#### 3.3.2 Policies

- (a) The intent of this Plan is to recognize existing commercial development in the Township and to establish policies for the establishment of new commercial land uses.
- (b) Adequate parking shall be provided in the commercial designation by means of public and private parking areas.
- (c) It is a policy of this Plan to encourage the design, construction and maintenance of building, parking areas, public works and signs in a manner which will contribute to an attractive, safe and enjoyable environment.
- (d) It is a policy of this Plan to encourage intensification, redevelopment and compact development of commercial land uses, while maintaining appropriate levels of public health and safety;
- (e) Manufacturing uses accessory to a Commercial use are permitted where no land use conflict is created (see Section 4.12.2 - Industrial Uses).
- (f) The Zoning By-law shall ensure that developments in the Commercial designation are appropriately set back from the road. They shall be buffered to protect adjacent residential, institutional and open space uses.
- (g) Access, setbacks and signage to new developments and improvements to existing establishments adjacent to Highway 17, Highway 108 and Highway 538 are

subject to the provisions of **Section 5.7 (Building and Ministry of Transportation Permits)**.

- (h) All commercial development is subject to site plan control;
- (i) All commercial developments shall be adequately serviced with an approved water and sewage service. . Commercial developments discharging greater than 10,000 litres per day of effluent into a single system are subject to a hydrogeological study to be reviewed by the appropriate designated agency or approval authority.
- (j) When considering new areas for commercial development, the following matters should be considered:
  - i) The lot shall have frontage on and direct access to a municipally owned and maintained road;
  - ii) Access to Highway 17 shall be in accordance with the policies of **Section 4.9 - Transportation and Infrastructure Corridors**;
  - iii) The lot size and frontage must be adequate for the intended commercial and ancillary use(s). This should include provision for parking, loading, outside storage, and potential future expansion of the commercial use;
  - iv) The lot shall be provided with water, sewage, stormwater and waste disposal services having adequate capacity to service the development. Private on-site services will be permitted where the proposed commercial use does not require large amounts of water for processing i.e. less than 10,000 litres per day. Reference shall be made to the Ontario Building Code Act; and
  - v) Areas for outdoor storage, parking, loading, waste receptacles, lighting and signage shall be visually screened (e.g., using a fence, or vegetation) or appropriately located in a way as to not negatively affect adjacent properties.

## **3.4 Industrial**

### **3.4.1 Permitted Uses**

Permitted uses in the Industrial land use designation are dry industrial uses (i.e. less than 10,000 litres per day for processing) which require only domestic water supply and sewage disposal systems. Examples of such uses include process, manufacturing, assembly and warehousing activities, and other non-intensive industrial operations requiring minimal services. Mining, bulk fuel facilities, heavy equipment sales and repair, the Ministry of Natural Resources firefighting base, public utilities and transportation and communication facilities are also permitted.

### **3.4.2 Policies**

- (a) Buildings, offices and retail activities accessory to the industrial use and a residence for a caretaker, owner or essential worker are permitted. The residence may be a mobile home.

- (b) The Zoning By-law shall include recommended separation distances between industrial uses and sensitive land uses in order to ensure that such uses are appropriately set back from the road and buffered and/or landscaped to minimize any adverse effects on adjacent properties. This particularly applies to industrial uses adjacent to Highways 17, 108 and 538. The Zoning By-law shall also ensure that adequate off-street loading and parking is provided. Reference shall be made to MOE Guideline D-6, Compatibility between Industrial Facilities and Sensitive Land Uses as well as the Aggregate Resources Act.
- (c) Mining operations in the Industrial Area shall be subject to all necessary permitting requirements from the Ministry of Northern Development and Mines and the *Mining Act*;
- (d) Mining operations will be placed in a separate zone in the implementing zoning by-law;
- (e) Mines shall also be subject to the policies of **Section 4.19.4 - Mineral Resources** and **Section 4.11 - Human-Made Hazards**.
- ~~(e)~~(f) The Plan recognizes that Natural Resources Canada and the Canadian Nuclear Safety Commission have jurisdiction under the Canadian Nuclear Energy Act for uranium mineral occurrences in the Township.
- ~~(f)~~(g) ~~Recommended influence areas may be reduced or development may be permitted in an influence area where any adverse effects (as defined in the *Environmental Protection Act*) are satisfactorily mitigated based on technical studies (see also **Section 4.11**);~~
- ~~(g)~~(h) Access, setbacks and signage for new developments and improvements to existing establishments adjacent to Highways 17, 108 and 538 are subject to the provisions of Policy 5.7.2. Direct access to Highway 17 and 108 will not be permitted for any new industrial use as ~~it is a~~they are controlled access Provincial Highways.
- ~~(h)~~(i) Auto wrecking yards and waste management facilities shall be placed in a separate zone. New development of wrecking yards and waste management facilities shall be subject to a Zoning By-law amendment.
- ~~(i)~~(j) When considering new areas for industrial development, the following matters should be considered:
  - i) The lot shall have frontage on and direct access to a public road constructed to municipal standards;
  - ii) Access to Highway 17 shall be provided via adjacent Township Roads and service roads. Direct access may be provided only where approved by the Ministry of Transportation or if the subject lands were zoned for industrial or commercial uses before Highway 17 was designated as a Class II Staged Freeway. Access to Highway 108 shall be provided via adjacent Township Roads and service roads. Direct access may be provided only where

approved by the Ministry of Transportation or if the subject lands were zoned for commercial or industrial use before Highway 108 was designated as a Class III Special Controlled Access Highway.

- iii) The lot size and frontage shall be adequate for the intended industrial and ancillary use(s) (i.e., provision for parking, loading, outside storage, and potential future expansion of the industrial use);
- iv) The lot can be serviced with water, sewage, stormwater and waste disposal services with adequate capacity to service the development. Private on-site services are permitted for 'dry' industries (e.g., those that do not consume greater than 10,000 litres per day for processing); and
- v) New industrial development shall comply with the Buffering, Separation Distance and Landscaping requirements of **Section 4.12** of this

~~(j)~~**(k)** Industrial uses are subject to site plan control; and

~~(k)~~**(l)** All industrial developments shall meet the requirements of the Acts and regulations of the Ministry of the Environment or the local Health Unit.

(Reference should be made to the Ministry of the Environment's *Guideline D-6 on the Compatibility Between Industrial Facilities and Sensitive Land Uses in drafting the provisions for zoning*).

### **3.5 Mineral Aggregate Extraction (Pits and Quarries)**

#### **3.5.1 Permitted Uses**

Permitted uses in the Mineral Aggregate Extraction designation include licensed and authorized pits and quarries which are licensed under the *Aggregate Resources Act*, wayside pits and wayside quarries, agricultural and forestry uses, and uses associated with a pit and quarry operation such as crushing facilities, stockpiles, screening operations, asphalt and concrete plants and aggregate transfer or recycling operations provided they do not prevent the opening of a pit, quarry, wayside pit or wayside quarry. Crushers, screeners, asphalt plants and recycling operations are permitted where certified and where the equipment has been approved by the Ministry of the Environment. ~~Passive recreational uses not including buildings or structures are also permitted.~~

#### **3.5.2 Policies**

- (a) Legally existing pits and quarry operations shall be permitted to continue without the need for an official plan or zoning amendment. Lands designated Mineral Aggregate Extraction will be placed in a separate zoning category in the implementing Zoning By-law. Development and land use activities in or adjacent to lands designated Mineral Aggregate Extraction shall not be permitted which would preclude or hinder the establishment of new operations or access to the resource except where the resource use would not be feasible or the proposed land use or development serves a greater long-term interest and issues of public health, public safety and environmental impacts are addressed. Development

adjacent to pits and quarries shall also comply with the influence area and buffering requirements as set out in ~~Section 4.12.34.12.34.11.3~~ - **Past Producing Mines and Mine Hazards**. New pits or quarries, or major expansions to existing operations, will be permitted only by amendment to the Zoning By-law. In considering applications for an amendment, Council recognizes that a supply/demand analysis is not required to demonstrate the need for the resource. An amendment will not be passed until Council is satisfied that off-site impacts such as noise truck haulage and air quality have been considered and where necessary an agreement has been entered into between the proponent and the Township to mitigate impacts;

- (b) Extraction activities shall be undertaken in a manner which minimizes social and environmental impacts, which makes provision for progressive and final rehabilitation and which accommodates subsequent land uses;
- ~~(c) Developers, other than public agencies, who wish to extend or enlarge an existing extraction site on private lands, may be required to provide Council with a site plan similar to those required for a new extraction site and may be required to enter into a site plan agreement with the Township where not otherwise restricted by the *Aggregate Resources Act*; <sup>2(a)</sup>~~
- (d) New or existing pits or quarries, or the expansion of existing pits or quarries beyond their licensed limits shall be subject to the licensing and approval requirements of the *Aggregate Resources Act*;
- (e) When considering an amendment to the Zoning By-law to permit a pit or quarry, Council shall have regard for:
  - i) The location, nature, extent and potential of the mineral aggregate having regard for the need to protect as much of the resource as is possible close to markets;
  - ii) The nature and location of land uses on adjacent property;
  - iii) The effect of the proposed extraction site on adjacent property and on the road network which will be utilized in association with the extraction site;
  - iv) How the connectivity between natural heritage features will be maintained before, during and after the extraction of mineral aggregates; and
  - v) The environmental effects of the proposed operation and how the operator could replace or restore any habitat that would be lost from the site with equivalent habitat on another part of the site or on adjacent lands.
- (f) Council will require the rehabilitation of all pits and quarries in accordance with ~~the procedures and policies of the Ministry of Natural Resources~~ **the *Aggregate Resources Act***<sup>2(b)</sup>. Any rehabilitation will be compatible with surrounding land uses;
- (g) When considering an application for the enlargement or expansion of an existing pit or quarry, Council will encourage the applicant to rehabilitate some or all of the existing pit or quarry in an agreed upon manner;

- (h) Council will encourage the Ministry of Natural Resources to require the rehabilitation of all pits and quarries on Crown Land. The Ministry of Natural Resources is requested to make this a condition of any permit issued under the *Aggregate Resources Act*;
- (i) The Ministry of Natural Resources is encouraged to confer with the Township before a Quarry Permit is issued on Crown Land under the ~~Mining Act~~ Aggregate Resources Act. In assessing an application, the Ministry of Natural Resources is encouraged to have regard for the established planning policies of the Township;
- (j) ~~Where drilling, washing, blasting, screening, crushing or dewatering are involved, applicants for Quarry Permits shall obtain any necessary Environmental Compliance Approval or applicable permits under the *Environmental Protection Act* or the *Ontario Water Resources Act* to satisfy environmental concerns related to water quality and quantity, air pollution, noise and vibration.~~<sup>2(c)</sup>
- (k) The Zoning By-law will specify separation distances between new pit and quarry operations and residential, commercial, recreational and institutional land uses, ~~as well as from adjacent property lines and road allowances~~<sup>2(d)</sup>. Minimum standards in this respect are as set out in the ~~*Aggregate Resources Act*~~ Ministry of the Environment and Climate Change D-Series Guidelines<sup>2(d)</sup>;

No minimum standard, as set out above, may be less than what can be proven through site-specific technical studies which may include air quality studies for noise, dust and odour and feasibility studies.

- ~~(h)~~ (m) Development within 1000 metres of a mineral aggregate extraction operation, ~~or within 500 metres of a known bedrock deposit, and within 300 metres of a known~~ or a sand and gravel deposit shall conform with the influence area and separation distance policies of Section 4.12.44.12.44.11.4 - Mineral Aggregate Resources and Pits and Quarries.

## 3.6 Waste Management Facility

### 3.6.1 Permitted Uses

Permitted uses in the Waste Management Facility designation include active and previously active waste management facilities.

### 3.6.2 Policies

- (a) Any development within 500 metres of a waste management facility shall be subject to the influence area and separation distance requirements of Section 4.12.114.12.114.11.10 - Waste Management Facilities (Existing or Closed). Technical studies using MOE Guideline D-4 Land Use on or near Landfills and Dumps ~~may~~ shall be required to determine the actual influence area.



- (b) Closed or inactive waste management facilities may be used for other purposes subject to meeting the requirements of the *Environmental Protection Act* (Section 46);
- (c) No development on or adjacent to closed or inactive waste management facilities (i.e., less than 25 years of age) shall occur without meeting the requirements of the *Environmental Protection Act*;
- (d) The solid waste disposal site presently used by the municipality will continue to be used for the disposal of the Township's solid waste for the next 20 years pending the approval by the Ministry of the Environment for the use of a recently expanded area of the facility. The location of the facility is shown on **Schedule 'A'** to this Plan;
- (e) Existing active or new waste disposal sites may only be operated, expanded or closed in accordance with current provincial environmental standards and approvals;
- ~~(f)~~ Closed or inactive sites may be used for other purposes subject to meeting the requirements of *The Environmental Protection Act* (Section 46);
- ~~(g)~~(f) Any development adjacent to an active or closed waste disposal facility shall conform with the policies in **Section 4.11 - Human-Made Hazards** and **Section 4.224.224.21 - Re-Use of Potentially Contaminated Sites**; and
- ~~(h)~~(g) Waste Management Facilities are identified on the **Land Use Schedules** as a land use designation.

### 3.7 Rural Area

The Rural Area land use designation includes most privately owned lands located within the Township. A range of land uses are accommodated in the Rural land use designation. Land uses will predominantly relate to the management and use of resources, resource-based recreational and commercial activities and limited residential development.

#### 3.7.1 Permitted Uses

Permitted uses in the Rural Area designation include single detached dwellings, mobile homes, forestry, agricultural uses, recreational uses, agriculture, wildlife management, forest and forest fire management, cemeteries, aquaculture, bed and breakfast establishments, commercial fishing and commercial bait fishing.

#### 3.7.2 Policies



- (a) Limited permanent residential development is permitted in the Rural Area designation on lots existing ~~on the date this Plan was adopted~~ as of March 17, 1988 or on lots created by consent provided the lots are serviced by a publicly-owned road which is maintained on a year round basis. (See **Section 4.1 - Land Division.**)
- (b) New lots are permitted to be created by consent in the Rural Areas ~~shall be subject to~~ provided that they conform with the policies of **Section 4.1 - Land Division**;
- (c) Residential development in the Rural Area should not exceed the creation of 10 new residential lots created over the life of this Plan;
- (d) Second Dwelling Units within a dwelling are permitted subject to the following criteria:
  - iv) A second unit is permitted within a single-detached dwelling, a semi-detached dwelling or a rowhouse dwelling of no accessory building or structure thereto contains a residential unit; or
  - v) A second unit is permitted in a building or structure accessory to a single-detached dwelling, a semi-detached dwelling or a rowhouse dwelling where there such single-detached dwelling, semi-detached dwelling or rowhouse dwelling contains a sole residential unit; or
  - vi) Where the lot can be serviced on a long-term basis with individual on-site sewage disposal services and a well.
- (e) An amendment to this Plan shall be required for new plans of subdivision in the Rural Area. Notwithstanding this, new plans of subdivision may be permitted without an amendment to the Plan in the Rural Area where they are located on the shoreline and are subject to the policies of **Section ~~4.134.134.12~~ 4.134.12 - Waterfront Development** - and shall be limited to a maximum of five (5) lots;
- (f) Small scale Resort Commercial developments may be permitted in the Rural Area subject to an amendment to the Zoning By-law;
- (g) All new developments in the Rural Area land use designation shall be serviced with individual on-site sewer and water systems approved by the appropriate designated agency or approval authority under the Ontario Building Code Act or the Ontario Water Resources Act provided site conditions are suitable for the long-term provision of such services and sufficient capacity is available for hauled sewage;
- (h) Municipal water shall not be extended to the Rural Area land use designation;
- (i) Community facilities and institutional uses such as schools, community halls, public uses, or places of worship shall be permitted in the Rural Area designation, subject to appropriate zoning;
- (j) Home occupations and home industries shall be permitted in residences, subject to the policies of **Section 4.23**;

- (k) Development adjacent to Mineral Resources or Mineral Aggregate Resource Areas shown on the Land Use Schedules shall conform with the influence area policies of Section 4.12.34.12.34.11.3 - Past Producing Mines and Mine Hazards and Section 4.19.34.19.34.18.3 - Mineral Aggregate Potential;
- (l) Although the area may not host most types of economic mineralization, Council recognizes the possibility of exploration for, and the development of mineral deposits other than aggregates in the Township of The North Shore. Development adjacent to areas with mineral potential, and mineral exploration and development, are subject to the policies of Section 4.11 Section 4.11 - Human-Made Hazards and Section 4.19.44.19.44.18.4 - Mineral Resources.
- (m) The policies of Section 4.5 - Site Plan Control shall apply to Resort Commercial uses;
- (n) All farm and non-farm development shall comply with the Minimum Distance Separation Formulae as amended from time to time (see Section 4.17).
- (o) Any development which has frontage on a water body, or which is within 300 metres of Lake Lauzon shall conform with the policies of Section 4.134.134.12 - Waterfront Development of this Plan; and
- (p) In general, a minimum lot area of ~~0.4~~ 0.6 1.0<sup>(c)</sup> hectares is required to support individual on-site sewage disposal (septic) systems. Lots of record smaller than ~~0.4~~ 0.6 1.0<sup>(c)</sup> hectares may be developed where a hydrogeological study demonstrates that the site is suitable for private services on a smaller parcel, provided ~~site conditions are suitable for the long-term provision of such services and the applicable zoning standards can be met.~~

### 3.8 ~~Hazard Lands and Hazardous Sites~~ Natural Hazards

Natural Hazards include both “hazard lands” and “hazardous sites”. Hazard Lands include lands that are unsafe for development due to naturally occurring processes such as flooding, or because they are temporarily covered by water. Hazardous sites include lands which have unstable soils which are poorly drained or exhibit some other physical characteristic which could lead to property damage or pose an unacceptable risk to public health and safety (e.g., unstable bedrock or organic soils). The ~~Hazard Lands~~ Natural Hazards designation is comprised of both hazard lands and hazardous sites.

#### 3.8.1 *Permitted Uses*

Permitted uses in the ~~Hazard Land~~ Natural Hazards designation are those which by their nature must locate within the floodway such as flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows and which preserve and conserve the land and natural environment. Examples of

permitted passive non-structural uses include outdoor recreation uses, trails, parks, agriculture, conservation, forestry and wildlife management. No development will be permitted for any uses that may create a threat to public health and safety as a result of flooding or the failure of any flood proofing measures (such as the storage of hazardous or toxic material, or the collection and disposal of sewage).

