



OFFICIAL PLAN

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PART 1: GENERAL

1.1 TITLE AND COMPONENTS

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

1.1.2 The text of this plan and Schedules 'A' - Land Use & Transportation, Schedule 'B' - Natural Heritage, Other Features, Natural Resources and Hazard Areas constitute the Official Plan of the Township. Appendix 'A' - Source Protection Features and Appendix 'B' - Wildland Fire are provided for reference and assist in interpretation of the Plan. The Appendices can be changed without the need for an Amendment.

1.2 PURPOSE AND EFFECT

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

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

1.2.3 The authority to prepare this Official plan is assigned directly to Council. Once the Plan has been approved by the Minister of Municipal Affairs, all municipal, planning authority and Planning Board decisions must conform to the Plan.

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

1.3 BASIS OF THE PLAN

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

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

- 1.3.9 For secondary commercial activities, residents living in the Township tend to use Callander or North Bay as their preferred destination. Other residents frequent Powassan for services related uses.
- 1.3.10 The Township has a relatively large percentage of its population over the age of 50 as compared with provincial averages.
- 1.3.11 Portions of the Township have inherent constraints to development such as hazard land, bedrock outcropping, wetlands, environmentally sensitive areas, the development capacity of waterbodies and good agricultural land.
- 1.3.12 This Official Plan recognizes that the North Almaguin Planning Board has the authority to grant consents and the authority for subdivision approval in the Township. Condominium applications are also approved by the Planning Board.
- 1.3.13 This Official Plan is based on the Township's first Official Plan. This Official Plan introduces changes in policy - from that outlined in the previous Official Plan - which are reflective of Council's present goals and objectives. This Official Plan also adds policies that are consistent with Provincial Policy Statement and other matters of provincial interest.

1.4 GOALS OF THE PLAN

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

- 1.4.1 To preserve and enhance those attributes that have established the quality and character of the Township, and maintain the rural atmosphere that prevails.
- 1.4.2 To promote a logical, orderly, economic and attractive pattern of development in the Township, and ensure compatibility between land uses.

- 1.4.3 To focus growth to the Settlement Areas of Nipissing, Commanda, and Sunset Cove by encouraging new residential, commercial and industrial development to locate in these communities.
- 1.4.4 To control municipal expenses by limiting development that will place an undue financial burden on the Township.
- 1.4.5 To strengthen and diversify the Township economy and the growth of local employment opportunities through the development of commercial, highway commercial and tourist commercial facilities and through the establishment of industry suitable for the Township.
- 1.4.6 To provide municipal services and facilities within the Township's financial capabilities.
- 1.4.7 To provide an overall frame of reference to guide the future growth and maintenance of the planning area. Furthermore, to reduce uncertainty with respect to future development or redevelopment by establishing a broad land-use pattern and development policies to be followed.
- 1.4.8 To provide the opportunity to increase the housing supply through residential intensification. Residential intensification includes infilling, conversions and redevelopment, and will be encouraged in areas designated as Settlement Areas as a means of increasing the supply of the range and mix of housing types in accordance with the Provincial Policy Statement.
- 1.4.9 To preserve and protect important natural features, sensitive areas and processes from incompatible land uses and activities.
- 1.4.10 To continue to consult with neighbouring municipalities on major planning issues and development proposals which have an effect or impact on those municipalities.
- 1.4.11 To establish a framework for the preparation of a municipal Zoning By-law.
- 1.4.12 To encourage and provide the means for public participation in municipal planning.
- 1.4.13 To ensure that new developments or redevelopments are conducted in an environmentally sound and acceptable manner.

- 1.4.14 To identify and protect as much of the township's agricultural, forestry and aggregate resources as is practical from incompatible land uses and activities and to ensure that the production and provision of such resources is carried out to ensure sustainable development with minimal social and environmental cost.
- 1.4.15 To cooperate with the Ministry of Natural Resources and Forestry to maximize benefits from the planning, management, and use of Crown Lands within the Township, including South Bay Provincial Park, and to discourage incompatible adjacent land uses and activities.
- 1.4.16 To prevent loss of life, to minimize property damage and social disruption by directing development away from flooding hazards, erosion hazards and other hazardous sites.
- 1.4.17 To protect lake and riparian ecosystems by encouraging the retention of shoreline areas in as natural a state as possible.
- 1.4.18 To protect and maintain, enhance, surface and groundwater resources in sufficient quality and quantity to meet existing and future uses on a sustainable basis.

PART 2: LAND USE DESIGNATIONS

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

2.1 AGRICULTURAL

2.1.1 General

The Agricultural designation recognizes areas of agricultural lands. These areas have been identified based on the Canada Land Inventory Soil Classification System and represent lands that are predominantly Class 1-3 soils. These areas, shall be protected for long-term use for agriculture.

2.1.2 Permitted Uses

In the Agricultural designation, permitted uses and activities include:

- (a) Single unit and two unit dwellings (including secondary units);
- (b) Agricultural uses;
- (c) Agriculture-related uses; and,
- (d) On-farm diversified uses.