### 3.8.2 Policies

- (a) Development shall not be permitted to locate in the Hazard Lands designation where the use is a sensitive use such as a residential land use, an institutional use (e.g., hospital, nursing home, pre-school, school nursery, day care, school), an essential emergency service, or where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion;
- (b) Where land designated Hazard Land is under private ownership, this Plan does not intend that it will necessarily remain as such indefinitely, nor shall it be interpreted that such areas are free and open to the general public, or will be purchased by the municipality or any other public agency. The development of new lots will only be considered where there is adequate building space outside of the flood plain and safely available access/egress during times of flooding. However,<sup>3(a)</sup> Development and site alteration may be permitted<sup>3(a)</sup> in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with provincial standards, as determined by the demonstration and achievement of the following:
- i) Development and site alteration is carried out in accordance with approved floodproofing standards, protection works standards, and access standards;
  - ii) Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
  - iii) New hazards are not created and existing hazards are not aggravated; and
  - iv) No adverse environmental impacts will result.
- (c) Where new development is proposed on lands, part of which are within the Hazard Land designation, such Hazard Land will not necessarily be acceptable as part of the dedication for park purposes under the Planning Act. All lands dedicated to the municipality shall be conveyed in a satisfactory physical condition. Where an open watercourse is involved, adequate space shall be provided for maintenance operations;
- (d) A building setback will be imposed from the margins of Hazard Land. Building setbacks from all open watercourses and municipal drains not designated as Hazard Land will be provided for in the Zoning Bylaw.
- (e) On the North Channel shoreline of Lake Huron, all land below the elevation of 178.4 metres C.G.D.<sup>1</sup> (this includes a 0.5-6 metre allowance for wave uprush) is

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<sup>1</sup> CGD: Canadian Geodetic Datum

considered to be within the Hazard Land designation and shall be zoned in an appropriate zone in the implementing Zoning By-law in order to restrict development. Also, the shoreline of the Serpent River has been mapped by the Ministry of Natural Resources, and the hazard land line is shown on **Land Use Schedules** Except for the permitted uses in **Section 3.8.1**, new development, below the elevation of 178.4 metres C.G.D., may only be considered by an amendment to the Zoning By-law provided the proposed use is in accordance with the abutting land use designation and, provided an engineering study has been completed by ~~the owner or developer~~ a qualified professional to the satisfaction of the Township of The North Shore and the Ministry of Natural Resources which outlines impacts of the proposed development and potential mitigating measures. The engineering study must address the following:

- i) The effect of the proposed development on the littoral drift pattern (the spread of sediments);
- ii) Details on proposed erosion, prevention and mitigation measures to protect the proposed development;
- iii) Details on proposed flood proofing measures to protect the proposed development;
- iv) Documentation of any effect(s) the development may have on adjacent properties; and
- v) Details on the proposed sewer and water services. Under the Environmental Protection Act, subsurface sewage systems are not allowed in the floodplain.

**(f) Where new development is proposed on lands that are subject to wildland fire risk:**

i) 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.

ii) 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.

iii) Proponents may be required to undertake a site assessment to determine the presence of hazardous forest types for wildland fire, as may be indicated by generalized wildland fire hazard information. If development is proceeding where hazardous forest types are present, mitigation measures should be identified by proponents to outline how the risk will be lessened.<sup>3(b)</sup>

~~(f)~~(g) No placing or removal of fill of any kind whether originating on the site or elsewhere shall be permitted unless approved by Council and the Ministry of Natural Resources;

~~(g)~~(h) Notwithstanding the existing uses policies of this Plan and the Planning Act, Council will discourage the expansion of existing nonconforming uses; and

~~(h)~~ **(i)** Those lands designated as Hazard Land may not constitute a detailed, accurate definition of all the lands within the municipality which are hazard prone.

~~(i)~~ **(j)** For man-made hazards, please see Section 4.11 - Human-Made Hazards.

### ~~3.9~~ **Sensitive Areas**

~~Sensitive Areas are fragile areas which need to be protected.~~

~~Within the Township of The North Shore, there are a number of classes of Sensitive Areas. These include areas with historical significance, fish spawning areas, grave sites, water fowl nesting areas and natural heritage features and areas.~~

~~The protection of Sensitive Areas on Crown Land is the responsibility of the Ministry of Natural Resources.~~

#### ~~3.9.1~~ **Permitted Uses**

~~The following uses are permitted in the Sensitive Area designation: parks, public and private non-commercial recreation uses and municipally owned and operated recreation facilities which do not include buildings or structures, subject to appropriate zoning. Buildings and structures are permitted only for flood-control purposes.~~

#### ~~3.9.2~~ **Policies**

~~(a) Initially all lands in the Sensitive Area designation shall be placed in a separate zone in the Zoning By-law which permits only passive recreational uses, hiking, hunting and other similar activities. Existing uses in this designation may be recognized in the Zoning By-law.~~

~~(b) Council will consult with provincial agencies that have an interest in the Sensitive Area prior to approving any zoning by-law affecting any lands in the Sensitive Area designation.~~

~~(c) Uses on private land which could detract from and damage Sensitive Areas will be discouraged on or adjacent to these areas.~~

~~(d) In determining whether or not a proposed development detracts from or adversely affects a Sensitive Area, Council may require a study submitted by the applicant and carried out by a qualified specialist(s) which identifies and describes:~~

~~i) The natural environment and the Sensitive Area that will be affected; (The study could include a description of the plant and animal species, natural system, groundwater table, historical site, etc., that will be affected.)~~

~~ii) The effects on the environment or historical site that may result from the development;~~

~~iii) Actions necessary to remedy or prevent any adverse effects; and~~

- ~~iv) An evaluation of the advantages and disadvantages to the site of the development and alternatives to the development.~~
- ~~(e) As new Sensitive Areas on private land are identified, these shall be designated in the Official Plan and protected appropriately.~~
- ~~(f) Uses, such as public utilities, communications and transportation facilities and public uses, should only be permitted in Sensitive Areas on private land if it can be demonstrated that the advantages of any project outweigh the disadvantages. This would require an evaluation of:
  - ~~i) The value and sensitivity of the particular site;~~
  - ~~ii) The expected impact of the proposed project on the Sensitive Areas; and~~
  - ~~iii) The advantages and disadvantages of alternative locations for the proposed project.~~~~
- ~~(g) The Ministry of Natural Resources is encouraged to consult with Council prior to the development or use of Crown Lands which may affect a Sensitive Area located on private lands.~~

~~See also Section 4.17 - Natural Heritage Features and Areas and Section 4.11 - Influence Areas, Separation Distances, Buffering and Landscaping for policies on developing on and adjacent to natural heritage features and areas.~~

### ~~3.10~~**3.9** -Restricted Open Space

Lands designated Restricted Open Space include all of the North Channel Islands.

#### **3.10.1 Permitted Uses**

Permitted uses in the Restricted Open Space land use designation are **seasonal** recreational residential uses in the form of single detached dwellings with water access on existing lots of record, parks, open spaces, docks, the existing YMCA camp, water oriented recreational uses, wildlife and conservation management, aquaculture, and commercial fisheries.

#### **3.10.2 Policies**

- (a) It is intended that development will occur on private land only;
- (b) New development shall be constructed and placed to minimize the impact on the natural environment;
- (c) The Zoning By-law shall contain provisions relating to development of the North Channel Islands;

- (d) Any new development proposals within this land use designation require an amendment to the Official Plan;
- (e) Council does not support the sale of any publicly-owned land in the North Channel Islands;
- (f) The protection of Crown Land in the Restricted Open Space designation is the responsibility of the Ministry of Natural Resources. The Ministry of Natural Resources is encouraged to consult with Council prior to the development or use of Crown Land which may affect the Restricted Open Space lands;
- (g) Council will work with the Ministry of Natural Resources to establish appropriate requirements for aquaculture developments within the Township. All provincial requirements (as amended) related to aquaculture development and management, shall be in place and approved or licensed by the MNR prior to approval of development by the Township.
- (h) Council supports the establishment of a Provincial or Federal park on all publicly-owned lands in these islands; and
- (i) Prior to the establishment of any new Provincial or Federal park, the Federal or Provincial governments are encouraged to consult with Council and have regard for the policies of the Township of The North Shore.

See also ~~Section 4.194.194.17~~ **Section 4.11 - Natural Heritage Features and Areas** and **Section 4.11 - Human-Made Hazards** for policies on developing on and adjacent to natural heritage features and areas.

### ~~3.11~~ **3.10 Special Residential**

The lands designated on Schedule "A" as "Special Residential" refer to the parcel of land on Camp Lake, Powerhouse Road, with the legal description of Summer Resort Location 106, Camp Lake in the Geographic Township of Lewis, District of Algoma, being Parcel 1155 Algoma East Section.

#### (a) Permitted Uses

- (a) Permitted uses in the "Special Residential" designation are permanent and recreational residential uses in the form of single detached dwellings, and accessory uses.
- (b) Notwithstanding the regulations of the Zoning By-law which require one dwelling per lot and frontage on a public road, more than one dwelling on a lot is permitted due to the unique circumstances which include the following:
  - i) A tourism resort, with several dwellings and buildings on the same lot, was developed on the parcel before land use planning controls were in place in the Township;

- ii) The lot is isolated from the rest of the Township;
  - iii) The access road runs through another municipality, the Town of Spanish;
  - iv) The Serpent River First Nation is located to the south of the property, making alternative road access difficult; and
  - v) Therefore, there is no way to achieve frontage on a road running through and maintained by the Township of The North Shore.
- (c) The site will be zoned in a special "Rural (RU-1)" zone with a maximum number of residences permitted. The "Rural (RU-1)" zone is a proposed site plan control area and Council may pass a By-law which requires plans and an agreement, as set out in **Section 4.5** of this Plan.



## SECTION 4 - GENERAL DEVELOPMENT POLICIES

The following General Development Policies apply to all lands within the Township of The North Shore.

### 4.1 Land Division

#### 4.1.1 General

- (a) All land division in the Township will take place by consent to a land severance or by registered plan of subdivision; and
- (b) The Township will consult and co-ordinate with adjacent municipalities and the Serpent River First Nation on development proposals which are of mutual land-use planning interest.

#### 4.1.2 Consent to a Land Severance

- (a) Consents will only be granted in accordance with the provisions of the Planning Act, related regulations, and the policies of this Plan;
- (b) Consents shall only be granted for residential developments which create not more than 3 lots per original parcel of lands, exclusive of the retained lot. An original "parcel" is a section of land capable of being transferred under the provisions of the Planning Act, and which existed on March 7, 1988;
- (c) Consents shall only be granted for commercial or industrial developments which create not more than 3 lots per original parcel, exclusive of the retained lot;  
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- (d) Consents shall only be granted if the additional lots will not unduly overburden municipal services;
- (e) Consents shall only be permitted if the additional lots will not promote strip-like development along Highway 17;
- (f) Consents shall only be granted if the additional lots will not have a negative impact on the area's natural environment;
- (g) Consents shall only be granted if the subject property fronts on and has direct access, from the same lot, to a fully-maintained public road and does not require an extension of municipal services unless an agreement for the extension of municipal services is entered into with the municipality and the developer of the subject lands. Exceptions to this policy are noted in paragraph (h) and (i) of this Section.
- (h) Notwithstanding paragraph (g) and ~~(m)(m)(l)~~, consents will be considered for lots on the south side of Highway No. 17 which have access over a private railway crossing. The lots must have existing development on them as of the date of adoption of this Official Plan. Consents will be considered if:

- i) The railway parallels Highway No. 17 and there is no useable land between the railway right-of-way and Highway No.17;
  - ii) The necessary access permits and/or traffic studies have been obtained to the satisfaction of the Ministry of Transportation;
  - iii) The railway is prepared to grant access by way of an agreement with the potential owners over its right-of-way;
  - iv) Council is satisfied that development should not proceed by the plan of subdivision process, where a subdivision agreement would be entered into to upgrade the road and rail access for public dedication and use; and
  - v) The lot must meet the influence area, special setback and other policy requirements of this Plan, particularly where the intended use of the lot is for a sensitive land use (see Section 4.11 - [Human-Made Hazards](#))
- (i) Consents may be granted for recreational residential lots where there is no road access and where access is only available by water provided that there exists a public access point within reasonable proximity and adequate public parking is available at such an access point;
- (j) Consents may be granted to provide for the purposes of deed corrections, a lot addition, a partial discharge of a mortgage or any other technical purpose and to provide for a lease longer than 21 years;
- ~~(k)~~ (l) Parcels created by consent shall comply with the requirements of the Zoning By-law and shall have an adequate supply of potable water and a sufficient land area for sewage treatment services;
- ~~(k)~~ (l) The application shall be supported with information or a certificate of approval or evidence to verify the suitability of the lot for sewage disposal, or to verify that there is off-site treatment capacity or hauled sewage. This may include approval for an individual on-site system or or a hydrogeological study;
- ~~(l)~~ (m) Consents shall not create land-locked parcels;
- ~~(m)~~ (n) Consents should have the effect of infilling existing built-up areas;
- ~~(n)~~ (o) Where the consent-granting authority and/or the Township deems that there may be a lack of information or a particular matter which requires additional technical advice, a report may be requested from the applicant;
- ~~(o)~~ (p) Any consent abutting or adjacent to a Provincial highway must meet the Ministry of Transportation's policies and guidelines for access and is also subject to the Ministry of Transportation's permit approval. A noise study may be required, as set out in Section 4.11 - [Human-Made Hazards](#).
- ~~(p)~~ (q) Joint entrances will be required for consents along Provincial highways where considered possible by Council; Where a proposed lot fronts on a provincial highway, prior approval must be obtained for access from the Ministry of Transportation. Also, where the Ministry has identified the need for a road widening, the necessary land shall be dedicated as a condition of approval. New lots should have direct access to a municipal road wherever possible.

- (r) Consents will be granted only if the consent-granting authority and/or the Township is satisfied that a plan of subdivision would not be a more appropriate means of ensuring the comprehensive and orderly development of the lands.
- (s) A proponent of a consent application may be required to enter into an agreement with the municipality.
- (t) A minimum lot size for new lot creation of 0.61.0<sup>1(d)</sup> hectares and a minimum lot frontage of 61 metres applies to all new lots within 300 metres of the shorelines of water bodies. Smaller lots may be considered where justified by a hydrogeological study.
- (u) Any consent on lands adjacent to a water body shall conform with the policies of Section ~~4.134.134.12~~ - Waterfront Development.

#### 4.1.3 Registered Plans of Subdivision

- (a) All division of privately-owned lands not permitted by this Plan to take place by consent, shall take place by registered plan of subdivision;
- (b) An amendment to this Plan shall be required for new plans of subdivision in the Rural Area. Notwithstanding this, new plans of subdivision may be permitted without an amendment to the Plan in the Rural Area where they are located on the shoreline and comply with the policies of Section ~~4.134.134.12~~ - Waterfront Development - and are limited to a maximum of five (5) lots;
- (c) A plan of subdivision may be subject to a subdivision agreement with the municipality;
- (d) A plan of subdivision which proposes to create more than five new lots shall require a Servicing Options Statement which makes a recommendation on the most appropriate means of servicing as stipulated in the Ministry of the Environment's *Guideline D-5-3, Servicing Options Statement* and *O. Regulation 544/06, Schedule 1*;

Additional reports may also be required as per Section 4.26.2 of this plan;

- (e) A plan of subdivision abutting or adjacent to a Provincial Highway must meet the Ministry of Transportation's policies and guidelines for access and is also subject to the Ministry of Transportation's permit approval process which may require stormwater management plans and/or traffic impacts studies. A Noise Study may be also required, as set out in Section ~~4.12.74.12.74.11.7~~;
- (f) Where a draft plan of subdivision is proposed adjacent to a provincial highway, the layout of the subdivision should be such that the lots back onto the provincial highway and front on and are accessed by an internal street.

- ~~(f)~~(g) Council does not support the servicing of new subdivisions by communal sewer or water systems as they are not prepared to assume responsibility for the ownership or operation of the systems;
- ~~(g)~~(h) Developers of subdivisions that could affect adjacent surface water and fish habitat shall be required to prepare a study confirming that the proposed development will not have a negative impact on these features prior to and during construction;
- ~~(h)~~(i) Proposals for subdivisions where new lots will have frontage on a water body shall conform to the policies of **Section ~~4.134.134.12~~ - Waterfront Development**;
- ~~(i)~~(j) The design of any storm water management facility shall ensure that the impacts of erosion and sedimentation and impacts on fish habitat are mitigated;
- ~~(j)~~(k) Backlot, or second tier, residential development around lakes is generally discouraged because it can place additional pressures on the capacity of the waterbody, and can lead to trespassing if there is no public water access;
- ~~(k)~~(l) A limited amount of second tier development in the form of residential backlots may be considered where there is public access to the waterfront by means of a shoreline reserve, a public access or park area, or a boat launch facility. Public access points to the water at least 20 metres wide should be provided at regular intervals not exceeding 500 metres within close proximity to the backlots;
- ~~(l)~~(m) Backlot or second tier development will only be permitted where lots will have direct frontage and access to a publicly maintained road;
- ~~(m)~~(n) A stormwater management plan may be required to be submitted in support of an application for a plan of subdivision or condominium with four (4) or more lots or for commercial or industrial developments with large amounts of impervious surfaces. A required stormwater management plan will be undertaken in accordance with the *Stormwater Management and Design Manual*, 2003; and
- ~~(n)~~(o) Plans of subdivision shall include consideration for persons with disabilities.

## 4.2 Group Homes and Crisis Housing

For the purposes of this Plan, a group home is a single housekeeping unit in a residential dwelling in which 3 to 10 persons (excluding supervisory staff or the receiving person or persons) live as a residential unit under responsible supervision consistent with the particular requirements of its residents. The home is licensed and/or approved for funding under Provincial Statutes and is in compliance with municipal by-laws.

For the purposes of the Plan, a crisis residence is licensed or funded by the Province of Ontario for the short term (averaging one month or less) accommodation of 3 to 10 persons, exclusive of staff, living under supervision in a single housekeeping unit and

who by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being.

#### **4.2.1 Policies**

- (a) Group homes and crisis residences are permitted in all Residential zones; and
- (b) Group homes and crisis residences shall have sufficient off-street parking to accommodate the vehicles of the residents, receiving persons, visitors and any staff on duty in the home.

### **4.3 Community Improvement**

Community improvement may be very broadly defined as encompassing all those activities, both public and private, which maintain, rehabilitate and redevelop the existing physical development of a community to accommodate the local social and economic priorities.

Council is committed to community improvement within the Township and will both participate in and encourage activities which will maintain or upgrade the Township's existing physical development. Community improvement may also be used to address the conservation of heritage resources (see also Section 4.26).

#### **4.3.1 Goals**

The goals of community improvement are:

- (a) To safeguard and enhance the health, convenience and enjoyment of both residents and visitors by improving social, cultural and recreational facilities and services;
- (b) To improve the Township's physical environment and appearance by participating in and/or encouraging programs which improve the municipal physical services, facilities and streetscapes and by encouraging owners to upgrade their properties; and
- (c) To protect and improve the economic well-being of the Township and its residents by encouraging and/or participating in programs that will promote new jobs, new capital investment and increases in the economic base and municipal tax base, having regard for the cost/benefit relationship of such programs.

#### **4.3.2 Policies**

- (a) The entire Township of the North Shore is designated as a Community Improvement Area. The Township of The North Shore will achieve the goals of community improvement by meeting the following objectives, where feasible:
  - i) The Township will provide publicly-owned and operated water services to properties in the Serpent River settlement area. The water will be of a high

quality and the water distribution system will be in good working order and free from problems;

- ii) The Township will surface treat all municipal roads in the Community Improvement Area;
- iii) The Township will provide adequate street lighting on municipal roads in the Settlement Areas;
- iv) The Township will improve and establish, where economically feasible, new parks, playgrounds, beaches, rest areas, open space areas, indoor recreation facilities and water access facilities;
- v) The Township will develop and improve municipal gardens at the three Township sign sites, at the municipal offices, at park and playground areas, and other municipal sites throughout the Township;
- vi) The Township may use Community Improvement to encourage the creation and upgrading of housing which is affordable to lower and moderate income households (e.g., garden suites, second units within dwellings);
- vii) The Township may use Community Improvement to encourage the preservation, rehabilitation, renewal and reuse of heritage resources;
- ~~vii~~viii) The Township will improve existing and establish new social recreation facilities and programs for children, adults and senior citizens.
- ~~viii~~ix) The Township will phase out non-compatible land uses as identified by both the Official Plan and the Zoning By-law.