2.1.3 Development Policies

2.1.3.1 Lot Creation

Lot creation in the Agricultural designation is only permitted for:

- (a) Agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations.

- (b) Agriculture related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services.
- (c) A residence surplus to a farming operation as a result of farm consolidation, provided that the Township ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance through a Zoning By-law Amendment.
- (d) Infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

2.1.3.2 **Lot Adjustments**

Lot adjustments in Agricultural areas may be permitted for legal or technical reasons.

2.1.3.3 **Removal of Land from the Agricultural Designation**

The removal of land from the Agricultural Designation may only be permitted if it is demonstrated by a soil analysis carried out by a qualified professional that the soils are not capable of supporting the growing of crops or raising of livestock or other animals for food, fur or fibre.

2.1.3.4 **Agriculture-Related, On-Farm Diversified Uses**

Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder surrounding agricultural operations and be limited in scale.

On-farm diversified uses are to be secondary to the principal agricultural use of the property.

2.2 RURAL

2.2.1 **General**

It is the general intent of this Plan that future development in the Rural designation be confined to uses that will not lead to a demand for urban services, and to limit the spread of strip development along the major roads and highways of the Township. Furthermore, it is the intent of this Plan to preserve land having a potential for agricultural activities and protect environmentally sensitive and potential natural resource production areas.

2.2.2 **Permitted Uses**

Permitted uses within the Rural designation shown on Schedule 'A' include:

- (a) Single and two unit dwellings (including secondary units);
- (b) Commercial uses;
- (c) Industrial uses;
- (d) Waste disposal sites;
- (e) Low density uses such as private clubs and public or private recreational uses characterized by large areas of open space;
- (f) Pits;
- (g) Hunt camps;
- (h) Mining operations;
- (i) Forestry uses;
- (j) Bed and breakfast establishments; and,
- (k) Agricultural uses, agricultural-related uses and on-farm diversified uses.

2.2.3 **Development Policies**

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

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

- (a) The lot is a lot of record or separate parcel existing at the time of adoption of this plan; or
- (b) The lot and proposed dwelling comply with the consent Policies of Section 6.7.4 and 6.7.5; or
- (c) The lot is developed in accordance with the rural subdivision policies of Subsection 2.1.5.

2.2.4 **Protection of Agricultural Land**

2.2.4.1 The protection and enhancement of agricultural areas and lands exhibiting ongoing agricultural activity will be encouraged.

2.2.5 **Rural Subdivision**

2.2.5.1 It is the intent of this Plan to encourage new residential development to locate primarily within the Settlement Areas, and secondarily as infilling within existing "*built-up areas*", and "*waterfront areas*". Limited new residential subdivisions, however, may establish outside of these areas in accordance with the policies of this Plan, and subject to the following:

- (a) A justification report which addresses the need for the development, in light of projected demand and available opportunities for development within the Settlement Areas, "*built-up areas*" and "*waterfront areas*";
- (b) An Official Plan Amendment; and
- (c) A Zoning By-law Amendment.

- 2.2.5.2 The Zoning By-law that implements this Official Plan shall provide for an Estate Residential Zone. The uses of land in the Estate Residential Zone shall include permanent single unit and two unit dwellings (secondary units), and neighbourhood park facilities.
- 2.2.5.3 In determining the location of proposed rural subdivision development, Council shall consider:
- (a) The proximity of the development to major roads;
 - (b) The proximity of the development to community facilities, schools and other services;
 - (c) The proximity of development to existing built up areas, hamlets or waterfront areas;
 - (d) The impact of the proposed development on the financial and environmental resources of the Township; and
 - (e) The cumulative impact of rural residential development on the financial and environmental resources of the Township.
- 2.2.5.4 Rural Subdivision development shall occur in accordance with the following policies:
- (a) New estate lot subdivisions shall contain lots with a minimum lot area of 8,000 square metres and a minimum frontage of 60 metres;
 - (b) All lots shall front on to and have access from a public road which is maintained on a year round basis by a public authority;
 - (c) Such development shall not infringe on lands with a potential for mineral aggregate or agricultural production or have significant negative impacts on areas of forestry production, recreational uses or environmentally sensitive areas and shall comply with the Minimum Distance Separation criteria as amended from time to time;
 - (d) All applications for new development shall be accompanied by the supporting studies that are deemed to be appropriate through preconsultation or required by the policies of this Plan;

- (e) road rights-of-way as part of a Plan of Subdivision shall be set back from existing and planned corridors to the satisfaction of the Ministry of Transportation.

2.2.6 **Commercial**

2.2.6.1 **Permitted Uses**

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

- (a) Farm implement dealers and agricultural service uses;
- (b) Automobile service stations;
- (c) Private clubs;
- (d) Tourist commercial uses;
- (e) An accessory dwelling unit for the resident owner/operator either as single unit detached dwelling or in the second story of the commercial use (except for automobile service stations).

2.2.6.2 **Rural Commercial Policies**

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

Such uses may be permitted provided that:

- (a) They primarily serve the needs of the rural area or the travelling public;
- (b) Lighting poles and other surface utilities shall be carefully sited and advertisements shall be in keeping with good design and highway safety practices in order to maintain the appearance and safety of the area;

- (c) Adequate off-street parking and off-street loading facilities shall be provided;
- (d) Adequate buffering shall be provided between the proposed commercial use and any adjacent residential uses. Such buffering in the form of a strip of land shall be devoted to no other purpose than landscaping;
- (e) An adequate supply of potable water and an acceptable method of sewage disposal can be provided in accordance with the policies of Section 3.4;
- (f) They have frontage on a public road which is maintained on a year round basis by a public authority;
- (g) Access points to and from the road shall be limited in number; and
- (h) Environmentally sensitive and resource production areas are not adversely affected.

2.2.7 **Industrial**

2.1.7.1 **Permitted Uses**

Certain industrial uses which do not require the provision of municipal urban services and which are compatible with existing rural uses and are related to and support rural uses are permitted. Such uses may include but shall not be limited to the following:

- (a) Servicing of agricultural and forestry equipment;
- (b) Sawmills;
- (c) Contractors storage yard;
- (d) An accessory dwelling unit for the resident owner/operator either as a single unit detached dwelling or in the second story of the industrial building.

2.2.7.2

Rural Industrial Policies

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

Such uses may be permitted provided that:

- (a) It shall be clearly demonstrated to the satisfaction of the Township that a rural rather than an urban location is necessary for the industrial operation;
- (b) Adequate off-street parking shall be provided on any industrial site for employees and visitors;
- (c) Any proposed industrial development shall not infringe upon lands with the potential for mineral aggregate, forestry, agricultural production and/or recreational development nor adversely affect environmentally sensitive areas;
- (d) The proposed industrial use shall conform with MOECC's Land Use Compatibility Guidelines;
- (e) All industrial sites shall front on a public road which is maintained on a year round basis by a public authority and shall have a limited number of openings for vehicle exits and entrances;
- (f) An adequate supply of potable water and an acceptable method of sewage disposal can be provided. Only low water industrial uses shall be permitted. For the purposes of this Section, low water usage shall be defined as 50,000 litres per day or less, but the following also applies for various assessment and approvals:
 - (i) For industrial uses that have subsurface sewage disposal systems of greater than 10,000 litres per day, a Environmental Compliance Approval from MOECC will be required. For subsurface sewage disposal systems of 10,000 litres per day or less, a Building Code Act permit is required from the appropriate approval body.

- (g) New Industrial Uses that will require more than 50,000 litres per day shall require an Amendment to this Plan and the Zoning By-law as well as a Permit to Take Water under the Ontario Water Resources Act.
- (h) The amenity of the surrounding rural area is adequately protected;
- (i) Adequate open space is provided around any industrial use so that a buffer of trees, shrubs or fencing is provided; and,
- (j) Limited retail sales of products manufactured on the same premises may be permitted as an ancillary use.

2.2.8 Waste Disposal Sites

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

- (a) The requirements of the MOECC and other public agencies authorized to grant approvals or comment respecting solid waste disposal facilities shall be met;
- (b) Adequate environmental protection and protection from sight, noise and dust, etc. is given to all adjacent uses; and,
- (c) They are located so as to provide adequate protection to residents against any adverse environmental effects, as determined by the MOECC D-4 Guideline: Land Use On or Near Landfills and Dumps.
- (d) The appropriate environmental assessment process, prescribed under Ontario Regulation 101/07, is undertaken.

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

2.2.9

Recreational

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

- (a) Regard shall be had to the potential impact of the proposal on adjacent land uses and the environment;
- (b) An adequate supply of potable water and an acceptable method of sewage disposal can be provided;
- (c) Any proposed recreational development shall not infringe upon lands with the potential for mineral aggregate, forestry and/or agricultural production, nor adversely affect environmentally sensitive areas;
- (d) Adequate automobile parking areas shall be established and access points to parking areas shall be designed in such a manner that they will minimize the impact to vehicular and pedestrian traffic; and,
- (e) All recreational uses permitted in the Rural Designation shall not require the undue extension of existing rural collector roads nor the construction of any new rural collector roads. The development of private recreational facilities which require the construction or maintenance of additional public local roads shall in no way place a financial burden on the Township.

2.2.10

Hunt Camps

Hunt camps which are used only as a temporary base for hunting may be permitted by Zoning By-law Amendment and the lot must meet the following criteria:

- a) The lot must be a minimum of 20 hectares in size to ensure that there is a sufficient area for hunting;

- b) The camp must be setback an appropriate distance from an open public road allowance to ensure that the Hunt Camp is adequately screened from the open public road allowance;
- c) The maximum size of the hunt camp shall be restricted to ensure that the building is only used for temporary occupancy during the hunting season(s);
- d) The lot is not required to have frontage on a public road; and,
- e) The building drawings are submitted to the Township.