(b) In achieving the above objectives, Council will consider whether finances permit the undertaking of these objectives.

(c) A Community Improvement Area Project will be selected on the basis of deficiencies related to the following criteria:

- i) Conditions and appearance of buildings, landscaping and other site features in relation to the Maintenance and Occupancy Standards By-law;
- ii) Condition and adequacy of municipal physical services such as roads, lanes, water systems, storm water drainage, lighting and hydro;
- iii) The condition and adequacy of municipal recreational services and facilities such as parks, arenas, rinks, play equipment, trails, beaches, sports fields, camping facilities and water access points;
- iv) The condition and adequacy of municipal, social and cultural facilities such as meeting rooms, museums, libraries and community centres;
- v) The areas of incompatible land uses and uses in conflict with the Official Plan and/or the Zoning By-law;
- vi) For commercial uses, the size, location and type of signage, adequacy, location and condition of off-street parking, commercial vacancy rate, pedestrian accessibility to businesses, appearance from road, including front and rear building facades, and potential for expansion and access to Commercial areas, in addition to items (a), (b), (c) and (e) above;
- vii) For industrial uses, the efficiency of a plant for current and future industrial uses, adequacy of on-site parking, adequacy of environmental protection facilities, adequacy of space onsite for operation, potential for expansions (inventory of serviced and zoned lands) and access to and within the Industrial Areas, in addition to items (a), (b), (c) and (e), above;

- viii) The potential to rehabilitate and convert brownfield sites for residential uses;
  - ix) Projects which facilitate the provision of affordable housing such as the conversion of non-residential buildings to residential uses; and
  - x) Projects which enhance the opportunity to improve or provide accessibility for persons with disabilities and active non-motorized travel (e.g., pedestrian walkways, trails and cycling facilities).
- (d) Based on the application of the above criteria, Community Improvement Project Areas may be identified and designated by by-law. Community improvement plans will be prepared for a community improvement project area to address required improvements;
- (e) The following considerations will be taken into account in the phasing of improvements:
- i) The improvement which will most substantially increase the safety, stability and aesthetic quality of the community will be undertaken first;
  - ii) In determining the importance of the projects, Council will take into account the comments received from the landowners and residents at advertised public meetings;
  - iii) The disruption to the community will be limited wherever possible; and
  - iv) Prior to undertaking any improvements, Council will be satisfied that it can reasonably finance the Township's share of the costs associated with the improvement.
- (f) Implementation will be in accordance with the policies of **Section 5.12** of this Plan.

#### **4.4 Mobile Homes**

A mobile home means any dwelling that is designed to be made mobile and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer otherwise designed.

A mobile home park is a mobile home development of two or more mobile home units which are situated on land which is under a single ownership and is managed by a mobile home park operator.

##### **4.4.1 Policies**

- (a) New mobile home parks are not permitted.
- (b) Mobile homes and other pre-fabricated home are permitted in the Residential and Rural land use designations on individual lots and as accessory uses in the Commercial and Industrial designations. All mobile homes will conform to the provisions of the Mobile Home Residential zone.



- ~~(b)~~ (c) The separation and influence area policies of Section 4.12.2 for sensitive land uses adjacent to industrial facilities shall apply

## 4.5 Site Plan Control

### 4.5.1 Policies

- (a) Site plan control shall apply to the following uses

- i) Multiple residential uses
- ii) Commercial uses
- iii) Industrial uses (excluding mines but including buildings related to the mine)
- iv) Waterfront development
- v) Resort commercial uses
- vi) Any development on an island in Lake Huron.

In any zone in the implementing zoning by-law used for the uses listed above, Council may pass a By-law designating these as Site Plan Control areas.

- (b) In areas designated by By-law as a Site Plan Control area, the applicant for a development, as defined by Section 41 of the *Planning Act*, shall be required to submit site plans and/or drawings to Council for approval which show any or all of the following:

- i) The location of all buildings and structures to be erected and the location of all facilities and works to be provided in conjunction therewith;
- ii) Subject to the provisions of the *Planning Act*, the widening of roads that abut on the land, provided that widening of roads may only be required when the Plan has been amended to show or describe the roads to be widened and the extent and location of the proposed widening;
- iii) Subject to the *Public Transportation and Highway Improvement Act*, facilities to provide access to and from the lands, such as access ramps, curbs and traffic direction signs;
- iv) Off-street vehicular loading and parking facilities, whether covered or uncovered, access driveways, including driveways for emergency vehicles and the surfacing of such areas and driveways;
- v) Walkways and walkway ramps, including the surfacing thereof, and all means of pedestrian access;
- vi) Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon;
- vii) Walls, fences, hedges, trees, shrubs or other ground cover or facilities for the landscaping of the lands or the protection of adjoining lands;
- viii) Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
- ix) Easements conveyed to the Municipality for the construction, maintenance or improvement of water courses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the municipality or local board thereof on the land; and,



- x) Grading or alteration in elevation or contour of the land and provisions for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.
  - xi) Sustainable design elements along streets under the Township's jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities; and
  - xii) Facilities designed to have regard for accessibility for persons with disabilities.
- (c) The Site Plan Control By-law will provide for the owner to enter into one or more agreements with the Township dealing with and ensuring the provision of any or all of the facilities acceptable to the Township to guarantee the above. These arrangements will include a bond or letter of credit relating to 100% of the site work and the Township will reduce the amount as the work is completed.
- (d) The Site Plan Control By-law will also provide for the maintenance, to the satisfaction of the Township, and at the sole risk and expense of the owner, of all the above-mentioned facilities and works including the removal of snow from access ramps, driveways, parking and loading areas and walkways in perpetuity.

## 4.6 Parks and Open Space

### 4.6.1 Policies

Parks and open space areas will be developed in accordance with the following policies:

- (a) It is the intention of Council to develop a park and scenic lookout to the shores of Lake Huron in the Township's parkland area in the Last Paradise subdivision in Algoma Mills;
- (b) Neighbourhood parks may be developed, particularly along the waterfront area in order to preserve some shoreline areas for public use and enjoyment. Such parkland will normally be acquired through the parkland conveyance policies of this Plan, and should be consolidated in park space of a reasonable size as opposed to many small, scattered parcels which are inefficient to maintain;
- (c) Existing parks and open space areas shall be placed in an open space category in the Township's Zoning By-law. Crown Land holdings, which are used for parks and maintained by the municipality, may be placed in an Open Space zone;
- (d) No building or structures shall be permitted in an Open Space zone unless erected for purposes incidental and accessory to recreation purposes or those erected for primarily a public use;
- (e) Regardless of purpose, no building shall be erected on lands which are subject to flooding, have steep slopes or have a high water table;

- (f) Council will attempt to improve existing local park facilities by equipping them with such amenities such as play equipment and other facilities where economically feasible. Local parks shall be located, where possible, central to the area they serve;
- (g) The provision of parks and open space areas will be planned to meet current and projected needs of the community and will be designed to facilitate pedestrian and non-motorized movement (i.e., walking and cycling). Facilities will be equally distributed across the three settlement areas and the rural area and will be designed to be publicly accessible to users. Land use decisions will ensure that the public are provided with opportunities for access to shorelines;
- (h) Public utilities, and uses accessory to the above are also permitted;
- (i) One of the ways that parks and recreation facilities will be created and financed is by means of the parkland conveyance policies set out in **Section 4.24** of this Plan;
- (j) Where land designated as Open Space is under private ownership, the Plan does not intend that this land will necessarily remain as Open Space indefinitely, nor shall it be interpreted that such land is free and open to the general public or that it will be purchased by some public agency. If a proposal to develop lands under private ownership is made, and no public agency has an interest in its acquisition, then an application for Amendment to this Plan will be considered;
- (k) Council is committed to working with community organizations to promote the development of handbooks, maps, trail markers and outdoor educational guides to encourage residents and visitors to use the Township's trails systems;
- (l) Council will consider the impact of planning decisions on provincial parks, conservation reserves and conservation areas;
- (m) Council intends to work with area and regional clubs to develop an overall master plan and trail system for access to outdoor areas in the Township;
- (n) Council intends to preserve opportunities for public access to shorelines; and
- (o) Council intends to protect views to Lake Huron when considering development proposals.

#### **4.7 Energy Conservation**

The Council of the Township of The North Shore and the Province are committed to energy conservation. Energy conservation and the use of renewable fuels will take advantage of the Township's resources in a productive and sound manner, will cushion local residents from the effect of rising energy costs and will, generally, contribute to the preservation of the natural environment.

#### 4.7.1 Policies

- (a) Council shall take steps to reduce energy consumption in Township owned and operated facilities and equipment. More specifically, Council shall, if feasible:
  - i) Increase the energy efficiency of streetlighting;
  - ii) Reduce the consumption of non-renewable fuels in heating, lighting and cooling municipal buildings; and
  - iii) Reduce the consumption of non-renewable fuels in municipal vehicles and other municipal operations.
  
- (b) Council shall, if feasible:
  - i) include an assessment of energy efficiency in the evaluation of development proposals;
  - ii) Encourage compact growth and infilling to reduce the energy used for space heating and transportation;
  - iii) Encourage mixed-use development to minimize the length of both work and non-work related trips;
  - iv) Direct growth to areas which can best be served by fuel efficient means of transportation; and
  - v) Maximize the access to sunlight of homes and other buildings at energy-efficient densities of development. For example, access to sunlight can be increased by laying out the majority of streets in an east-west direction and by orienting the majority of buildings within 30 degrees of due south, where terrain permits.
  
- (c) Council may promote improvements in the energy efficiency of existing buildings and may:
  - i) Initiate a retrofit program providing information and technical advice to building owners and operators;
  - ii) Monitor and evaluate the retrofit program at 3-year intervals;
  - iii) Develop standards and voluntary guidelines, as a community service, for the repair and maintenance of buildings in an energy-efficient manner, for example, by weatherizing external openings, such as doors and windows by avoiding excessive mechanical heating, cooling and lighting and by maintaining furnaces at a high level of efficiency;
  - iv) Give favourable consideration to amendments and variances required to permit energy-conserving innovations; and
  - v) Participate in government programs related to community improvement and urban renewal.
  - vi) Retrofits for achieving energy efficiency will only be undertaken in a heritage building where it is demonstrated that retrofitting can be accomplished without compromising the heritage integrity of the building.



#### **4.8.5 Communal Water and/or Sewer Servicing Systems**

Council will consider communal services development of tourist commercial establishments where full municipal services are unavailable and where a servicing options statement, prepared in compliance with the MOE D-Series Guideline D-5-3 Servicing Options Statement, demonstrates that it is suitable over the long term. (Reference should be made to MOE Guideline D-5-2, Application of Municipal Responsibility for Communal Water and Sewage Services, 1995).

For the purposes of this Plan, Communal Services means sewage works and water works that provide for the distribution, collection or treatment of sewage or water, but which are not connected to full municipal sewage and water services; are for the common use of six or more residential or non-residential lots or units (excluding a recreational vehicle park). Communal services are not permitted to service permanent residential lots

The Township does not wish to enter into agreements to operate private communal sewer or water systems.

#### **4.8.6 Private Water and Sewage Systems**

Individual on-site water supply and sewage disposal systems service most lots in the Township. These are owned and operated by the owner of the property upon which the system is located. Individual on-site sewage services and individual on-site water services shall be used for a new development of five or less lots or private residences where municipal sewage services and municipal water services are not provided and where site conditions are suitable for the long-term provision of such services. Lot creation shall be permitted only if there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity, which includes treatment capacity for hauled sewage from individual on-site sewage services.

The following policies apply to development proposing to be serviced with a private water and sewage system:

- (a) Planning applications for new development shall be supported by information required to meet the approval requirements of the *Ontario Water Resources Act* or the *Building Code Act*, whichever applies;
- (b) Where the total effluent discharged by a sewage system is 10,000 litres/day or less, and the system shall be entirely within the bounds of the lot, approvals shall be governed by the *Building Code Act*;
- (c) All applications for development of more than five lots or units or will require the submission of a Water Supply Assessment Report and a Groundwater Impact Assessment Report. These reports should be prepared in accordance with the regulations and guidelines of the Ministry of the Environment;
- (d) Proponents of residential and non-residential developments, using greater than 50,000 litres per day of water and/or generating more than 10,000 litres per day

of sewage, shall demonstrate soil suitability, sufficient area for effluent treatment and site suitability for the disposal system or other such requirements of the Ministry of Environment including compliance with the *Ontario Water Resources Act*. The demonstration of site suitability may include the preparation of a Water Supply Assessment Report and Groundwater Impact Assessment Report. The reports should be prepared to the satisfaction of the Township and the Ministry of the Environment;

- (e) For lands serviced with on-site (private) water supply, well construction standards will be required to meet the requirements of *Ontario Regulation 903*; and
- (f) Conversion of an existing use to one which would generate more sewage will require a new Environmental Compliance Approval, under Section 76 of the *Environmental Protection Act*. An Environmental Compliance Approval is required for any enlargement, alteration, construction, or installation of a sewage system.

#### 4.9 ~~Transportation, Transportation~~ and Infrastructure Corridors

The Township's transportation system consists of provincial highways, local roads, and private roads. Transportation and infrastructure corridors consist of the Huron Central Rail Line and hydroelectric power transmission lines. A provincial highway is a road with a relatively high volume of traffic and provides access to local roads and is owned and maintained by the Ministry of Transportation.

A local road is a municipal road with a relatively low volume of traffic.

A private road is a privately-owned road with a low volume of traffic which provides access from local or provincial roads to two or more legally conveyable (usually abutting) lots and may include a right-of-way registered on title.

The Land Use Schedules classify the roads in the Township as Provincial Highway, local road and private road. The Provincial Highways are under the jurisdiction of the Ministry of Transportation.

Council will work with the Ministry of Transportation to improve community safety in Algoma Mills along Highway 17. It is a goal of Council that Algoma Mills may eventually be considered a "Community Safety Zone" and there be a reduction in the speed limit through the community.

##### 4.9.1 *Provincial Highways*

Highway 17 is recognized as a Provincial Highway with restricted access controls. Access to lots of record is permitted if the Ministry of Transportation's safety and operational requirements can be met. No new commercial or industrial entrances are permitted except if the property was zoned for such uses prior to the designation of Highway 17 as a Class 2 staged freeway (April 30, 1956). There shall be no permitted entrances for back lots. Highway 108 is designated as a Controlled Access Highway and is also subject to the safety and operational requirements of the Ministry of

Transportation. The intent of the Plan is to ensure that the function of provincial highways is maintained for through traffic.

(a) Policies

- i) For Highway 17 and 108, a service road or access from an intersecting Township road shall be the only means of access to abutting properties;
- ii) Access is restricted and governed by the Ministry of Transportation and applies to entrances, adjacent land uses and signs;
- iii) The Ministry of Transportation may also require an applicant to undertake a traffic study and/or stormwater management study to assess the impacts of development within the traffic management corridor of a provincial highway;
- iv) Council may require an applicant to undertake a traffic study to assess the impacts of development;
- v) All development located adjacent to Highway 17, Highway 108 and Highway 538 is subject to the safety requirements and policies of the Ministry of Transportation. The Ministry's prior approval is needed before any construction takes place.
- vi) Along provincial highways, the Ministry of Transportation setback requirements will apply, unless the municipal setback requirement is greater; and
- vii) New commercial or industrial designations along Highway 17 will not be permitted direct access to the Highway. All access must be by a local road. Any new road intersecting a provincial highway must meet the Ministry of Transportation's minimum spacing requirements of 365 metres between intersections.

#### 4.9.2 Local Roads

(a) Policies

- i) Traffic control devices shall be placed so as to favour through traffic on the Provincial Highways. Local streets shall be stop streets where they intersect with a Provincial Highway;
- ii) Any construction of roads in the Township shall comply with the roads standards in effect in the Township; and
- iii) Council may require an applicant to undertake a traffic study to assess the impacts of development.

#### 4.9.3 Private Roads

Private roads are a common means of providing access to shoreline properties and other remote properties in rural areas of the Township. Private roads are maintained to various standards by persons who use the roads in order to access their properties, and are thus maintained to a variety of different levels depending upon the needs of users.

**(a) Policies**

- i) Any reconstruction (i.e., widening) of a private road in the Township shall generally comply with a road construction standard in effect in the Township;
- ii) Any new development of private roads is restricted to development by plan of condominium;
- iii) Assumption of private roads by the Township will in general only be considered where initiated by Council and using a phased approach using a 5-year capital works program; and
- iv) Private requests to the Township to assume ownership and maintenance of a private road shall be considered on a case-by-case basis, where the following criteria can be complied with:
  - A. Where the proponent(s) submit(s) a cost-benefit analysis, the cost of which is borne by the proponent(s), showing that the assumption of a private road will not negatively impact the Township's financial situation;
  - B. Where the private road is upgraded to the standards set out in the Township's road standard by-law at the cost of the proponent(s); and
  - C. Where abutting property owners agree to any required land severances (lot additions) required in order to widen the road's right-of-way to a Township standard.
- v) Funding required to bring private roads to the Township's road construction standard may be shared with adjoining property owners who agree to share in such costs.

**4.9.4 Transportation and Infrastructure Corridors**

**(a) Policies**

- i) It is the intent of this Plan that existing transportation corridors for road and rail be protected from land use activities which may interfere with the function and safe operation of these corridors, including Highway 17 and the Huron Central Railway;
- ii) It is the intent of this Plan that new developments be laid out in such a manner as to protect trail systems in the Township; and
- iii) It is the intent of this Plan that existing infrastructure corridors for utilities be protected from land use activities which may interfere with the function and safe operation of these corridors.

**4.10 Education and Health Facilities**

The existing special educational facilities and the elementary and secondary school facilities in the Town of Blind River, the City of Elliot Lake and the Town of Spanish will fulfill the educational requirements of the Township's residents for the foreseeable future.



#### **4.10.1 Policies**

- (a) It is a policy of this Plan to support and encourage developments and initiatives which will improve the level of health care and social services within the Township.

### **4.11 Human-Made Hazards**

#### **4.11.1 Policies**

- (a) Development on, abutting or adjacent lands affected by mine hazards, former mineral mining operations, or mineral aggregate operations may be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are underway or have been completed.
- (b) Contaminated sites shall be remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.
- (c) See also Section 4.12 - Influence Areas, Separation Distances, Buffering and Landscaping.

### **4.12 Influence Areas, Separation Distances, Buffering and Landscaping**

#### **4.12.1 Policies**

The proposed use of land in the Township must be compatible with adjacent land uses. Residential areas, and other uses of similar sensitivity, should be protected from undesirable air quality and excessive noise or vibration through good land use planning and site plan control. In order to implement this policy:

- (a) The Zoning By-law will contain provisions which require buffers and separation distances between any uses where there may be conflicts or where one use may detract from the enjoyment and functioning of adjacent uses; and
- (b) The Zoning By-law shall require that buffers and separation distances be left in a natural forested condition, or if disturbed, be landscaped.