2.2.11 Mining Operations

Legally existing mining operations (mineral exploration and mineral production) shall be recognized and placed in a separate zoning category in the implementing Zoning By-law. The expansion of existing mining operations or the establishment of new operations may be permitted in areas designated Rural through the process of rezoning. In considering such applications Council shall, in consultation with the MNDM and/or the MOECC, assess the impact of the proposal on adjacent land uses and the environment.

2.3 SETTLEMENT AREA

2.3.1 General

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

2.3.1.1 Permitted Uses

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

- (a) Low density residential uses (single unit and two unit dwellings including secondary units);
- (b) Commercial uses;

- (c) Institutional and public uses such as schools, places of worship, community centres, public buildings, and cemeteries;
- (d) Recreational uses of an active or passive nature by either public or private persons or agencies such as playgrounds, conservation areas, parks and open space;
- (e) Limited agricultural uses provided that such uses do not interfere with the desirable residential development in the Settlement Area; and
- (f) Bed and breakfast establishments.

2.3.2 Settlement Area Residential

2.3.2.1 General

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

- (a) The lot is an existing lot of record or separate parcel existing at the time of adoption of this Plan; or
- (b) The lot and proposed dwelling comply with the consent policies of Section 6.7.4 & 6.7.5; or
- (c) The lot is developed by registered plan of subdivision in accordance with the policies contained in Section 2.3.2.2.

2.3.2.2 Plans of Subdivision

The general principles to be considered for new residential subdivisions within the Settlement Area designation include:

- (a) Development shall be encouraged in depth rather than strips along the main roads. Provisions shall be made in appropriate locations to leave access from the main road to a second or third tier of lots behind the existing development;

- (b) Lots having an average lot area under 1.0 hectares should not be permitted unless it is demonstrated by a hydrogeological study that a smaller lot area can be safely serviced with private individual sewer and water;
- (c) Lot sizes for new residential development should generally not be less than 0.4 hectares with a minimum lot frontage of 60 metres where such development is to be serviced by individual private water and sewage systems;
- (d) All applications for new development shall be accompanied by the supporting studies that are deemed to be appropriate through preconsultation or required by the policies of this Plan.; and
- (e) Road rights-of-way as part of a Plan of Subdivision shall be set back from existing and planned corridors to the satisfaction of the Ministry of Transportation.

2.3.3 **Settlement Area Commercial**

2.3.3.1 **Settlement Area Commercial Permitted Uses**

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

2.3.3.2 **Settlement Area Commercial Policies**

- (a) Such uses do not significantly interfere with the desirable residential development in the Settlement Area;
- (b) Adequate automobile parking areas shall be established for the convenience of the people using such commercial areas;
- (c) Adequate buffering or screening is provided to protect existing residential uses;
- (d) An adequate supply of potable water and an acceptable method of sewage disposal can be provided, and

- (e) Adequate buffering or screening is provided to reduce any potential negative impacts on residential uses.

2.4 SHORELINE AREAS

2.4.1 **General**

Shoreline Areas are those lands that physically and functionally relate to the shorelines of Lake Nipissing and the smaller inland lakes in the Township. These areas are shown generally on Schedule A.

2.4.2 **Permitted Uses**

Permitted uses within the Shoreline designation shown on Schedule 'A' include:

- (a) Single unit dwelling;
- (b) Tourist commercial uses;
- (c) Existing marine commercial uses.

2.4.3 **Shoreline Area Development Policies**

2.4.3.1 Development in Shoreline Areas shall occur primarily as a single tier of development adjacent to the shoreline.

2.4.3.2 No development shall be permitted which would result in a waterbody being developed to a point of being over capacity from a recreational water quality perspective. When reviewing development proposals Council shall ensure the protection, improvement or restoration of the water quality and quantity, including:

- (a) Achieving the goal of maintaining the quality of lake water to protect fish habitat, water clarity and water quality.

- 2.4.3.3 Should development be proposed which may bring a lake near the estimated capacity, Council and/or the approval authority shall only consider such a proposal after the developer has submitted an impact report with appropriate lake modelling prepared by a qualified professional that provides evidence to Council or the approval authority that the development will not adversely affect the lake quality. Council may retain independent experts to provide a peer review of technical reports submitted in support of any application at the cost to the developer or proponent.
- 2.4.3.4 The shoreline of lakes that have been determined to be over capacity by the Province or identified through modelling prepared in support of development applications, shall not be subject to further lot creation (by consent or subdivision) or more intensive uses unless it can be demonstrated to the satisfaction of Council that such development will not result in increased impacts on the water quality of the lake.
- 2.4.3.5 In the case of lakes at or near their capacity to sustain additional development, lot creation and land use changes which would result in a more intensive use will not be permitted except under one of the following special circumstances:
- (a) The tile fields on each new lot are set back at least 300 metres from the shoreline of the lake, or such that drainage from the tile fields would flow at least 300 metres to the lake;
 - (b) The tile fields on each new lot are located such that they would drain into the drainage basin of another waterbody, which is not at capacity and does not flow into the waterbody that is at capacity;
 - (c) To separate existing, habitable dwellings which were included in the original capacity calculation, each having a separate septic system, provided that the land use would not change.
- 2.4.3.6 In order to protect and preserve water quality, all new shoreline development shall be subject to the following:
- (a) A vegetative buffer of 30 metres of natural vegetation shall be maintained between the shoreline and any development on the lot. This vegetative buffer shall only be interrupted for a pathway not to exceed 4 metres in width to provide access to the water;

- (b) Septic systems that use in-ground weeping tiles shall utilize sands that at certain depths and composition have been tested to reduce phosphate; and
- (c) New development and existing uses undergoing major renovations shall be subject to site plan control under Section 41 of the Planning Act.