#### **4.12.2 Industrial Uses**

- (a) Developers may be required to carry out noise and/or vibration assessments, in accordance with Ministry of the Environment guidelines and the requirements of the Township, to determine control measures which are necessary to reduce noise and vibration to acceptable levels.

- (b) ~~The recommended separation distances, in accordance with the Ministry of the Environment's *Guideline D-6 – Compatibility Between Industrial Facilities and Sensitive Land Uses* are as follows:~~

	<u>Recommended</u>	<u>Minimum</u>
Class I (Light Industrial)	70 metres	20 metres
Class II (Medium Industrial)	300 metres	70 metres
Class III (Heavy Industrial)	1000 metres	300 metres

~~Development proposals, which cannot achieve the recommended separation distances, may be permitted to proceed provided the development is supported by a Feasibility/Detailed Noise Study studies to address potential impacts from noise, dust and odour and is not located closer to sensitive land uses than the minimum separation distances identified by the study. For the purpose of this section, sensitive land uses are any building or associated amenity area (indoor or outdoor space) which is not directly associated with the industrial use, where humans or the natural environment may be adversely affected by emissions generated by the operation of a nearby industrial facility.<sup>4</sup>~~

**The potential influence areas and recommended minimum separation distances, in accordance with the Ministry of the Environment and Climate Change Guideline D-6 - Compatibility Between Industrial Facilities and Sensitive Land Uses are as follows:**

	<u>Potential Influence Area (Separation Distance)</u>	<u>Minimum Separation</u>
<b>Class I (Light Industrial)</b>	<b>70 metres</b>	<b>20 metres</b>
<b>Class II (Medium Industrial)</b>	<b>300 metres</b>	<b>70 metres</b>
<b>Class III (Heavy Industrial)</b>	<b>1000 metres</b>	<b>300 metres</b>

**The actual influence area for a particular facility is site specific and may be defined within or, in some circumstances, beyond the potential influence areas outlined above.**

**In the absence of site specific studies which identify the actual influence area for a specific facility, the Potential Influence Areas (Separation Distances) shall be used.**

**Developments which cannot achieve the Potential Influence Area (Separation Distances), may be permitted to proceed provided the development is supported by studies to address potential impacts from emissions (such as noise, dust and odour) and is not located closer to lands designated for sensitive land uses than the minimum separation distances outlined above, or if appropriate further measures (such as industrial controls) to address impacts are implemented than the minimum distances identified by the appropriate study.**

**For the purpose of this section, sensitive land uses are any building or associated amenity area (indoor or outdoor space) which is not directly associated with the industrial use, where humans or the natural environment may be adversely affected by emissions generated by the operation of a nearby industrial facility.**<sup>4</sup>

#### **4.12.3 Past Producing Mines and Mine Hazards**

An influence area of 1000 metres from a mine hazard (e.g., a former mine building, pit, trench or other feature from past exploration and extraction of minerals or mineral aggregates) is shown on the **Land Use Schedules**. The influence area for the former Pronto Mine area extends 1500 metres on the east side to cover an area of mine tailings.

~~To provide assurances for public safety, development proposed within the mining hazard area identified on the **Land Use Schedules** within 1000 metres of other known potential mine hazards in the municipality will require prior consultation with the Ministry of Northern Development and Mines or any other appropriate public body to identify the specific location of the mine workings. The Township and proponent shall consult with the Ministry of Northern Development and Mines - Regional Land Use Geologist, in order to assess the nature of hazards and what technical studies may need to be completed to determine whether the land is suitable for the type of development proposed and that the development does not interfere with any rehabilitation, maintenance or monitoring requirement for the mine workings/hazards.~~  
In considering development within the area, the following may be required if determined necessary in consultations with the Ministry of Northern Development and Mines:

- (a) An acceptable engineering report that provides for the rehabilitation and stabilization of the mine workings or verification that the proposed development is not affected by the past mining activity.

See also Section ~~4.19.34.19.34.18.3~~ - Mineral Aggregate Potential, and Section 4.19.4 - Mineral Resources.

#### **4.12.4 Mineral Aggregate Resources and Pits and Quarries**

- (a) It is a policy to recognize an influence area as a means of protecting against incompatible land uses in the vicinity of proposed pits and quarries and to protect existing pits and quarries from encroachment from other incompatible uses; and
- (b) It is also a policy of Council to protect existing or future mineral aggregate operations from development or site alteration in areas adjacent to or in known deposits of mineral aggregate resources which would preclude or hinder the establishment of new operations or access to the resources shall be permitted only according to the policies of Section ~~4.12.44.12.44.11.4~~ - Mineral Aggregate Resources and Pits and Quarries.

- ~~i) Sensitive land uses shall not be permitted within 70 metres of a pit or 300 metres of a quarry;~~
- ~~ii) In the absence of site specific information to the contrary, a pit or quarry is considered a Class III Industrial land use with an influence area of 1,000 metres (see also Section 4.12.2).~~ Development of new sensitive land uses within 300 metres the influence area of a pit or within 1,000 metres of a quarry shall be supported by a technical study to the satisfaction of the Township, in accordance with Ministry of the Environment Guidelines, to recommend appropriate separation distances and mitigation measures; and
- ~~iii) Sensitive land uses shall not be permitted within 500 metres from the outside boundary of a bedrock deposit, and not within 300 metres from the outside boundary of~~ or a sand and gravel deposit unless is demonstrated through a land use compatibility study that:
  - A. The resource use would not be feasible;
  - B. That the proposed land use or development serves a greater long-term public interest; and
  - C. That issues of public health, public safety and environmental impact are addressed.
- ~~iv) iii) Although not mapped at this time, the Township recognizes the importance of protecting sand and gravel deposits of primary and secondary significance.~~

#### 4.12.5 Mineral Resources

- (a) In the absence of site specific information to the contrary, a mineral mining operation is considered a Class III Industrial land use with an influence area of 1,000 metres (see also Section 4.12.2 - Industrial Uses). Development of new sensitive land uses within the influence area of a mineral mining operation shall be supported by technical studies (e.g., noise, dust, odour) to the satisfaction of the Township, in accordance with Ministry of the Environment Guideilne D-6, to recommend appropriate separation distances and mitigation measures. For the purposes of this Plan, an influence area or adjacent lands distance of 1 kilometre applies to any development in proximity of a known *mineral deposit* or a *mineral mining operation*. Within this influence area, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:
  - i) If the resource use would not be feasible;
  - ii) The proposed land use or development serves a greater long-term public interest; and
  - iii) Issues of public health, public safety and environmental impact are addressed.
- ~~(b) Recommended influence areas may be reduced or development may be permitted in an influence area where any adverse effects (as defined in the~~

~~Environmental Protection Act) are satisfactorily mitigated based on technical studies (see also Section 4.11);~~

~~(b) The Township and proponent shall consult with the Ministry of Northern Development and Mines - Regional Land Use Geologist, in order to assess the nature of hazards and what technical studies may need to be completed to determine whether the land is suitable for the type of development proposed and that the development does not interfere with any rehabilitation, maintenance or monitoring requirement for the mine workings/hazards;~~

~~(c) See also Section 4.19.4 - Mineral Resources.~~

#### 4.12.6 Natural Heritage Features and Areas

~~(a) The following influence areas apply to lands which are adjacent to a natural heritage feature or area~~Within the Planning Area, an Impact Assessment shall be required for development or site alteration on adjacent lands to any of the Natural Heritage Features which are shown on the Land Use Schedules, or which are otherwise identified as part of the development process. For the purposes of this Plan, an impact assessment shall be required for development within the following 'adjacent lands' distances:

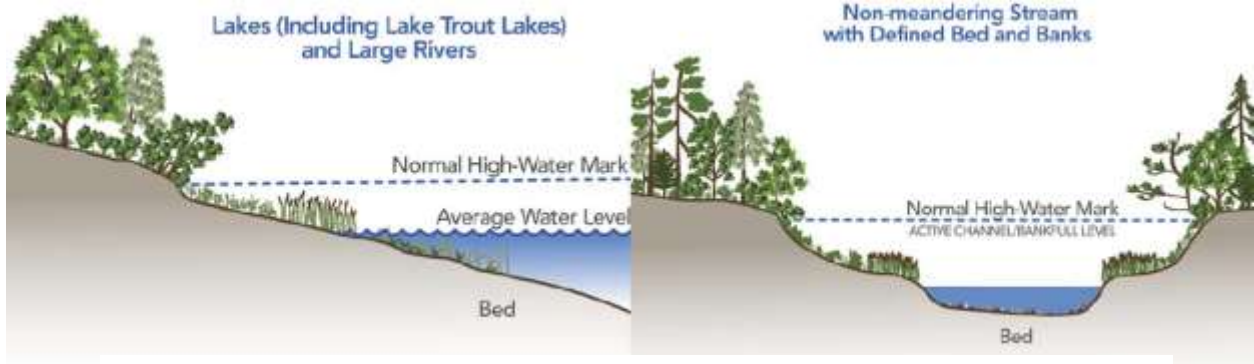
- ~~i) 120 metres of the significant habitat of endangered species or threatened species;~~
- ~~ii) 120 metres of significant wildlife habitat;~~
- ~~iii) 120 metres of a provincially or locally significant wetland, coastal wetland<sup>5</sup> and significant coastal wetlands;~~
- ~~iv) 120 metres of fish habitat;~~
- ~~v) 120 metres of an Area of Natural and Scientific Interest (life science)~~
- ~~vi) 50 metres of an Area of Natural and Scientific Interest (earth science)~~
- ~~i) 30 metres of an Unevaluated Wetlands or an Evaluated - Non-Provincially Significant Wetland~~
- ~~vi) 300 metres of lake trout lakes that are at-capacity.~~

~~(b) For development within these adjacent lands distances to natural heritage features and areas, the policies of Section 4.194.194.17 - Natural Heritage Features and Areas.~~

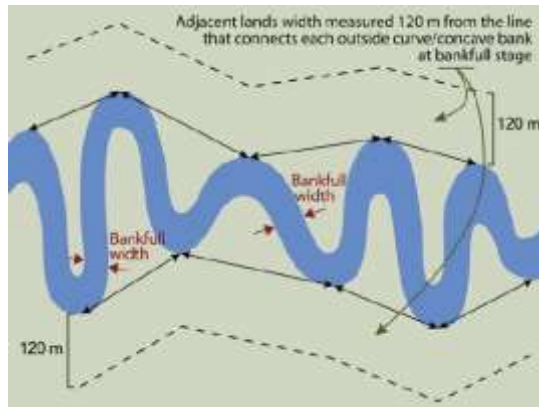
~~(See sample illustrations below and on following page)~~

**Examples of Adjacent Lands (Images are examples only and do not form part of the policy provisions of this Official Plan)**

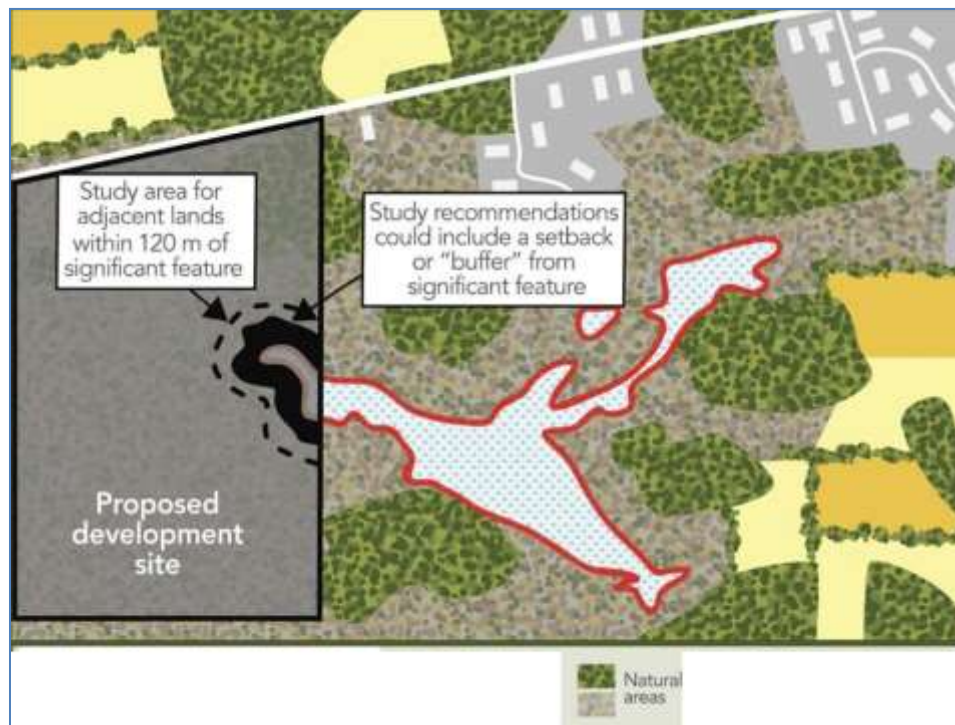
**Adjacent Lands - Fish Habitat (Lakes and Rivers)**



**Measuring Adjacent Lands – Meandering Stream with Defined Bed and Banks**



**Adjacent Lands - Endangered and Threatened Species**





4.12.7 *Railways and Highways*

- ~~(y) All applications for development of a **sensitive land use** (e.g. residential use, daycare, education or health care facility) within 50 metres of Highway 17 and/or the main Huron Central Rail Line or within 1,000 metres of a stationary noise source not associated with an industry (i.e., hydro transformer or gas compressor station) should be accompanied by a noise feasibility study prepared by a qualified consultant and to the satisfaction of the municipality. The study shall demonstrate whether noise and vibrations levels can be reduced to meet provincial standards in accordance with the Ministry of the Environment Publication LU-131, Noise Assessment in Land Use Planning: Requirements, Procedures and Implementation.~~
- ~~(z) All applications for development of a sensitive land use (e.g. residential use, daycare, education or health care facility) within 50 metres and 300 m metres of Highway 17 and/or the main Huron central Rail Line or within 1,000 metres of a stationary noise source not associated with an industry (i.e., hydro transformer or gas compressor station) should be accompanied by an acoustical study prepared by a qualified consultant and to the satisfaction of the municipality. The study shall demonstrate how noise and vibrations levels can be reduced to meet provincial standards in accordance with the Ministry of the Environment Publication LU-131, Noise Assessment in Land Use Planning: Requirements, Procedures and Implementation. The conclusions and recommendations of this study shall be implemented through conditions of the development approval.~~

(y) Detailed Noise Studies should be completed where:

- i) The proposed lands are within 250 metres from a provincial highway or 100 metres from the right-of-way of other roads;
- ii) The proposed lands are within 500 metres of a Principal Main Railway Line, 250 metres from a Secondary Main Railway Line, or 100 m from other railway lines

(z) Noise Feasibility Studies should be completed where:

- i) The proposed lands are within 50 metres from a provincial highway right-of-way
- ii) The proposed lands are within 100 metres from a Principal Main Railway Line right-of-way or 50 metres from a Secondary Main Railway right-of-way

(aa) Feasibility and detailed noise studies are generally required when the proposed lands are within the influence area of a stationary noise source, such as an industrial facility, an aggregate extraction facility, a sewage treatment facility, an ancillary transportation facility and commercial facilities. See Section 4.12 - Influence Areas, Separation Distances, Buffering and Landscaping and the Ministry of the Environment Guideline

“Noise Assessment Criteria in Land Use Planning: Requirements, Procedures and Implementation, 1997”.

**(bb)** These policies shall not apply to infill on Lots of Record.

**4.12.8 Agricultural Use - Minimum Distance Separation (MDS) Formulae I and II**

**(a)** New land uses, including the creation of new lots and new or expanding livestock operations shall comply with the *Minimum Distance Separation Formulae (MDS) Implementation Guidelines as established by the Province in order to minimize odour conflicts between livestock facilities and development, as amended from time to time as well as the policies set out in this Section. The following policies in addition to the MDS Implementation Guidelines will be applied to all new land uses including new or expanding livestock facilities:*

**i)** The MDS I shall not apply to the following:

- a. An existing non-farm residential use which is destroyed by a catastrophic event provided the replacement building is not built any closer to the livestock facility than before the event;
- b. The expansion of an existing residential dwelling;
- c. Accessory structures to a dwelling (i.e., decks, garages, garden sheds, gazebos, patios, pools or similar buildings).

**ii)** MDS II shall not apply to any livestock facility which is destroyed by a catastrophic event provided the replacement building is not built any closer to the residential use than before the event and if the reconstruction does not result in a higher value for odour, nutrient units or manure or material.

**iii)** For the purpose of applying MDS in this Plan:

- a. A cemetery shall be classified as a Type B land use where it is closed or receives low levels of visitation;
- b. MDS I and II shall apply to any development and/or expanding livestock facility in or adjacent to the urban settlement area.

**4.12.8 4.12.9 Setback from Lake Huron**

**(a)** New buildings and structures along the shores of Lake Huron will generally be set back 30 metres from the high water mark of 178.4 metres C.G.D. (this includes a 0.6 metre allowance for wave uprush) ~~In certain circumstances this setback requirement may be changed after consideration of the nature and stability of the shoreline, in consultation with the Ministry of Natural Resources, and other agencies.~~ No habitable buildings or septic systems will be permitted within the setback area. Some minor development, such as a sauna or a boathouse, may be permitted if there are no, or minimal impacts.



- (b) If site specific studies completed by qualified professionals are submitted by the applicant determine that a setback of less than 30 metres would create no, or minimal impacts, the appropriate setback will be applied to these lands. The Municipality will consult with the appropriate government agencies, and may also consult with an environmental impact consultant, at the applicant's expense.

#### **4.12.10 Sewage Lagoons**

- (a) The separation distance between any sewage lagoon and sensitive land uses shall be 300 metres unless the proponent can demonstrate by way of appropriate studies that the setback may be reduced. The minimum separation distance by such studies is 100 metres.

#### **4.12.11 Waste Management Facilities (Existing or Closed)**

- (a) Any development proposed within 500 metres of an existing or closed waste management facility shall be restricted, unless it has been demonstrated through a study (i.e., a waste disposal influence area study) that the proposed development will not be negatively impacted by the waste disposal facility (e.g., leachate, methane gas, rodents, vermin, odours, fire, etc.). Developers shall prepare a technical report, to the satisfaction of the Township, in accordance with the Ministry of the Environment guideline to determine appropriate separation distances and address such matters as noise, traffic, odour and smoke for those applications near existing sites. Where recommended by the impact statement, measures to mitigate adverse impacts shall be required as a condition of development. In conducting impact studies, reference shall be made to the Ministry of the Environment Guideline D-4, Land Use On or Near Landfills and Dumps
- (b) All development is required to be set back a minimum of 30 metres from the fill area of an existing or closed waste disposal site.
- (c) Development that is proposed on a former waste disposal site which has not been closed for at least 25 years requires approval of the Minister of the Environment under Section 46 of the Environmental Protection Act.

See also Section ~~4.224.224.24~~ 4.224.24 - Re-Use of Potentially Contaminated Sites and Section 3.6 - Waste Management .

#### **4.12.13 Waterfront Development**

The Township is characterized by a landscape with many lakes and rivers. The policies of this Section of the Plan generally apply to lands which have lot frontage along one of the shorelines of these water bodies, and to those properties considered “back lots” separated from the shoreline by a first tier of development (e.g., across the road from shoreline cottages).

It is the intent of Council that this Plan will limit the nature and extent of development along the Township's water bodies including second-tier or back lot development, development on islands and development on watercourses flowing into lakes. In general it is an objective of these policies to maintain or improve the existing level of water quality, aesthetic and recreational quality and to improve the fisheries, particularly cold water fisheries or lake trout lakes. Waterfront development is encouraged where it maintains this commitment to protecting water quality and conforms to the policies of this Plan.

The policies of Section 4.12.2 apply to any development within 300 metres of a water body which is deemed to be "at-capacity" by the Ministry of the Environment or its designates.

Development adjacent to the Township's water bodies in any land use designation is subject to the following policies. The policies of this section apply to two different types of lake types based on their sensitivity to development. Section 4.12.1 applies to all waterbodies in the Township, while Section 4.12.2 applies to development to "at-capacity" lakes such as Lauzon Lake. See also **Section 4.1 - Land Division**.

#### ***4.13.1 Policies for all Development Adjacent to Waterbodies***

- ~~(a)~~ A minimum lot size for new lot creation of 0.6 hectares and a minimum lot frontage of 61 metres applies to all new lots within 300 metres of the shorelines of water bodies.
- ~~(b)~~ (a) Lots shall be properly proportioned (i.e., have sufficient depth to accommodate a sewage disposal system).
- ~~(c)~~ (b) New buildings or structures, including individual on-site sewage disposal septic systems, shall be set back a minimum of 30 metres from the high water mark of all water bodies. Minor variances from the minimum setback may be considered where supported by a report from a qualified professional knowledgeable about the science and design of subsurface sewage disposal systems, that indicates that the variance is justified;
- ~~(d)~~ (c) Only those buildings, structures and uses requiring proximity to water, such as docks, boat houses or similar accessory uses may be located within 30 metres of the high water mark, provided there is no storage of hazardous materials.
- ~~(e)~~ (d) A notice shall be registered on title of all new lots created within 100 metres of a water body which states that an environmental impact assessment is required prior to any development within 30 metres of a water body;

~~(f)~~(e) Measures to maintain the shoreline in its natural state include:

- i) It is the intent of Council to require the establishment and/or retention of a natural vegetation buffer on lands within 30 metres of the shoreline of a lake or tributary in order to protect the riparian and littoral zones and associated habitat, to prevent erosion, siltation and nutrient mitigation, to maintain shoreline character and appearance, and to minimize the visual impact of development. In situations where the natural vegetation buffer will be reduced to accommodate the expansion of an existing building, the replanting of an area equivalent or greater than the area required for the expansion will be required. Within the natural vegetation buffer, trimming of trees and shrubs for safety purposes is permitted, and the construction of an access path to the shoreline activity area is permitted provided it is constructed of permeable materials.
- ii) Within the above mentioned natural vegetation buffer, a shoreline activity area is permitted. This is the cumulative portion of a shoreline frontage of a lot located within the required setback from the normal or controlled high water mark, where accessory shoreline structures (e.g., boathouses, docks) are located, and where there is access to the water for activities such as swimming or boat launching. The shoreline activity area should be focused within a defined area of the shoreline frontage of a lot and limited in its extent. The extent of a shoreline activity area will be based on the following targets where possible:
  - A. 25% of the shoreline frontage or up to 23 metres, whichever is the lesser;
  - B. The shoreline frontage buffer policies for all non-residential uses shall be subject to site plan control

~~(g)~~(f) Council supports and encourages the use of Lake Management Plans (LMPs) as an essential tool in planning for the stewardship of lakes and rivers in the Township. Council supports the efforts of local stakeholders (i.e., property owners, cottage associations, environmental partnerships, agencies and the municipality itself) in planning for the future of the Township's water bodies. Lake Management Plans may include a number of components geared at building conservation practices into the daily living habits of shoreline residents including:

- i) A lake capacity assessment to determine the carrying capacity for existing and new development and the opportunities to improve or enhance water quality;
- ii) An inventory of existing and proposed development by type, characteristics of sewage and water services;

- iii) A shoreline capability assessment to determine lands which are suitable for development given such features as slope, vegetation cover, depth of overburden, the presence of sensitive natural features and areas;
- iv) A resource inventory;
- v) An assessment of fish habitat;
- vi) The nature of public access to and use of the lake for aquatic and boating activities;
- vii) Road access to shoreline development;
- viii) Flood plain management;
- ix) Shoreline management principles that provide for appropriate development setbacks and the retention/conservation of natural features;
- x) Criteria for septic tank (sewage disposal system) reinspection;
- xi) Criteria for controlling conversions of seasonal dwellings to permanent residential, commercial to residential conversions and the use, changes of use, large scale redevelopments and upgrades to commercial and/or residential properties to the carrying capacity of a body of water;
- xii) Implementation and monitoring in an environment of shared responsibilities by the various stakeholders; and
- xiii) Public education.

Lake management plans will be prepared as a partnership initiative with preference placed on lakes and rivers experiencing development pressures.

~~(h)~~(g) The Official Plan recognizes the potential of the Township's water bodies to contain archaeological resources. Therefore the policies of Section 4.26 - Cultural Heritage and Archaeological Resources shall apply.

#### **4.13.2 Policies for Development Adjacent to "At-Capacity" lakes**

- (a) Lake Lauzon is an at-capacity lake trout lake, while Hastie Lake and Laderoute Lakes are considered lake trout lakes. As such the policies of this section apply to these three lakes as well as any other water bodies which become designated as at-capacity or where there are concerns that the lake may be at-capacity. On an at-capacity water body, there shall generally be no new lot creation through consent or plan of subdivision.
  - i) Development is only permitted on existing lots of records and under strict conditions where a proponent can demonstrate that there will be no impacts on lake water quality. This requires consultation with the Ministry of the Environment and the Ministry of Natural Resources. The following conditions must be met for any development including lot creation within 300 metres of an 'at-capacity' water body:

- a. The severance is to separate existing habitable dwellings, each of which is on a lot that is capable of supporting a Class 4 sewage system, provided that the land use would not change and there would be no net increase in phosphorous loading to the lake;
  - b. All new septic system tile fields are located such that they would drain into a drainage basin which is not at capacity; or
  - c. All new tile fields are set back at least 300 metres from the shoreline of a lake or permanently flowing tributary to this lake; or
  - d. The effluent pathway from a tile field would flow in a manner for a distance of at least 300 metres to the lake. This must be supported by a report prepared by a qualified professional that is a licensed member of the Association of Professional Geoscientists of Ontario or a licensed member of the Professional Engineers of Ontario who is qualified to practice geoscience.
- (b) Future development along shores of inland water bodies that are considered lake trout lakes shall be assessed using the Ontario Ministry of the Environment's Lakeshore Capacity Model which is based on phosphorous levels. The MNR's Trout Lake Development Policy should also be addressed. Where determined capacity is met or exceeded, new development will not be supported and existing development will be encouraged to act to manage phosphorous contributions to maintain, or to reduce such levels.

(See the Ministry of the Environment's *Lake Capacity Assessment Handbook*, May 2010, for more information on development adjacent to at-capacity lakes.)

## ~~4.13~~ 4.14 Economic Development

### 4.14.1 Policies

- (a) Council will encourage the expansion and diversification of the Township's economic base in order to maximize employment opportunities in the Township and increase the tax base;
- (b) Council will attempt to ensure that serviced vacant land is available for various types of commercial, industrial and tourism development activities;
- (c) Council will encourage the development of tourism and tourist facilities within the Township;
- (d) Council recognizes that Northern Ontario as a whole needs to position itself for success in a rapidly changing world by making better use of potential competitive advantages;
- (e) Council intends to acknowledge and promote the focal points for economic development in Northern Ontario as set out in the *Growth Plan for Northern*

Ontario, and to ensure that planning decisions are consistent with the Growth Plan. In particular, it is the intent of Council to encourage and market the Township for the establishment of advanced manufacturing, aquaculture, value-added forestry and resource harvesting, digital economy; arts, culture and creative industries; health sciences (e.g., senior care); minerals and mining supply and services; renewable energy and services; tourism; transportation, aviation and aerospace; and water technologies and services;

- (f) Council intends to fulfill the goals of the *2010 Strategic Plan*. Therefore, economic development initiatives should be geared towards the following themes:
- i) Continuing to develop and promote recreational resources in the Township such as parks, beaches, trails, and picnic areas;
  - ii) Promote the Township as a destination for retirees seeking rural and waterfront lifestyles, and encourage the establishment of new housing that is accessible to persons with disabilities and an ageing population by identifying and attracting potential businesses which cater to this demographic;
  - iii) Work with the Province to achieve a reduction in speed limits through Algoma Mills and to achieve a designation of a ‘community safety zone’ through the settlement area;
  - iv) Market the presence of a deep water port in the Township, as well as the presence of Highway 17 and the Huron Central Rail line;
  - v) Erect signs advising of community events and activities;
  - vi) Use community improvement to involve the municipal, private and non-profit sectors in beautifying the community and improve gardens at Township sign sites, the municipal offices, the parks and playground areas, and other strategic municipal sites in the Community;
  - vii) Examine the feasibility of establishing a community recreation facility in the Township;
  - viii) To promote and facilitate the Township as a destination for outdoor tourism by highlighting features such as abundant water and wildlife, Crown lands and public trails;
  - ix) Making land available along water bodies for new, environmentally appropriate waterfront residential development (see **Section X: Waterfront Development Requirements**);
  - x) To ensure there is sufficient vacant land made available for new commercial and industrial land uses; and
  - xi) To examine the feasibility of a commercial area adjacent to the intersection of Highways 108 and 17 in conjunction with the City of Elliot Lake.
- (g) Council intends to consult with adjacent municipalities and Serpent River First Nation in the fulfillment of regional economic development goals and to participate in regional economic planning initiatives.

#### ~~4.14~~ **4.15** Docks and Waterfront Structures

##### *4.15.1 Policies*

- (a) Docks, waterfront and marina structures on property abutting or located in water will be:
  - i) Subject to the approval of the Ministry of Natural Resources when required and/or the Federal Department of Fisheries and Oceans should ~~such structures~~ the proposed structure be located on Crown Land covered by water;
  - ii) Designed, constructed and maintained in a manner which contributes to the amenity of the Township and maximizes public access to the water;
  - iii) Capable of withstanding damaging storms, ice and high water conditions;
  - iv) Located so as not to interfere with navigation or aids to navigation;
  - v) Constructed and placed so as to minimize the impact on natural vegetation and topography; and
  - vi) Not contain any residential accommodations.
- (b) The Zoning By-law shall contain provisions relating to docks and waterfront structures.

#### ~~4.15~~ **4.16** Wayside Pits and Quarries

For the purposes of this Plan, wayside pits and quarries are temporary pits and quarries opened and used by a public road authority solely for the purpose of a particular project or contract of road construction.

##### *4.16.1 Policies*

- ~~(a) Wayside pits and quarries opened for the construction and maintenance of public roads shall be permitted throughout the Township, without an amendment to this Plan or the implementing Zoning By-law, except in areas zoned for residential uses or in areas where severe environmental disruption and/or impacts will occur, or within 150 metres of a Residential zone;~~
- ~~(b) Wayside pits and quarries shall adhere to the permitting requirements of the Ministry of Natural Resources;~~
- ~~(c) Wayside pits and quarries must be licensed by the Ministry of Natural Resources if located on Crown Lands; and~~
- ~~(d) Authorization, for the removal of aggregate, is by an aggregate permit from the Ministry of Natural Resources.~~
- (a) It is a policy to permit wayside pits and quarries;
- (b) A wayside pit or wayside quarry means a temporary pit or a 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 a road right-of-way.

- (c) Wayside pits and quarries are permitted throughout the Planning Area without an amendment to this Plan or to the Zoning By-law except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.

#### **4.17 Minimum Distance Separation Formulae**

Development of livestock facilities, and development adjacent to livestock facilities, shall conform with the Minimum Distance Separation (MDS) formulae policies of Section 4.12.8- Agricultural Use - Minimum Distance Separation (MDS) Formulae I and II- MDS - Formulae.

#### **~~4.16~~ 4.18 Portable Asphalt Plants**

##### ***4.18.1 Policies***

- (a) Portable asphalt plants opened and used by a public road authority or their contractors will be permitted throughout the Township without an amendment to this Plan or the Zoning By-law, except in built-up areas, residential zones, areas within 150 metres of a Residential zone, and in environmentally sensitive areas.
- (b) All portable asphalt plants and/or portable concrete batching plants operated with the Municipality must have a current Environmental Compliance Approval under The Environmental Protection Act, and each proposed operating site must be approved by the District Officer of the Ministry of the Environment before the plant is operated.

#### **~~4.17~~ 4.19 Natural Heritage Features and Areas**

##### ***4.19.1 Background***

The Township recognizes the importance of the natural environment to the well-being of its citizens. It also recognizes that a healthy natural environment is key to attracting new residents and tourists to visit the Township's pristine shorelines and scenic natural beauty. The natural heritage system consists of features which are important for their environmental and social values as a legacy of the natural landscapes in the area. Council recognizes the interconnected nature of the various features of the natural heritage system, and the role these play in maintaining biological diversity.

##### ***4.19.2 Policies***

- (a) The Township's natural heritage system is comprised of the following natural heritage features and areas in the Official Plan include:



- ~~ii)~~ ii) Significant wetlands
  - ~~iii)~~ iii) Significant coastal wetlands and coastal wetlands<sup>6(a)</sup> (provincially and locally significant)
  - ~~iv)~~ iv) Unevaluated Wetlands and Evaluated - Non-Provincially Significant Wetlands
  - ~~i)v)~~ v) Fish habitat;
  - ~~ii)vi)~~ vi) Significant<sup>6(b)</sup> habitat of endangered and threatened species;
  - ~~iii)vii)~~ vii) Significant wildlife habitat; and
  - ~~iv)viii)~~ viii) Significant areas of natural and scientific interest (life science, and earth science).
- (b) It is the intent of this Plan to provide appropriate measures for the protection of features which have been identified and to encourage further study and classification;
- (c) ~~For the purposes of this Plan~~policy, the word “significant” means an area defined as provincially significant by the Ministry of Natural Resources, using procedures established by the Province as amended from time to time; **For the purposes of this policy, the word ‘significant’ in relation to wetlands, coastal wetlands and areas of natural and scientific interest means an area defined as provincially significant by the Ministry of Natural Resources and Forestry, using procedures established by the Province as amended from time to time. In regard to other features and areas in this policy, the word ‘significant’ applies to areas that are ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system.**<sup>6(c)</sup>
- ~~(d)~~ (d) It is the intent of this Plan to protect provincially significant wetlands and provincially significant coastal wetlands from incompatible development. See also the influence area policies of Section 4.12.6 - Natural Heritage Features and Areas.
- ~~(d)~~ Council may recognize other non-provincially significant features as locally significant;
- ~~(e)~~ (e) Development and site alteration proposed on or adjacent to an unevaluated wetland, coastal wetland<sup>6(d)</sup> or an evaluated - Non-Provincially Significant Wetland, coastal wetland<sup>6(d)</sup> shall not occur unless it has been demonstrated that there will be no negative impact on the features or functions of the wetland, coastal wetland<sup>6(d)</sup> ;
- ~~(e)~~(f) Known natural heritage features and areas are shown on the Land Use Schedules to this Plan.

- ~~(f)~~(g) It is a policy to protect and enhance natural heritage features and areas as part of the land use decision-making process;
- (h) The Township will screen all applications for development and/or site alteration to identify the presence or absence of habitat of endangered and threatened species
- (i) Development proponents should exercise due diligence to ensure that any activities being contemplated would not contravene the Endangered Species Act, 2007. Where potential habitat exists, a more detailed site assessment undertaken by a qualified professional will be required; Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements<sup>6(e)</sup>.
- (j) Development and site alteration shall not be permitted in significant habitat of endangered and threatened species<sup>6(f)</sup>, in significant wetlands, or in significant coastal wetlands;
- ~~(g)~~(k) Development and site alteration shall not be permitted in significant wildlife habitat, or species of concern, or within significant wetlands or locally significant wetlands, or within significant areas of natural and scientific interest unless it has been demonstrated by a study completed by a qualified professional that there will be no negative impacts on the natural features or on their ecological functions;
- ~~(h)~~(l) Development and site alteration shall not be permitted in *fish habitat* except in accordance with provincial and federal requirements. Fish habitat includes all lakes, rivers, streams, ponds, intermittent and seasonally flooded, unless demonstrated to be otherwise by a study completed by a qualified professional. Areas of critical fish habitat and spawning areas are shown on the schedules to the Land Use Plan;
- ~~(i)~~(m) Within the Planning Area, an Impact Assessment shall be required for development or site alteration on or adjacent to any of the Natural Heritage Features which are shown on the Land Use Schedules, or which are otherwise identified as part of the development process. For the purposes of this Plan, an impact assessment shall be required for development within the influence areas shown in Section 4.11 - Influence Areas, Separation Distances, Buffering and Landscaping; no development or site alteration shall be permitted adjacent to the natural heritage features and areas listed in Section 4.12.6 - Natural Heritage Features and Areas unless it has been demonstrated by a study completed by a qualified professional that there will be no negative impacts on the natural features or on their ecological functions;

- (j)(n) Adjacent lands mean those lands, contiguous to a specific natural heritage feature, where it is likely that development or site alteration could have a negative impact on the feature or area (see the *Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005, Second Edition, Ministry of Natural Resources, 2010* and **Section 4.11**);
- (k)(o) Council may engage such qualified professionals as are required for the purpose of reviewing an Impact Assessment report. Costs shall normally be recovered from the applicant for development;
- (l)(p) The components of an Impact Assessment (IA) shall follow the prescription of protocols outlined in the *Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005, Second Edition, Ministry of Natural Resources, 2010*;
- (m)(q) Applications for development shall normally be supported with information related to natural heritage features on or adjacent to subject lands, which may include an Impact Assessment (IA). Such a study shall demonstrate what impacts may occur, if any, as a result of development, and what mitigating measures must be undertaken to avoid negative impacts on these features;
- (n)(r) Council may consult with technical agencies for comments on the terms of reference or the results of such studies; and
- (o)(s) Council may use zoning, site plan control or a development agreement under Section 51(26) of the *Planning Act* in order to implement the requirements for the conservation of natural heritage features and/or the mitigation of adverse impacts.

## 4.19 Natural Resource Management

The Township is endowed with commercially viable fisheries, timber, mineral aggregates and mineral resources. The policies of this section relate to the wise management of those resources in order to ensure the Township's long-term prosperity, environmental health, and social well-being.

### 4.19.1 Fisheries Resources

- (a) Council supports the management of fisheries. Such management has important economic, social and environmental benefits;
- (b) Council supports the establishment of sport fishing activities and recognizes the economic importance of this type of activity to the Township; and

- (c) Council recognizes that it is the responsibility of the Ministry of Natural Resources to protect and manage Ontario's natural resources, including the management of fisheries.