2.4.4 **Backlot Development**

Backlot or second tier strip development adjacent to waterfront areas shall be strongly discouraged and, shall only be considered as rural estate subdivisions subject to the rural subdivision policies of this Plan. All proposals for backlot development adjacent to waterfront areas around Ruth Lake will require an amendment to the Official Plan. Where such development is considered, the applicant shall demonstrate to the satisfaction of the Township that adequate public access to the waterbody can be provided. Waterfront areas shall be those lands that physically and functionally relate to the shorelines of Lake Nipissing and the smaller inland lakes in the Township..

2.4.5 **Residential Development**

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

2.4.5.2 Shoreline lots on a waterbody, that do not have the ability to be accessed by land either via a Provincial Highway, Municipal Road or Private Road shall be considered to be water access for the purpose of this Official Plan

2.4.6 **Bed and Breakfast Establishments**

2.4.6.1 The Zoning By-law shall not permit bed and breakfast establishments in Zones within the Shoreline Designation. Where a bed and breakfast is proposed through rezoning in the Shoreline designation, consideration shall be had to the character of the area, access to the site, and ability to appropriately service the proposed use.

2.4.7 **Commercial Development**

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

- (a) A tent site;
- (b) A trailer site;
- (c) A rental cabin or rental cottage;
- (d) A room or suite in a hotel, motel or lodge.

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

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

2.4.8 **Zoning By-law**

2.4.8.1 The Zoning By-law shall provide for a Shoreline Residential Zone to those lands that physically and functionally relate to the shorelines of Lake Nipissing and the smaller inland lakes in the Township. This zone shall recognize existing residential uses and provide for infilling and further development subject to the policies in this Plan. Commercial uses shall be placed in a separate zone.

2.4.8.2 In addition, the Zoning By-law will identify a Limited Service Residential Zone where the township does not provide road maintenance and, as a result, emergency services and other services requiring access to the lands may be limited.

2.4.8.3 The Zoning By-law shall not distinguish between year round and permanent occupancy permissions within the Shoreline Residential Zone or the Limited Service Residential Zone. These zones shall be utilized to identify the location of shoreline lots that do not have access to a year round publicly maintained road.

2.5 ENVIRONMENTAL PROTECTION

2.5.1 The Environmental Protection designation includes land and water areas containing natural features or ecological functions of Provincial and local significance as identified by the Province or Township. These areas have been identified with the purpose of protecting identified Provincially Significant Wetlands and other wetlands. General policies regarding other natural heritage features are found in Part 5 – Natural Heritage Features.

2.5.2 **Permitted Uses**

The following uses may be permitted, in accordance with the other policies of this Plan:

- (a) Passive recreational uses, such as nature viewing and pedestrian trail activities;
- (b) Forestry and resource management uses where it is demonstrated there will be no negative impacts on the natural features and functions of the area. Where the feature is a Significant Wetland, no site alteration is permitted;
- (c) Watershed management and flood and erosion control projects carried out or supervised by a public agency;
- (d) Archaeological conservation; and
- (e) Continuation of agricultural use in existence prior to the date of adoption of this Official Plan.

2.5.3 **General Policies**

2.5.3.1 Development and site alteration is not permitted within some Provincially Significant Features, and may only be permitted within other Provincially Significant Natural Features if it has been demonstrated there will be “no negative impacts on the Natural Feature or its Ecological Function”.

2.5.3.1 It is the policy of this Plan to restrict the alteration of the physical and/or biological features of lands designated Environmental Protection Area. Development and site alteration shall not be permitted in a Significant Wetland. Development and site alteration within fish habitat or habitat of endangered or threatened species shall not be permitted except in accordance with provincial and federal requirements. For all other features, any proposed alteration to an Environmental Protection Area shall be supported by appropriate justification in the form of an Environmental Impact Study.

2.5.3.2 The limits of the Environmental Protection Designation are based on the best information available at the time of preparation of this Plan. If new natural heritage information is identified by the Province or through a development proposal, additional land may be added to the Environmental Protection Designation as part of an Official Plan amendment.

2.5.3.3 The Zoning By-law shall establish development setbacks from Natural Heritage features and land within the Environmental Protection Designation that protect the area from potential development impacts.

2.6 CROWN LANDS

2.6.1 The Province continues to own and manage a significant land base of the Township as traditional Crown Land, Provincial Park or Conservation Reserve. This Plan recognizes the location of Crown Land and the functions within the Township.

2.6.2 **Permitted uses**

Permitted uses include uses that are compatible natural resource management including:

- (a) Mineral aggregate operations;
- (b) Mineral exploration and development;
- (c) Forestry management;
- (d) Linear recreational trails;
- (e) Water and resource management activities;

- (f) Hunt camps; and,
- (g) Existing waste management facilities.

2.6.3 **General Policies**

- 2.5.3.1 The Township encourages the Province and its resource Ministries to consult with the Council of the Township when making land use decisions concerning Crown Lands;
- 2.6.3.2 The Province is encouraged to consult with Council prior to making any decision with respect to the sale of any Crown Lands located in the Township;
- 2.6.3.3 The policies of this Plan shall apply to any Crown Lands that are deemed surplus by the Province and are sold into private ownership. Before any former Crown Lands may be used and developed, they may be the subject of a Zoning By-law Amendment. If Crown Lands are transferred to private ownership, those lands will be changed to the Rural designation with the exception of Crown Lands located within 300 metres of the shoreline or having lot frontage on a lake, which will be changed to the Shoreline designation. An Official Plan amendment is not required to change the designation of lands where they have been transferred from the Crown as outlined in this Section.

PART 3: SERVICES AND FACILITIES

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

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

3.1 SERVICING REQUIRED

3.1.1 All areas in which major new development and redevelopment are to take place shall be adequately serviced with roads and other services which in the opinion of Council may be deemed appropriate. The creation of new lots are also subject to the Land Division policies in Section 6.7 of this Plan with respect to servicing.

3.2 STANDARDS FOR DEVELOPMENT

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

3.3 TRANSPORTATION

3.3.1 Roads

3.3.1.1 The intent of the Plan is to ensure as far as possible a road network that will adequately accommodate the transportation needs of the Township and to maintain these roads in a good state of repair within the financial capabilities of the Township. Four classifications of roads have been identified on Schedule A, these are Provincial Highway, Municipal Road (Year Round), Municipal Road (Seasonal) and Private Road.

3.3.1.2 Provincial Highways are maintained for public use by the Province of Ontario. Municipal Roads (Year Round) are assumed and maintained by the Township for year round public use. Municipal Roads (Seasonal) are assumed and maintained for seasonal public use by the Township. Dwellings which are served by Municipal Roads (Seasonal) will not receive year round road maintenance. Private Roads are privately held and do not receive municipal maintenance.

3.3.1.3 Minimum building setbacks will be set out in the Zoning By-law to allow for adequate rights-of-way for all public roads.

3.3.2 Municipal Roads

3.3.2.1 The Township will continue to improve public roads as funds become available.

3.3.2.2 Unless it is clearly in the public interest for the Township, it is not intended that existing private roads will be assumed by any public agency and no responsibility for access, snow removal, maintenance or use by school buses is acknowledged.

3.3.2.3 Provincial road standards (i.e. Ministry of Transportation's minimum maintenance subsidy standards) and adequate storm drainage will be a minimum requirement for any private road before it is assumed by a public agency and for any new road set out in a plan of subdivision.

3.3.2.4 Until such time that the Township considers it economically feasible and in the public interest to extend road maintenance or open new roads:

- (a) Year-round road maintenance will only be provided on those roads identified by Council as being maintained by the Township on a year-round basis.
- (b) Summer road maintenance only will be provided on those roads identified by Council as seasonal roads.
- (c) No unopened road allowances will be opened by the Township. An individual may, however, request that a road allowance be opened provided that:
 - (i) The road is opened at the individual's expense; and
 - (ii) The individual enters into a development agreement with the Township for opening the road and bringing the road up to the minimum provincial road standard. In addition to the provincial road standards, a Report prepared by a professional engineer shall demonstrate to the Township's satisfaction that the road shall be capable of providing safe travel and access to emergency service vehicles.

3.3.2.5 Bicycling is recognized as an alternative mode of transportation which can play a positive role in improving mobility and quality of life of a balanced transportation system.

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

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

3.3.2.8 Roads dedicated to the municipality shall be a minimum of 10 metres on either side of the existing road centreline.

3.3.3 Provincial Highways

3.3.3.1 Highways 522, 534 and 654 located within the Township of Nipissing are designated under the Public Transportation and Highway Improvement Act (PTHIA). In addition to all applicable municipal requirements, any development located within MTO's permit control area under the PTHIA is subject to MTO review, approval and issuance of entrance, building and land use permits prior to any construction being undertaken.

3.3.3.2 Early consultation with the MTO is encouraged to ensure the integration of municipal planning initiatives with provincial transportation planning. Any new areas in the Township identified for future development that are located in the vicinity of a provincial highway or intersection within the MTO's permit control area will be subject to MTO's policies, standards and requirements. Direct access may be discouraged and often prohibited.

3.4 SEWAGE DISPOSAL AND WATER SUPPLY

3.4.1 Development may be serviced by individual on-site sewage and individual on-site water services, provided that site conditions are suitable for the long-term provision of such services with no negative impacts. Any development requiring a private sewage treatment system requires the approval of the Ministry of the Environment and Climate Change MOECC or its designate North Bay Mattawa Conservation Authority (NBMCA).