#### 4.19.2 *Wildlife Resources*

- (a) Council recognizes that all of the undeveloped portions of the Township are suitable habitat for a variety of wildlife species, including white-tailed deer, moose and black bear;
- (b) Council supports wildlife management efforts and recognizes that the diversity of natural features in an area, and the natural connection between them, should be maintained and improved where possible;
- (c) Council recognizes that it is the mandate of the Ministry of Natural Resources to protect wildlife resources on Crown Land; and
- (d) Prior to permitting any type of development or use on private lands, Council shall have regard for the impact of such on wildlife habitat; especially areas determined to be ~~critical~~ significant wildlife habitat and will consult with the Ministry of Natural Resources.

~~(d)~~ (e) See also Section 4.19 - Natural Heritage Features and Areas

#### 4.19.3 *Mineral Aggregate Potential*

- (a) It is the intent of Council that as much of the mineral aggregate resources in the Township as is realistically possible shall be made available as close to markets as possible;
- ~~(b)~~ Areas having mineral aggregate potential are shown as a constraint on Land Use Schedules. Non-aggregate land uses or developments in areas adjacent to or in known deposits of mineral aggregate resources ~~will not be permitted in areas having mineral aggregate potential unless it can be shown that:~~
  - ~~i) Extraction would not be feasible;~~
  - ~~ii) The proposed land use or development serves a greater long term interest of the general public than does aggregate extraction;~~
  - ~~iii) The proposed land use or development does not significantly preclude or hinder future extraction; or~~
- ~~(c)~~ (b) Issues of public health, public safety and environmental impacts are addressed. **shall conform with the policies of Section 4.12.4(b)ii).**
- ~~(d)~~ (c) In determining whether a proposed use is adjacent to an area with mineral aggregate resource potential, the policies of Section **4.12.44.12.44.11.4 - Mineral Aggregate Resources and Pits and Quarries** shall apply.

- (e)(d) In considering the non-aggregate land use in the area having mineral aggregate potential, Council will consider the following:
- i) The benefit of the proposed land use compared to the value of the mineral aggregate deposit, taking into account the extent, type and quality of the mineral aggregate resource in the municipality;
  - ii) The reasons for the choice of locations and an appraisal of alternative locations for the non-aggregate land use on aggregate lands;
  - iii) The feasibility of sequential land use in which the mineral aggregate is removed prior to the proposed use;
  - iv) The impact that the proposed use may have on any existing pits and quarries in the vicinity and on future aggregate extraction in the surrounding mineral aggregate potential area;
  - v) Whether the mineral aggregate has been extracted or studies have indicated that the aggregate resource in the specific site is not economically viable; and
  - vi) Whether adjacent uses are incompatible with mineral aggregate extractions and may make future extraction impossible.
- (e) Any existing or new pits and quarries will be subject to the policies of **Section 3.5 - Mineral Aggregate Extraction**.

#### **4.19.4 Mineral Resources**

(a) **Policies**

- i) It is a policy to recognize mineral resource lands as those lands shown on the **Land Use Schedules** to the Plan which exhibit a mineral potential rating. The mineral potential rating is intended to be a guideline in interpreting the policies set out in this Section of the Official Plan; and
- ii) Mining operations shall be subject to the policies of the Industrial Area designation as shown on the **Land Use Schedules** (Section 3.4 - Industrial).

(b) **Mineral Resources as a Constraint**

- i) It is a policy that mineral resource lands be recognized as a development constraint overlay. This shall mean that mineral resource-related uses such as exploration, development and mining of mineral resources, mine structures, buildings and ancillary uses shall have pre-emptive rights on those lands within the constraint overlay except for those areas of existing settlement;
- ii) It is a policy that the scope of permitted uses, in addition to mining and mining related uses shall include those in the underlying land use designation. Any proponent of development shall be required to undertake an evaluation or provide information satisfactory to Council that addresses the requirements of **Section 4.19.44.19.44.18.4(i) - Implementation**; and
- iii) Prior to permitting any type of development or use, Council shall have regard for the impact of such on the possible utilization of the Township's mineral resources in the future.

- iii) Non-mineral extraction land uses or developments in areas adjacent to or in known deposits of mineral resources shall conform with the policies of Section 4.12.5.

(c) **New Mines**

- i) Council recognizes that the development of mineral resources on Crown Land is the responsibility of the Ministry of Northern Development and Mines. The establishment of new mines shall therefore be subject to the approval of the Ministry under the *Mining Act* and the *Environmental Protection Act*, and any other applicable legislation. The establishment of new mines will be subject to the policies of the Industrial land use designation (**Section 3.4**) and may be placed in a separate zone in the implementing zoning by-law. Influence areas and separation distances for mines shall be subject to the requirements of Section 4.11 - Human-Made Hazards; and
- ii) Prior to permitting the establishment of any type of mining development on Crown Land, the Ministry of Northern Development and Mines is encouraged to have regard for the policies of the Township of The North Shore and is encouraged to consult with Council.
- iii) The Plan recognizes that Natural Resources Canada and the Canadian Nuclear Safety Commission have jurisdiction under the *Canadian Nuclear Energy Act* for uranium mineral occurrences in the Township.

(d) **Past Producing Mines and Mine Hazards**

- i) Any development adjacent to a past-producing mine or a mine hazard shall be subject to the policies of Section 4.12.34.12.34.11.3 - Past Producing Mines and Mine Hazards.

(e) **Non Mineral-related Development**

- i) Mineral mining operations shall be protected from development and activities which would preclude or hinder their expansion or continued use, or which would be incompatible for reasons of public health, public safety or environmental impact; and
- ii) Land uses adjacent to mineral resources shall conform with the policies for influence areas as specified in Section 4.12.54.12.54.11.5 - Mineral Resources of this Plan.

(f) **Rehabilitation**

- i) It shall be a policy that past producing mining operations, mine hazards and active mining operations shall be subject to the provisions of *The Mining Act* with respect to rehabilitation and/or closure;

**ii)** Rehabilitation to accommodate subsequent land uses shall be required after extraction and other related activities have ceased. Progressive rehabilitation shall be undertaken where feasible.

**iii)** The Plan recognizes that Natural Resources Canada and the Canadian Nuclear Safety Commission have jurisdiction under the *Canadian Nuclear Energy Act* for uranium mineral occurrences in the Township and for the rehabilitation of uranium mining facilities.

**(g) Existing Mining Land Tenure**

- i) It is a policy of Council to acknowledge the use of mining lands for mining purposes as permitted under the *Mining Act* and subject to the approval requirements of the Ministry of Northern Development and Mines;
- ii) Mining lands include mining rights such as staked mining claims, mining leases and mining patents used or intended to be used for mining purposes; and
- iii) Land developed or proposed for mining may be zoned in the Zoning By-law on a site specific basis and wherever possible, incorporated within the Industrial land use designation upon review of the Plan or upon application for amendment to the Plan.

**(h) Resource Depletion**

- i) Where the mineral resource has been depleted and the mine or lands associated with the mining operation have been rehabilitated or closed in accordance with plans approved by the Ministry Northern Development and Mines, these lands may be redesignated by amendment to this Plan provided that such redesignation does not prejudice mining operations or mineral resource operations or other resource lands on adjacent properties.

**(i) Implementation**

- i) The Township shall establish a protocol for consultation with the Ministry of Northern Development, and Mines on technical and other concerns related to mineral mining operations and their impacts on other land use activities in the municipality;
- ii) In the review of planning applications, Council shall consult the Ministry of Northern Development and Mines where the proposed development is located within lands identified as having mineral potential;

- iii) The proponent of development shall provide appropriate information to Council to demonstrate that the proposed development for uses other than those permitted above:
  - A. Shall not preclude or hinder the establishment of new mining operations;
  - B. That the resource use would not be feasible; or
  - C. That the proposed land uses or development serves a greater long-term public interest; and
  - D.** That issues of public health, public safety and environmental impact are addressed.
- iv) The Plan recognizes that Natural Resources Canada and the Canadian Nuclear Safety Commission have jurisdiction under the Canadian Nuclear Energy Act for uranium mineral occurrences in the Township.**

#### **4.19.5 Forestry**

- (a) Council recognizes that much of the undeveloped portion of the Township has a limited timber potential;
- (b) Forestry is a permitted use in the Rural area and prior to approving any development, Council shall have regard for the impact this will have on timber resources;
- (c) Any forestry activities established on private lands in the Township shall be buffered from roads and existing development;
- (d) Landowners are encouraged to contact the appropriate Provincial Agency to discuss the proper harvesting techniques of forest resources;
- (e) Prior to approving any forestry activities on Crown Land in the Township, the Ministry of Natural Resources is encouraged to have regard for the policies of the Township of The North Shore and is encouraged to consult with Council; and
- (f) Council recognizes a responsibility to provide a limited forest fire fighting capability and will enter into a formal agreement in this regard with the Ministry of Natural Resources. This agreement will be reviewed and updated as the need occurs.

#### **4.20 Public Works and Utilities**

All public works and all telephone, natural or artificial gas and electrical power facilities, including all works as defined in The Power Corporation Act, such as transmission lines, transformer stations and distribution stations, shall be permitted throughout the Township, without amendment to this Plan, provided that such



development satisfies the provision of the Environmental Assessment Act, including regulations made under the said Act and any other relevant statutes.

## 4.21 Home Occupations and Home Industries

### 4.21.1 Policies

- (a) Home Occupations and Home Professions are occupations or professions which are conducted entirely within a dwelling unit. Home industries are occupations or professions which are conducted primarily within an accessory building. The Zoning Bylaw will specify the types of home occupations and home industries permitted and shall set out regulations governing these;
- (b) Home Occupations, Home Professions and Home Industries are permitted in the Rural zone and in all residential zones, except in the Recreational Residential Zone and where, in the opinion of Council, the access is inadequate;
- (c) Home occupations and home industries shall not change the character of the dwelling as a private residence or create or become a nuisance to other properties in the form of traffic, noise, dust, odour or outside appearances of the dwelling. The outside storage of goods is prohibited. Signs shall be regulated in the Zoning Bylaw; and
- (d) To ensure that the function of Provincial highways is maintained and that safety of these highways is not compromised, it shall be a policy of Council to ensure that only those home occupations and/or home industries which do not impact negatively on transportation corridors be considered.

## 4.22 Re-Use of Potentially Contaminated Sites

Potentially contaminated sites include lands where contaminants may be present due to previous industrial, transportation, utility or similar uses. Sources of site contamination can include disposal of waste materials, raw material storage, residues left in containers, maintenance activities and spills. Some commercial uses, such as gasoline stations and automotive repair garages, have a similar potential. Known contaminated sites are shown on the **Land Use Schedules** with a symbol.

### 4.22.1 Policies

- (a) It is a policy to ensure the proper decommissioning and clean-up of contaminated sites prior to their redevelopment or reuse. Measures to be taken by Council and/or the approval authority and the proponent include the following:
  - i) The identification and inventory of sites where existing and past uses may have contributed to the presence of contaminants;
  - ii) Where applications for development or redevelopment of sites that are identified as being contaminated or potentially contaminated have been

submitted, approval or condition of final approval will require the proponent to file a Record of Site Condition (RSC) on the Environmental Site Registry to show that the site has been assessed and if necessary, remediated be prepared, in accordance with the requirements of *Ontario Regulation 153/04* and Ministry of the Environment Guideline “*Records of Site Condition -A Guide on Site Assessment, the Clean-Up of Brownfield Sites*”, such that the site is suitable for the intended future use. Mandatory filing of a Record of Site Condition on the Registry is required for any change to a more sensitive land use such as a change of use from industrial to residential or parkland;

- iii) Council may supervise the excavation and soil handling activities during site clean-up;
- iv) Site plan control may be used as a measure to enhance site decommissioning and remediation (see **Section 4.5**);
- v) Any development proposed within 500 meters of an existing or closed waste disposal site shall conform with the policies of **Section 4.11 - Human-Made Hazards**;
- vi) Contaminated sites may be placed in a holding zone in the municipality’s zoning by-law (where the principle of development or land use has already been established). Where a holding zone is used, the “h” may be removed when the site has been acceptably decommissioned or cleaned to the satisfaction of the municipality and in accordance with a site remediation plan and subject also to the submission to the municipality of the Ministry of the Environment acknowledged Record of Site Condition (see **Section 5.5 - Holding Zones**);
- vii) The municipality will keep an inventory of the location of contaminated sites as they are discovered in the future. Before reusing a contaminated site, a record of site rehabilitation must be lodged with the Ministry of the Environment; and
- viii) The municipality will keep an inventory of the location of contaminated sites as they are discovered in the future.

## 4.23 Ground Water Supplies

### 4.23.1 Policies

- (a) The Township recognizes that anywhere there are groundwater supplies for drinking water and septic tanks for sewage disposal, the potential for contamination of drinking water exists; and

**(b)** Consideration of any new development proposal, within the Township, will address the issue of whether or not new development would contaminate the existing groundwater supply, and whether or not the existing groundwater is adequate in quantity and quality to safely serve any new development. Hydrogeological studies shall be required for development applications of

greater than 5 lots or units when private water and sewage supplies are proposed.

- ~~(b)~~ (c) Prior to approving new development on the basis of individual on-site water services, Council shall be satisfied that site conditions are suitable for the long-term provision of such services.

## 4.23 Bed and Breakfast Establishments

### 4.23.1 Policies

- (a) A Bed and Breakfast Establishment is a dwelling unit in which the owner/operator who occupies the dwelling provides no more than 3 guest rooms for the temporary accommodation of the travelling or vacationing public; and
- (b) Bed and Breakfast Establishments are permitted in the Residential and Rural Area designations, provided they conform with the policies of this Plan and comply with the implementing Zoning By-law.

## 4.24 Parkland Conveyance

### 4.24.1 Policies

- (a) Under the authority of the Planning Act, Council may require, as a condition to the development or redevelopment of land for residential purposes, that 5% of the land be conveyed to the Municipality for park or other recreational purposes;
- (b) As an alternative to Policy 4.25.1(a), Council may require, as a condition to the development or redevelopment of lands for residential purposes, the cash equivalent of 5% of the land; and
- (c) Council will not accept for the purposes of the parkland conveyance land which is by reason of its topography, shape or location unsuitable for recreational purposes. Swampy land, or narrow strips adjacent to a railway or highway, shall be deemed unsuitable. Council may also reject small parcels which cannot be properly developed or maintained for public recreational use.

## 4.25 Garden Suites and One House per Lot

A garden suite is a one unit detached residential dwelling containing bathroom and kitchen facilities that is ancillary to an existing residential structure on the same lot as the principal residential unit.

### 4.25.1 Policies

- (a) A garden suite is permitted in the Residential designation and the Rural Area designation in association with a main residential use, provided that they can be adequately serviced and comply with all applicable by-laws. Garden suites are not permitted along shorelines unless the policies of **Section 4.134.134.12-Waterfront Development** have been conformed with;
- (b) With the exception of a garden suite established in accordance with this Section, and in accordance with the Zoning By-law, there shall be only one residential dwelling on one lot in all Residential zones, except in a Multiple Residential zone, and in the Rural (RU-1) zone. Only one garden suite is permitted per lot;
- (c) A garden suite is only permitted on a lot which has adequate frontage on year-round maintained public road or a private road maintained year-round and built to the municipal road construction standard; and
- (d) Second dwelling units within single-detached dwellings, semi-detached dwellings and rowhouse dwellings are permitted according to the policies of the Residential and the Rural Area land use designations (**Section 3.2 and Section 3.7**).

## 4.26 Cultural Heritage and Archaeological Resources

### 4.26.1 Policy Intent

Council recognizes the importance of conserving *built heritage resources*, *cultural heritage landscapes* and *archaeological resources*, as defined in the Provincial Policy Statement (see Appendix 1:). These resources include, but are not restricted to archaeological sites, buildings and structural remains of ~~historical and architectural~~ **cultural heritage** value **or interest**, human-made rural, village and urban districts or landscapes of historic interest.

Council intends to consult, where appropriate, with agencies when *significant cultural heritage* resources are identified and may be affected by development (e.g., cemetery or burial site). Cultural heritage resources shall include built heritage resources (buildings and structures), cultural heritage landscapes (i.e., rural and hamlet areas of historic and scenic interest) and archaeological resources which are important to the community or are recognized for their significance at a provincial or national level. In addition, *areas of archaeological potential* are acknowledged as being confirmed through archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act* by the proponent of a development application and shall be undertaken as a condition of development.

### 4.26.2 Policies

It is a policy of Council to consider cultural heritage resources as part of the development process. For the purposes of the Plan, cultural heritage resources will be divided into built resources **and cultural heritage landscapes** (i.e., buildings), and archaeological resources (i.e., cemeteries, burial sites and other sites acknowledged as significant at the local, provincial or national level).

(a) Policies for ~~Cultural Heritage~~, Built Resources and Cultural Heritage Landscapes

- i) Council will ensure that identified cultural heritage resources in the Township are managed in a manner which perpetuates their functional use while maintaining their heritage value and benefit to the community;
- ii) It is the intent of the Plan that the Township's built heritage resources be identified, conserved, and enhanced ~~where practical~~, and that all new development occur in a manner that respects the Township's cultural and built heritage. To implement this policy, Council shall:

- A. Encourage comprehensive inventories of cultural heritage resources and cultural heritage resource master plans in the Planning Area;
- B. Council shall encourage and provide for the identification, restoration protection, maintenance and enhancement of identified significant cultural heritage resources, and may utilize *Ontario Heritage Act* provisions to:

- 1. Designate properties to be of historic, ~~archaeological and/or architectural~~ cultural heritage value or interest;
- 2. Keep a municipal register of all property designated under the *Ontario Heritage Act*;
- 3. Establish a Municipal Heritage Committee to advise and assist Council on Ontario Heritage Act matters including identifying and recommending designation of properties under the Act; and
- 4. ~~Further implement the cultural heritage policies of this Official Plan; and~~
- 5. 4. The Municipal Heritage Committee may also recognize non-designated buildings of heritage value.

- C. Council shall require the submission of a Cultural Heritage Impact Statement (CHIS) to support an application for development or site alteration if the subject lands are located on or in close proximity to a site that has been identified in paragraph (a) and (b) as a property or district of ~~historical~~ cultural heritage value or interest, in order to determine what impacts the development will have on the property or district;

D. ~~Cultural Heritage Impact Statement~~ Assessment (CHIS)

Where it has been determined that a ~~Cultural Heritage Impact Statement (CHIS)~~ Assessment is required to support an application for development, a ~~CHIS~~ Heritage Impact Assessment shall be submitted in the form of a report undertaken by a qualified professional which describes the following matters:

- 1. The nature of the proposed development;
- 2. The cultural heritage resource(s) to be affected by the development;

3. The impacts posed by the development on cultural heritage resource(s); and
4. The measures, if any, which have been taken to mitigate any negative impacts of development on the cultural heritage resource(s);

Council may impose conditions on development approval which require the protection of cultural heritage resources or to implement the appropriate mitigation measures to minimize the impacts of development on cultural heritage resources, as may be determined by a ~~Cultural Heritage Impact~~ Assessment Statement (CHIS).