3.4.2 Where residential development has been proposed (e.g. draft plan of subdivision) for more than **five** units/lots on individual private water and sewage, the Planning Board or Township will require a hydrogeological study for lots having a lot area of 1.0 hectare or less to be prepared by the owner/developer and submitted for review and approval. This Report shall include an evaluation of servicing alternatives, including full municipal services, publicly owned and operated communal servicing systems and private individual servicing systems, and provide justification for the proposed form of servicing. The Report shall also demonstrate potable groundwater quality, adequate groundwater yield, negligible groundwater quantity interference, soil suitability, and sufficient area available for effluent treatment. As part of a complete application under the Planning Act, the proponent will submit an Environmental Impact Assessment prepared in accordance with MOECC Guideline D-5: Planning for Sewage and Water Services.

- 3.4.3 Where a private system is required which will handle more than 10,000 litres/day, such as for highway commercial operations, tourist camps or multiple unit dwellings, a hydrogeological impact report is also required which is to be submitted to MOECC for its review and approval. This report must demonstrate soil suitability, sufficient area for the effluent treatment and site suitability.
- 3.4.4 Applications for new industrial developments must submit appropriate technical reports to demonstrate the ability of the site to provide adequate servicing (water supply and sewage treatment and disposal) and assess the potential for creating off-site impacts due to air emissions (noise, odour and dust) in order to demonstrate the suitability of the site for the proposed industrial use. MOECC's Guideline D-6: Compatibility Between Industrial Facilities and Sensitive Land Uses provides direction on assessing the potential for off-site impacts. The development of "wet" industries on private subsurface sewage systems (i.e. industry requiring water in its process for cooling, washing, production or manufacturing) is discouraged, as well as other industries which handle, store or otherwise utilize substances that could constitute a threat to groundwater resources in the event of a leak or spill.

3.5 STORMWATER MANAGEMENT

- 3.5.1 The control/management of stormwater is of concern to Council, the MOECC, and MNRF. Stormwater control/management encompasses flooding, erosion, fisheries, groundwater recharge and water quality. The mandates of the two Ministries include: prevention of loss of life, minimization of community disruption and property damage due to erosion and flooding, and the maintenance and enhancement of surface and groundwater resources sufficient for aquatic life, recreation and other uses.
- 3.5.2 Council shall support the guidelines and strategies established by the provincial government to improve water quality and to control stormwater flows within and adjacent to the Township. In this regard, proponents of new development may be required to develop stormwater control/management systems and or plans to appropriately address the mandates of the MOECC and MNRF.

- 3.5.3 In reviewing plans of subdivision or official plan and zoning by-law amendments to permit new development, Council shall give consideration to the requirement for a master drainage plan and/or a stormwater management plan. In determining whether a master drainage plan is required, Council shall consult with the MOECC and the MNRF and shall have regard for the portion of the watershed which is already developed.
- 3.5.4 A stormwater management plan or report must be reviewed and approved by the MTO for development located adjacent to or in the vicinity of a provincial highway, where drainage could be impact the highway downstream.
- 3.5.5 If it is determined that a master drainage plan is not required, a stormwater management plan shall be prepared which details pre-development runoff and anticipated changes in water quantity and quality. The stormwater management plan shall consider flood control, erosion control, sedimentation, fish and wildlife habitat, general water quality issues and the location and design of all storm sewers and stormwater management facilities. The plan shall be prepared to the satisfaction of the agencies noted above.
- 3.5.6 Stormwater management plans shall be required for all new plans of subdivision, without exception.
- 3.6 MUNICIPAL PARKS
- 3.6.1 Municipal parks will be established when sufficient funds have been accumulated from municipal funds and through the provisions of the Planning Act.
- 3.6.2 Where new development is proposed, the Township may require a parkland dedication in accordance with the Planning Act R.S.O., 1990.
- 3.6.3 Where new development is proposed on a site, part of which has physical or environmental hazards, then such hazard lands shall not necessarily be acceptable as part of the land dedication. All lands dedicated to the Township shall be conveyed in a physical condition satisfactory to the Township.
- 3.6.4 Where the land dedication is of insufficient size, physically unsuitable, or poorly located to be of use for parks purposes, a cash payment may be given in lieu of the land dedication.

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

3.7 PUBLIC SERVICE FACILITIES

3.7.1 Facilities such as schools, libraries, municipal offices, public works yards and fire stations should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration and active transportation.

PART 4: GENERAL LAND USE POLICIES

The following policies shall have general application throughout the Township.

4.1 GENERAL STATEMENT

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

4.2 ACCESSORY USES

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

4.3 CROWN LANDS

4.3.1 These lands have generally been shown on Schedule 'A' and specific policies about the Crown Land Designation are found in Section 2.6.

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

4.4 CULTURAL HERITAGE RESOURCES

4.4.1 This Plan recognizes the importance of Cultural Heritage Resources which include Archaeological Resources, Built Heritage Resources and Cultural Heritage Landscapes. Development applications and public works shall preserve and enhances cultural heritage resources in the Township. Where Cultural Heritage Resources may exist, development applications will be required to be supported by studies that demonstrate preservation of the resource in accordance with Provincial requirements.