- ~~E. Share the identification and mapping of any cultural heritage or built heritage resources with the Ministry of Culture under a data sharing agreement;~~
- F. Encourage adaptive re-use rather than demolition as the preferred option for built heritage resources that have outlived their original use;
- G. Promote the reduction of waste from construction debris as a result of demolishing buildings, by promoting and encouraging the adaptive re-use of older and existing building stock;
- H. Encourage the conservation and enhancement of the rural character of the municipality as a cultural resource;
- I. Protect and enhance the distinguishing qualities and character of cultural heritage landscapes;
- J. For the purpose of this Plan, views from Highway 17 to Lake Huron are considered cultural heritage landscapes. The preservation of this cultural heritage landscape will be ensured through the land-use planning process; and
- K. Participate, ~~where feasible~~, in the conservation of cultural heritage resources by conserving and mitigating impacts to significant cultural heritage resources when undertaking public works.

**(b) Policies for Archaeological Resources**

Council recognizes that there may be significant archaeological resources associated with pre-contact historic settlement patterns in the Township. Archaeological resources include artefacts, archaeological sites and marine archaeological sites, identification of which is based upon fieldwork undertaken in accordance with the *Ontario Heritage Act*. In order to protect archaeological resources in the Township, it shall be a policy of Council to:

- i) Prioritize the in-situ preservation, ~~where possible~~, of archaeological resources;
- ii) Require in any proposed plan of subdivision and prior to the undertaking of any public work, private development, or consent or Zoning By-law amendment in an area with known archaeological resources or areas with archaeological potential, that consideration be given to the possible effects and impacts of such works or development on archaeological

resources and that such impacts, where identified, be appropriately mitigated;

- iii) Council shall require an archaeological ~~impact~~-assessment, survey and the preservation or rescue excavation of significant archaeological resources which might be affected in any future development, in cooperation with the Ministry of Tourism and Culture. All archaeological impact assessments and impact mitigation reports are to *be undertaken by archaeologists* licensed under the Ontario Heritage Act in compliance to guidelines set out by the Ministry of Tourism and Culture;
- iv) Consider where appropriate the passing of Archaeological Zoning By-laws under Section 34 of the *Planning Act* to be adopted for the purpose of preserving identified *significant archaeological sites*;
- v) Consult with appropriate government agencies, including the Ministry of Tourism and Culture and the Ministry of Consumer Services- Cemeteries Regulation Unit and the Ontario Provincial Police (OPP), when an identified cemetery, marked or unmarked human burial, is affected by land use *development*. Further Archaeological assessment shall be required and the provisions under the Ontario Heritage Act and the *Cemeteries Act* shall apply;
- vi) Consider undertaking an Archaeological Management Plan to conserve the Township's archaeological heritage. The Township shall consult with Serpent River First Nation and Metis peoples when developing the Terms of Reference for an Archaeological Master Plan. The objectives of the Archaeological Management Plan will be to:
  - A. Guide development away from lands that have archaeological significance;
  - B. Assist with the review of development applications;
  - C. Provide a detailed inventory of known archaeological sites and previously assessed archaeological areas;
  - D. Provided a synopsis of the prehistory and history of the Township of The North Shore;
  - E. Determine areas of archaeological potential which will be digitally mapped; and
  - F. Work with local Aboriginal peoples to develop a consultation protocol.
- vii) Share the identification and mapping of any archaeological resources with the Ministry of Culture under a data-sharing agreement;
- ~~viii) Council intends to identify and create a historic record of archaeological sites on Cranberry Bay; and~~
- viii) Take into account known *archaeological resources* and *areas of archaeological potential* when considering applications for establishing or expanding aggregate operations;
- ix) Share the identification and mapping of any cultural heritage or built heritage resources with the Ministry of Culture under a data sharing agreement;

(c) Archaeology and Waterfront Development

Council recognizes that there may be archaeological remains underneath the waterways of the Township. These marine archaeological resources may include the remains of boats, vessels, and artefacts from the contents of boats, or belongings from travellers (e.g., weapons or tools). Marine archaeological resources may include remains which are or were at one time submerged under water. When considering applications for waterfront development in the Township, it shall be the policy of Council to ensure that cultural heritage resources, both on shore and in the water, within the Township's jurisdiction, are not adversely affected. When deemed necessary, Council shall require an ~~Archaeological Impact Assessment~~ ~~assessment~~ conducted by a licensed marine archaeologist, and satisfactory measures to mitigate any negative impacts on cultural heritage or archaeological resources shall be undertaken. The Township will consult with the Ministry of Tourism and Culture and Aboriginal peoples ~~to determine the requirement for archaeological assessments~~ for development applications that may impact archaeological resources either above or beneath the surface of the Township's water bodies.



## **SECTION 5- IMPLEMENTATION AND ADMINISTRATION**

### **5.1 Council's Role in Implementation**

**5.1.1** The Official Plan shall be implemented by means of the powers conferred to Council of the Corporation of the Township of The North Shore by The Planning Act, The Municipal Act, and other statutes which may be applicable. In particular, the Plan shall be implemented through:

- (a) The preparation, adoption and enforcement of a Zoning Bylaw;
- (b) The preparation, adoption and enforcement of a Maintenance
- (c) And Occupancy Standards By-law;
- (d) Municipal capital works projects and the acquisition, development and sale of land by the municipality;
- (e) The site plan control and subdivision process;
- (f) The powers of Council; and
- (g) Participation in programs funded by senior levels of government for housing, community improvement, etc.

### **5.2 Public Sector and Private Sector**

- (a) The activities and undertakings of the Provincial and the Federal Governments and the private sector should serve to implement the policies and objectives of this Plan. It is also intended that the construction of public works within the Township shall conform to the policies of this Plan; and
- (b) Council recognizes that the use and development of Crown Land will take place in accordance with the land use and management policies of the Ministry of Natural Resources. Where a change in Crown Land use is proposed, which may directly affect the planning area and adjacent property owners, the Ministry shall have regard for the policies of this Plan. In this regard, the Ministry of Natural Resources shall consult with the municipality.

### **5.3 Zoning By-law**

- (a) Following the adoption of this Plan it is intended that the Township of The North Shore will enact a Comprehensive Zoning By-law which will implement the principles and policies of this Plan;
- (b) The Zoning By-law shall ensure that all lands within the Municipality are zoned for uses compatible with this Plan;

- (c) It is not intended to zone each area for the ultimate use as designated on the **Land Use Schedules** to this Plan.. Certain areas designated for residential, commercial or industrial uses may be zoned for the existing uses or placed in a holding zone until such areas are deemed necessary for development. They will be rezoned in an appropriate zone to permit the uses, as set forth in this Plan;
- (d) Amendments to the Zoning By-law shall be in conformity with the principles and policies of this Plan; and
- (e) Council may adopt by-laws under Section 34 (1) 3.3 of the Planning Act for prohibiting any land use activities on a site which is a significant archaeological resource.

#### **5.4 Temporary Use By-law**

- (a) Council may, in accordance with Section 39 of the Planning Act, enact Temporary Use By-laws, subject to the following policies.
  - i) Council shall enact temporary use by-laws only for uses that would not preclude the future development of land for its most appropriate use, as defined by the Official Plan;
  - ii) Council shall consult with the property owners and any other agencies or individuals who might have knowledge of conditions that might suit the development of the property, in accordance with the Official Plan, prior to enacting a Temporary Use By-law;
  - iii) Only uses, that will not create land use conflicts or disrupt the use and the development of neighbouring properties, shall be authorized by a Temporary Use By-law;
  - iv) Temporary uses may be permitted that are not otherwise permitted in the Official Plan as permanent uses, subject to the above;
  - v) A temporary use by-law may be used to permit a garden suite for a period of up to twenty years; and
  - vi) A Temporary Use By-law may be authorized for a period not to exceed 3 years. A By-law may be terminated with 60 days of notice by Council.

#### **5.5 Holding Zones**

- (a) In accordance with Section 36 of the Planning Act, Council may pass a zoning by-law which identifies a use of land but prohibits the actual development of this land until a later date when identified conditions have been met;
- (b) In enacting such by-laws, Council shall ensure that one or more of the following objectives is attained:
  - i) The appropriate phasing of development or redevelopment;
  - ii) The restriction of development until adequate services are provided;
  - iii) The implementation of policies for locations or developments which require special design features;

- iv) To ensure that the servicing and design criteria established by the municipality have been met and any required studies completed prior to removing the holding symbol;
  - v) Where a Site Plan Control Agreement is a requirement of the development process;
  - vi) To ensure that all conditions of development including financial requirements and agreements in accordance with the provision of this Plan and/or the Planning Act, have been complied with; and
  - vii) To ensure that any required studies related to the re-use or restoration of a contaminated site are completed.
- (c) The Holding provisions described under this section may apply to all undeveloped lands in the Township or where the Council considers that specific concerns may develop in respect to a particular development;
- (d) The holding provisions may be applied when the uses that will be developed in the area will be known and the principle of development has been established;
- (e) Council, at any time, may designate any zone as a holding zone by placing an "H" in conjunction with the zone symbol in order to meet one of the above mentioned objectives;
- (f) During the interim period, when the Holding zone is in place, uses permitted on the affected lands are limited to existing uses only;
- (g) Prior to the removal of the holding symbol, Council must be satisfied that the following conditions have been met:
- i) That servicing requirements for the subject lands are in place; and
  - ii) That any impacts on surrounding lands can be mitigated through the use of site plan control or other design requirements; and
  - iii) That a site plan or subdivision agreement has been signed, between the Municipality and the developer, in accordance with the policies of this Plan and the *Planning Act*.
- (h) It shall be the responsibility of the applicant requesting removal of the holding symbol to demonstrate that the conditions for the removal of the holding symbol as stated in Paragraph (g) have been satisfied.

## 5.6 Existing and Non-Conforming Uses

- (a) Where a legally existing use of land does not comply with the land use designations or the policies of this Plan, it may be recognized in the implementing zoning by-law ~~zoned in the Zoning By-law to permit the present use after due consideration and provided that:~~

- ~~i) The zoning will not permit any change of use or performance standard that may aggravate any situation detrimental to adjacent complying uses;~~
  - ~~ii) The use of land will not constitute a danger or nuisance to surrounding uses and persons by virtue of a hazardous nature, poor property conditions, traffic generation, pollution or similar characteristics and shall not interfere with the desirable development or enjoyment of an adjacent area which is in conformity with the Plan; and~~
  - ~~iii) Where the existing use is discontinued, rezoning may only take place in accordance with the policies of this Plan.~~
- (b) Where an existing use is, in one or more respects noted in the above subsection 5.6.1, incompatible, it shall be recognized as a legal non-conforming use in the Zoning By-law;
  - (c) Non-conforming uses should cease to exist in the long run and opportunities may present themselves that will enable the Municipality to achieve this;
  - (d) Council may permit an extension or enlargement of the land, building or structure of a legal non-conforming use. In evaluating applications under this section, Council shall consider the following:
    - i) The proposed extension shall not increase any nuisance already existing as a result of the use, particularly as it may affect adjacent residential uses; and
    - ii) No extension or enlargement shall create any new nuisance in addition to those already existing.
  - (e) In considering the extension or enlargement of a legal nonconforming use, Council shall assess the feasibility of acquiring the legal non-conforming property, building or structure and of holding, selling, leasing or redeveloping the property; and
  - (f) Council may permit the use of a legally non-conforming property, building or structure for a purpose similar to that of the legally nonconforming use or more compatible with the uses permitted in the By-law.

## **5.7 Building and Ministry of Transportation Permits**

- (a) Building permits shall not be issued for activities or developments which do not conform with the policies of this Plan and/or the regulations of the Zoning By-law; and
- (b) All development adjacent to Provincial Highways shall comply with the requirements of **Section 4.9.1 - Provincial Highways**.

## **5.8 Public Participation • Official Plan Amendments**

The procedure for informing and securing the views of the public, with respect to Official Plan amendments, shall follow the requirements of sub-sections 17 (15), 17(16) and 17 (17) of the *Planning Act* and the associated Regulations issued under the *Planning Act*.

## **5.9 Public Participation • Zoning By-law Amendments**

The procedure for informing and involving the public, with respect to Zoning By-laws and amendments, shall follow the requirements of sub-sections 34 (12) and (13) of the *Planning Act* and the associated Regulations issued under The Planning Act.

## **5.10 Official Plan• Amendments and Review**

- (a) No developments or activities shall occur which contravene the intent and policies of this Plan.
- (b) Developments or activities deemed beneficial to the Township, but not in conformity with the Plan, shall require an amendment to the Official Plan before proceeding.
- (c) The Official Plan shall be amended to reflect the policies of the existing Council.
- (d) The Plan shall be subject to a continual review by Council.
- (e) Whenever it is necessary to refine existing policies or amend, delete or add policies based on new information or trends, this shall be done by amendment to the Official Plan.
- (f) The Official Plan shall be subject to a formal review at least once every 5 years.
- (g) Wherever a study or further information under this Plan is required, this information shall be submitted in meeting the requirements for a complete application.

## **5.11 Minor Variances**

- (a) Council shall administer and authorize minor variances for relief from regulations of the Zoning By-law, in accordance with Section 45 of the *Planning Act*, the rules of procedure and regulations issued by the Minister under the *Planning Act*, and the policies of this Plan; and

- (b) Council may also authorize minor variances to other municipal bylaws, such as Interim Control By-laws and the Maintenance and Occupancy Standards By-law.

## 5.12 Implementing the Community Improvement Policies

The Township of The North Shore shall use all possible means to implement the Community Improvement Policies of this Plan and these shall include the following:

- (a) Participate in, and support, Federal and Provincial community improvement programs;
- (b) Use municipal authority granted under Section 28 of the *Planning Act* to designate a Community Improvement Project Area, adopt community improvement plans and acquire and redevelop land;
- (c) Encourage infill development prior to more new development;
- (d) Enforce the Maintenance and Occupancy Standards By-law;
- (e) Support historical preservation through the application of the [\*Ontario Heritage Act\*](#), where applicable;
- (f) Co-operate with school boards, service clubs, business people, industrialists, etc. to provide new facilities and efficiently use and/or refurbish existing facilities to provide new services to the community;
- (g) Encourage the rehabilitation of private buildings by advising owners of government subsidies and programs and assisting, where possible, private owners to obtain grants;
- (h) Continue to support the tourism industry and develop the tourism potential of The North Shore;
- (i) Encourage activities aimed at developing the economic viability and attractiveness of The North Shore; and
- (j) Work with the Provincial government to achieve a designation of a “Community Safety Zone” for Algoma Mills.

## 5.13 Consents to Sever Land and Subdivision of Land

- (a) The consent granting authority shall administer and authorize consents in accordance with Section 53 of the *Planning Act*, the regulations issued by the Minister under the *Planning Act*, and the policies of this Plan.
- (b) The authority responsible for the approval of subdivisions and condominium applications shall administer and authorize the approval under Section 51 of

the *Planning Act*, the regulations issued by the Minister under the *Planning Act*, and the policies of this Plan.

## 5.14 Property Maintenance and Occupancy Standards

(a) The Township is committed to the maintenance and development of The North Shore as a safe, healthy and attractive environment. Council may pass a by-law for prescribing standards for the maintenance and occupancy of property within the municipality, or within any defined area of the Municipality, and prohibiting the occupancy or use of such properties that do not conform with the standards. The By-law can also require that property that does not conform with the standards be repaired and maintained to conform with them, or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and level condition. The By-law will specify the manner in which it will be administered and enforced.

~~(b) The Property Maintenance and Occupancy Standards By-law may address the following:~~

- ~~i) The physical condition of yards and passageways, including any accumulation of debris and rubbish and discarded motor vehicles and trailers;~~
- ~~ii) The adequacy of sanitation, including drainage, waste disposal and garbage;~~
- ~~iii) The physical condition of accessory buildings;~~
- ~~iv) The physical condition of all buildings and dwellings, with particular regard to the following:~~
  - ~~A. insects and vermin;~~
  - ~~B. structural standards and appearance;~~
  - ~~C. tightness against wind weather and water;~~
  - ~~D. adequate heat, light and ventilation;~~
  - ~~E. condition of stairs;~~
  - ~~F. condition of interior walls, floors and ceilings;~~
  - ~~G. satisfactory plumbing facilities, including washroom and toilet facilities;~~
  - ~~H. condition of chimneys and exterior appurtenances;~~
  - ~~I. general cleanliness;~~
  - ~~J. adequacy of noise abatement and privacy;~~
  - ~~K. adequacy of electrical services;~~
  - ~~L. adequacy of food preparation and kitchen facilities;~~
  - ~~M. adequacy of access and egress;~~
  - ~~N. standards of living area, room sizes and occupancy;~~
  - ~~O. adequacy of fire protection and safety and warning; and~~
  - ~~P. adequacy of thermal insulation, storm windows and storm doors.~~

~~(c) After passing the above By-law, Council will appoint a Property Standards Officer and may appoint a Property Standards Committee. The appointment~~

~~and responsibilities of the Property Standards Officer and Property Standards Committee shall be in accordance with Section 31 of the *Planning Act*.~~

### **5.15 Fees**

- (a) Pursuant to Section 69 of the *Planning Act*, the Council may enact By-laws prescribing a tariff of fees for the processing of applications made in respect of planning matters.
- (b) The above By-laws shall prescribe the fees to be charged for processing applications for an amendment to the Official Plan, an amendment to the Zoning By-law, a minor variance, a Plan of Subdivision or Condominium, and for a consent to a land severance. The By-law shall also indicate the authority to which the fee is payable.

### **5.16 Interpretation of Land Use Boundaries**

It is the intention that the boundaries of the land use designations shown on the attached Schedules be considered as approximate and absolute only where bounded by public roads, rivers, streams of other similar geographical barriers. Therefore, amendments to the Plan will not be required in order to make minor adjustments to the land use boundaries, provided that the general intent of the policies is preserved. Such minor deviations will not be reflected on the Land Use Schedules.

### **5.17 Reference to Agency Names, Responsibilities, and Legislation**

- (a) Over the course of this Plan, the names of various government ministries and agencies may change. In addition, responsibilities may shift from one agency to another. The names of the various ministries responsible for the programs, regulations and approvals are given in this Plan as of the date of adoption of this Plan. This Plan should be interpreted so as to refer to those agencies named, or their successors, as conditions dictate and amendments to this Plan will not be required.
- (b) Where the policies of this Plan require consultation with government ministries for development applications under the *Planning Act*, the Township and/or applicant shall consult with the Ministry of Municipal Affairs and Housing where the Ministry is the approval authority. The Ministry of Municipal Affairs and Housing will coordinate a provincial review/response for all provincial policy interests.
- (c) Over the course of this Plan, Provincial and Federal statutes may be amended and revised and section numbers may be changed. This Plan should be interpreted so as to refer to the appropriate legislation, and section numbers, as amended. An amendment to this Plan will not be required to interpret these changes.



**Appendix 1: Provincial Policy Statement Definitions**

## Definitions from Provincial Policy Statement, 2005

**Access standards:** means methods or procedures to ensure safe vehicular and pedestrian movement, and access for the maintenance and repair of protection works, during times of flooding hazards, erosion hazards and/or other water-related hazards.

**Adjacent lands:** means

a) for the purposes of policy 2.1 of the Provincial Policy Statement, those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives; and

b) For the purposes of policy 2.6.3 of the Provincial Policy Statement, those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan.

**Adverse effects:** as defined in the Environmental Protection Act, means one or more of:

a) Impairment of the quality of the natural environment for any use that can be made of it;

b) Injury or damage to property or plant or animal life;

c) Harm or material discomfort to any person;

d) An adverse effect on the health of any person;

e) Impairment of the safety of any person;

f) Rendering any property or plant or animal life unfit for human use;

g) Loss of enjoyment of normal use of property; and

h) Interference with normal conduct of business.

**Affordable:** means

a) in the case of ownership housing, the least expensive of:

1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or

2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area;

b) in the case of rental housing, the least expensive of:

1. a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
2. a unit for which the rent is at or below the average market rent of a unit in the regional market area.

**Agricultural uses:** means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

**Agriculture-related uses:** means those farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.

**Airports:**

means all Ontario airports, including designated lands for future airports, with Noise Exposure Forecast (NEF)/Noise Exposure Projection (NEP) mapping.

**Alternative energy systems:**

means sources of energy or energy conversion processes that significantly reduce the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

**Archaeological resources:**

includes artefacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

**Areas of archaeological potential:**

means areas with the likelihood to contain archaeological resources. Criteria for determining archaeological potential are established by the Province, but municipal approaches which achieve the same objectives may also be used. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

**Areas of mineral potential:**

means areas favourable to the discovery of mineral deposits due to geology, the presence of known mineral deposits or other technical evidence.

**Areas of natural and scientific interest (ANSI):**

means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

**Areas of petroleum potential:**

means areas favourable to the discovery of petroleum resources due to geology, the presence of known petroleum resources or other technical evidence.

**Brownfield sites:**

means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

**Built heritage resources:**

means one or more significant buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through

designation or heritage conservation easement under the Ontario Heritage Act, or listed by local, provincial or federal jurisdictions.

**Coastal wetland:** means

a) any wetland that is located on one of the Great Lakes or their connecting channels (Lake St. Clair, St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers); or

b) any other wetland that is on a tributary to any of the above-specified water bodies and lies, either wholly or in part, downstream of a line located 2 kilometres upstream of the 1:100 year floodline (plus wave run-up) of the large water body to which the tributary is connected.

**Comprehensive review:** means

a) for the purposes of policies 1.1.3.9 and 1.3.2 of the Provincial Policy Statement, an official plan review which is initiated by a planning authority, or an official plan amendment which is initiated or adopted by a planning authority, which:

1. is based on a review of population and growth projections and which reflect projections and allocations by upper-tier municipalities and provincial plans, where applicable; considers alternative directions for growth; and determines how best to accommodate this growth while protecting provincial interests;
2. utilizes opportunities to accommodate projected growth through intensification and redevelopment;
3. confirms that the lands to be developed do not comprise specialty crop areas in accordance with policy 2.3.2 of the Provincial Policy Statement;
4. is integrated with planning for infrastructure and public service facilities; and
5. considers cross-jurisdictional issues.

b) for the purposes of policy 1.1.5 of the Provincial Policy Statement, means a review undertaken by a planning authority or comparable body which:

1. addresses long-term population projections, infrastructure requirements and related matters;
2. confirms that the lands to be developed do not comprise specialty crop

areas in accordance with policy 2.3.2 of the Provincial Policy Statement; and

3. considers cross-jurisdictional issues.

**Conserved:**

means the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment.

**Cultural heritage landscape:**

means a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; and villages, parks, gardens, battlefields, main streets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value.

**Defined portions of the one hundred year flood level along connecting channels:**

means those areas which are critical to the conveyance of the flows associated with the one hundred year flood level along the St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers, where development or site alteration will create flooding hazards, cause updrift and/or downdrift impacts and/or cause adverse environmental impacts.

**Deposits of mineral aggregate resources:**

means an area of identified mineral aggregate resources, as delineated in Aggregate Resource Inventory Papers or comprehensive studies prepared using evaluation procedures established by the Province for surficial and bedrock resources, as amended from time to time, that has a sufficient quantity and quality to warrant present or future extraction.

**Designated and available:**

for the purposes of policy 1.4.1(a) of the Provincial Policy Statement, means lands designated in the official plan for urban residential use. For municipalities where more detailed official

plan policies (e.g., secondary plans) are required before development applications can be considered for approval, only lands that have commenced the more detailed planning process are considered to be designated for the purposes of this definition.

**Designated growth areas:**

means lands within settlement areas designated in an official plan for growth over the long-term planning horizon provided in policy 1.1.2 of the Provincial Policy Statement, but which have not yet been fully developed. Designated growth areas include lands which are designated and available for residential growth in accordance with policy 1.4.1(a) of the Provincial Policy Statement, as well as lands required for employment and other uses.

**Designated vulnerable area:**

means areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source that may be impacted by activities or events.

**Development:**

means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act, but does not include:

- a) activities that create or maintain infrastructure authorized under an environmental assessment process;
- b) works subject to the Drainage Act; or
- c) for the purposes of policy 2.1.3(b) of the Provincial Policy Statement, underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as under the Mining Act. Instead, those matters shall be subject to policy 2.1.4(a) of the Provincial Policy Statement.

**Dynamic beach hazard:**

means areas of inherently unstable accumulations of shoreline sediments along the Great Lakes - St. Lawrence River System and large inland lakes, as identified by provincial

standards, as amended from time to time. The dynamic beach hazard limit consists of the flooding hazard limit plus a dynamic beach allowance.

**Ecological function:**

means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

**Employment area:**

means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

**Endangered species:**

means a species that is listed or categorized as an “Endangered Species” on the Ontario Ministry of Natural Resources’ official species at risk list, as updated and amended from time to time.

**Erosion hazard:**

means the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over an one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

**Fish:**

means fish, which as defined in S.2 of the Fisheries Act, c. F-14, as amended, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

**Fish habitat:**

as defined in the Fisheries Act, c. F-14, means spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out



their life processes.

**Flood fringe:**

for river, stream and small inland lake systems, means the outer portion of the flood plain between the floodway and the flooding hazard limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the floodway.

**Flood plain:**

for river stream, and small inland lake systems, means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.

**Flooding hazard:**

means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

a) Along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the one hundred year flood level plus an allowance for wave uprush and other water-related hazards;

b) Along river, stream and small inland lake systems, the flooding hazard limit is the greater of:

1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
2. the one hundred year flood; and
3. a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources;

except where the use of the one hundred year flood or the actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

**Floodproofing standard:**

means the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate flooding hazards, wave uprush and other water-related hazards along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, and flooding hazards along river, stream and small inland lake systems.

**Floodway:**

for river, stream and small inland lake systems, means the portion of the flood plain where development and site alteration would cause a danger to public health and safety or property damage.

Where the one zone concept is applied, the floodway is the entire contiguous flood plain.

Where the two zone concept is applied, the floodway is the contiguous inner portion of the flood plain, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the two zone concept applies, the outer portion of the flood plain is called the flood fringe.

**Great Lakes - St. Lawrence River System:**

means the major water system consisting of Lakes Superior, Huron, St. Clair, Erie and Ontario and their connecting channels, and the St. Lawrence River within the boundaries of the Province of Ontario.

**Ground water feature:**

refers to water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeological investigations.

**Hazardous lands:**

means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the Great Lakes - St. Lawrence River System, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

**Hazardous sites:**

means property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

**Hazardous substances:**

means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

**Heritage attributes:**

means the principal features, characteristics, context and appearance that contribute to the cultural heritage significance of a protected heritage property.

**Hydrologic function:**

means the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

**Individual on-site sewage services:**

means individual, autonomous sewage disposal systems within the meaning of s.8.1.2, O.Reg. 403/97, under the Building Code Act, 1992 that are owned, operated and managed by the owner of the property upon which the system is located.

**Individual on-site water services:**

means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

**Infrastructure:**

means physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, waste management systems, electric power generation and transmission, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

**Intensification:**

means the development of a property, site or area at a higher density than currently exists through: redevelopment, including the reuse of brownfield sites; the development of vacant and/or underutilized lots within previously developed areas; infill development; and the expansion or conversion of existing buildings.

**Large inland lakes:** means those waterbodies having a surface area of equal to or greater than 100 square kilometres where there is not a measurable or predictable response to a single runoff event.

**Legal or technical reasons:**

for the purposes of policy 2.3.4.2 of the Provincial Policy Statement, means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

**Low and moderate income households:** means

- a) in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the regional market area; or
- b) in the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the regional market area.

**Mine hazard:**

means any feature of a mine as defined under the Mining Act, or any related disturbance of the ground that has not been rehabilitated.

**Minerals:**

means metallic minerals and non-metallic minerals as herein defined, but does not include mineral aggregate resources or petroleum resources. Metallic minerals means those minerals from which metals (e.g. copper, nickel, gold) are derived. Non-metallic minerals means those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal. They are generally synonymous with industrial minerals (e.g. asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite).

**Mineral aggregate operation:**

means lands under license or permit, other than for wayside pits and quarries, issued in accordance with the Aggregate Resources Act, or successors thereto; for lands not designated under the Aggregate Resources Act, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

**Mineral aggregate resources:**

means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act.

**Mineral deposits:**

means areas of identified minerals that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction.

**Mineral mining operation:**

means mining operations and associated facilities, or, past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use.

**Minimum distance separation formulae:**

means formulae developed by the Province to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

**Multi-modal transportation system:**

means a transportation system which may include several forms of transportation such as automobiles, walking, trucks, cycling, buses, rapid transit, rail (such as commuter and freight), air and marine.

**Municipal sewage services:**

means a sewage works within the meaning of Section 1 of the Ontario Water Resources Act that is owned or operated by a municipality.

**Municipal water services:**

means a municipal drinking-water system within the meaning of Section 2 of the Safe Drinking Water Act, 2002.

**Natural heritage features and areas:**

means features and areas, including significant wetlands, significant coastal wetlands, fish habitat, significant woodlands south and east of the Canadian Shield, significant valleylands south and east of the Canadian Shield, significant habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

**Natural heritage system:**

means a system made up of natural heritage features and areas, linked by natural corridors which are necessary to maintain biological and geological diversity, natural functions, viable

populations of indigenous species and ecosystems. These systems can include lands that have been restored and areas with the potential to be restored to a natural state.

**Negative impacts:** means

a) in regard to policy 2.2, degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities;

b) in regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act, using the guiding principle of no net loss of productive capacity; and

c) in regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.

**Normal farm practices:**

means a practice, as defined in the Farming and Food Production Protection Act, 1998, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the Nutrient Management Act, 2002 and regulations made under that Act.

**Oil, gas and salt hazards:**

means any feature of a well or work as defined under the Oil, Gas and Salt Resources Act, or any related disturbance of the ground that has not been rehabilitated.

**One hundred year flood:**

for river, stream and small inland lake systems, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

**One hundred year flood level:** means

- a) for the shorelines of the Great Lakes, the peak instantaneous stillwater level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equalled or exceeded in any given year;
- b) in the connecting channels (St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers), the peak instantaneous stillwater level which has a 1% chance of being equalled or exceeded in any given year; and
- c) for large inland lakes, lake levels and wind setups that have a 1% chance of being equalled or exceeded in any given year, except that, where sufficient water level records do not exist, the one hundred year flood level is based on the highest known water level and wind setups.

**Other water-related hazards:**

means water-associated phenomena other than flooding hazards and wave uprush which act on shorelines. This includes, but is not limited to ship-generated waves, ice piling and ice jamming.

**Partial services: means**

- a) municipal sewage services or private communal sewage services and individual on-site water services; or
- b) municipal water services or private communal water services and individual on-site sewage services.

**Petroleum resource operations:**

means oil, gas and brine wells, and associated facilities, oil field brine disposal wells and associated facilities, and facilities for the underground storage of natural gas and other hydrocarbons.

**Petroleum resources:**

means oil, gas, and brine resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage for natural gas or other hydrocarbons.

**Planned corridors:**



means corridors identified through provincial plans or preferred alignment(s) determined through the Environmental Assessment Act process which are required to meet projected needs.

**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; and

b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

**Portable concrete plant:** means a building or structure

a) with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and b) which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

**Prime agricultural area:**

means areas where prime agricultural lands predominate. This includes: areas of prime agricultural lands and associated Canada Land Inventory Class 4-7 soils; and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by the Ontario Ministry of Agriculture and Food using evaluation procedures established by the Province as amended from time to time, or may also be identified through an alternative agricultural land evaluation system approved by the Province.

**Prime agricultural land:**

means land that includes specialty crop areas and/or Canada Land Inventory Classes 1, 2, and 3 soils, in this order of priority for protection.

**Private communal sewage services:**

means a sewage works within the meaning of Section 1 of the Ontario Water Resources Act that serves six or more lots or private residences and is not owned by a municipality.

**Private communal water services:**

means a non-municipal drinking water system within the meaning of Section 2 of the Safe Drinking Water Act, 2002 that serves six or more lots or private residences.

**Protected heritage property:**

means real property designated under Parts IV, V or VI of the Ontario Heritage Act; heritage conservation easement property under Parts II or IV of the Ontario Heritage Act; and property that is the subject of a covenant or agreement between the owner of a property and a conservation body or level of government, registered on title and executed with the primary purpose of preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss.

**Protection works standards:**

means the combination of non-structural or structural works and allowances for slope stability and flooding/erosion to reduce the damage caused by flooding hazards, erosion hazards and other water-related hazards, and to allow access for their maintenance and repair.

**Provincial and federal requirements:** means

a) in regard to policy 1.8.3, legislation and policies administered by the federal or provincial governments for the purpose of protecting the environment from potential impacts associated with energy facilities and ensuring that the necessary approvals are obtained; and

b) in regard to policy 2.1.5 of the Provincial Policy Statement, legislation and policies administered by the federal or provincial governments for the purpose of the protection of fish and fish habitat, and related, scientifically established standards such as water quality criteria for protecting lake trout populations.

**Provincial plan:**

means a plan approved by the Lieutenant Governor in Council or the Minister of Municipal Affairs and Housing, but does not include municipal official plans.

**Public service facilities:**

means land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. Public service facilities do not include infrastructure.

**Quality and quantity of water:**

is measured by indicators such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime.

**Recreation:**

means leisure time activity undertaken in built or natural settings for purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential.

**Redevelopment:**

means the creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.

**Regional market area:**

refers to an area, generally broader than a lower-tier municipality, that has a high degree of social and economic interaction. In southern Ontario, the upper or single-tier municipality will normally serve as the regional market area. Where a regional market area extends significantly beyond upper or single-tier boundaries, it may include a combination of upper, single and/or lower-tier municipalities.

**Renewable energy systems:**

means the production of electrical power from an energy source that is renewed by natural processes including, but not limited to, wind, water, a biomass resource or product, or solar and geothermal energy.

**Reserve sewage system capacity:**

means design or planned capacity in a centralized waste water treatment facility which is not yet committed to existing or approved development. For the purposes of policy 1.6.4.1(e) of the Provincial Policy Statement, reserve capacity for private communal sewage services and individual on-site sewage services is considered sufficient if the hauled sewage from the development can be treated or disposed of at sites approved under the Environmental Protection Act or the Ontario Water Resources Act, but not by land-applying untreated, hauled sewage.

**Reserve water system capacity:**

means design or planned capacity in a centralized water treatment facility which is not yet committed to existing or approved development.

**Residence surplus to a farming operation:**

means an existing farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

**Residential intensification:**

means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) redevelopment, including the redevelopment of brownfield sites;
- b) the development of vacant or underutilized lots within previously developed areas;
- c) infill development; the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- d) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suites and rooming houses.

**River, stream and small inland lake systems:**

means all watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event.

**Rural areas:**

means lands in the rural area which are located outside settlement areas and which are outside prime agricultural areas.

**Secondary uses:**

means uses secondary to the principal use of the property, including but not limited to, home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property.

**Sensitive:** in regard to surface water features and ground water features, means areas that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

**Sensitive land uses:**

means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

**Settlement areas:** means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:

- a) built up areas where development is concentrated and which have a mix of land uses; and
- b) lands which have been designated in an official plan for development over the long term planning horizon provided for in policy 1.1.2 of the Provincial Policy Statement. In cases where land in designated growth areas is not available, the settlement area may be no larger than the area where development is concentrated.

**Sewage and water services:**

includes municipal sewage services and municipal water services, private communal sewage services and private communal water services, individual on-site sewage services and individual on-site water services, and partial services.

**Significant:** means

a) in regard to wetlands, coastal wetlands and areas of natural and scientific interest, an area identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time;

b) in regard to the habitat of endangered species and threatened species, means the habitat, as approved by the Ontario Ministry of Natural Resources, that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of endangered species or threatened species, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle;

c) in regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history;

d) in regard to other features and areas in policy 2.1 of the Provincial Policy Statement, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system;

e) in regard to mineral potential, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index;

f) in regard to potential for petroleum resources, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time; and

g) in regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people.

Criteria for determining significance for the resources identified in sections (c)-(g) are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

**Site alteration:**

means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

For the purposes of policy 2.1.3(b) of the Provincial Policy Statement, site alteration does not include underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as in the Mining Act. Instead, those matters shall be subject to policy 2.1.4(a) of the Provincial Policy Statement.

**Special needs:**

means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may include, but are not limited to, housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for the elderly.

**Special policy area:**

means an area within a community that has historically existed in the flood plain and where site-specific policies, approved by both the Ministers of Natural Resources and Municipal Affairs and Housing, are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning development. The criteria and procedures for approval are established by the Province.

A Special Policy Area is not intended to allow for new or intensified development and site alteration, if a community has feasible opportunities for development outside the flood plain.

**Specialty crop area:**

means areas designated using evaluation procedures established by the province, as amended from time to time, where specialty crops such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil lands are predominantly grown, usually resulting from:

a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both; and/or

b) a combination of farmers skilled in the production of specialty crops, and of capital investment in related facilities and services to produce, store, or process specialty crops.

**Surface water feature:**

refers to water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

**Threatened species:**

means a species that is listed or categorized as a "Threatened Species" on the Ontario Ministry of Natural Resources' official species at risk list, as updated and amended from time to time.

**Transportation systems:**

means a system consisting of corridors and rights-of way for the movement of people and goods, and associated transportation facilities including transit stops and stations, cycle lanes, bus lanes, high occupancy vehicle lanes, rail facilities, park'n'ride lots, service centres, rest stops, vehicle inspection stations, intermodal terminals, harbours, and associated facilities such as storage and maintenance.

**Valleylands:**

means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

**Vulnerable:**

means surface and groundwater that can be easily changed or impacted by activities or events, either by virtue of their vicinity to such activities or events or by permissive pathways between such activities and the surface and/or groundwater.

**Waste management system:**



means sites and facilities to accommodate solid waste from one or more municipalities and includes landfill sites, recycling facilities, transfer stations, processing sites and hazardous waste depots.

**Watershed:**

means an area that is drained by a river and its tributaries.

**Wave uprush:**

means the rush of water up onto a shoreline or structure following the breaking of a wave; the limit of wave uprush is the point of furthest landward rush of water onto the shoreline.

**Wayside pits and quarries:**

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

**Wetlands:**

means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

**Wildlife habitat:**

means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

**Woodlands:**

means treed areas that provide environmental and economic benefits to both the private

landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels.

**Appendix 2: Vacant Lands**