- 4.4.2 Areas of archaeological potential exist within the boundaries of the Township. Such areas may be further determined and refined through provincial screening criteria or through criteria developed by a licensed consultant archaeologist. Council shall require an archaeological assessment prepared by a licensed consultant archaeologist, prior to considering any development or site alteration within an area of archaeological potential. Areas of archaeological potential may include lands within 300m of a lake, unusual landforms, suspected cemeteries or burial sites, and where partially or fully submerged marine features are identified such as: ships, vessels, old piers, wharfs and fishing traps, among other examples.
- 4.4.3 Council may enter into agreements with landowners pursuant to the *Planning Act* as a condition of planning approval to ensure the conservation of archaeological resources. Council may adopt zoning by-laws to protect archaeological sites and resources. Such by-laws may include prohibiting any land use activities or the erection of buildings or structures on land which is a site of a significant archaeological resource.
- 4.4.4 Where significant cultural heritage resources might be impacted, the Township will require satisfactory measures to mitigate any negative impacts and ensure such resources are conserved.
- 4.5 GROUP HOMES
- 4.5.1 For the purposes of this Section, group homes are defined as a single housekeeping unit in a residential dwelling in which three to ten persons (excluding supervisory staff or the receiving household) live under responsible supervision consistent with the particular requirements of its residents. A group home is licensed and/or approved for funding under Provincial statutes and in compliance with Township By-laws.
- 4.5.2 Group homes are permitted in all areas designated Rural and Settlement Area on Schedule 'A'.
- 4.5.3 Facilities existing on the date the Zoning By-law comes into effect but not complying with the requirements of the By-law will be allowed to continue in operation but will not be permitted to extend or expand without approval of the Township.

4.6 HAZARD LANDS

4.6.1 Hazard Lands Not on Lake Nipissing - Flood Plain Areas

- 4.6.1.1 The Hazard Land limit shall be 15 metres from the normal high watermark for all lakes. Hazard Lands associated with watercourses shall extend 15 metres from the edge of the watercourse. On inland lakes and streams, a qualified professional could be used to determine where the actual flood elevation is located. The further delineation of additional lands prone to flooding will be encouraged and is not subject to Amendment to this Official Plan.
- 4.6.1.2 Where a lake has an established Flood Datum Elevation, the hazard Land limit shall be determined solely based on the Flood Datum Elevation.
- 4.6.1.3 This Plan directs development outside of Hazard Lands. A one zone approach will be applied for areas subject to flooding. New development or site alteration for a building, structure or individual on-site sewage service system is not permitted within any Hazards Lands.
- 4.6.1.4 No placing or removal of fill of any kind, whether originating on the site or elsewhere, shall be permitted in any Hazard Land and no new buildings or structures, except for docks, boat houses and hangers for water based aircraft, shall be permitted except where such buildings, structures or fill are intended for flood and erosion control and are approved by the Township.
- 4.6.1.5 Habitable buildings or additions to habitable buildings are not permitted within Hazard Lands, including lands within 15 metres of the high watermark of all lakes, other than Lake Nipissing, and within 15 metres of the edge of a watercourse. Renovations or replacement to existing buildings located in these areas may be permitted provided the structure is flood proofed to the highest practical extent to the satisfaction of the Township or applicable agency and erosion control measures have been instituted on the property. Access/egress during times of flooding should not be hindered by renovations.

- 4.6.1.6 Development and site alteration on Hazard Lands is prohibited, except for that development and site alteration which, by its very nature, must be located within Hazard Lands. A Flood Plain study may be required as a prerequisite to any development where the limits of the Hazards Lands are unknown.
- 4.6.1.7 New lots shall not be created unless there is a satisfactory building and Individual On-Site Sewage Service system envelope which exists outside the Regulatory Flood Elevation and where access/egress is safely available during times of flooding.
- 4.6.1.8 Development as permitted herein shall be subject to:
- (a) For all waterfront properties, a field verified Plan of Survey, certified by an Ontario Land Surveyor, demonstrating the location of the Regulatory Flood Elevation and High Water Mark is required prior to any lot division development of a new residential dwelling, redevelopment of an existing dwelling and / or new Individual On-site Sewage Services. The need for this requirement will be determined by The Township.
 - (b) A Flood Plain study may be required as a prerequisite to any development where the limits of the Regulatory Flood Elevation and/or Flood Plain are not known. The study shall be completed by a qualified professional and be prepared to the satisfaction of the Township and the Ministry of Natural Resources and Forestry.
 - (c) All lands below the Regulatory Flood Elevation and/or lands prone to flooding should be zoned in an appropriate zoning category.
 - (d) The expansion of legal non-conforming uses below the Regulatory Flood Elevation is not permitted. Prior to consideration of an expansion in the area of a Regulatory Flood Elevation, a plan of survey is required in order to confirm that the expansion is above the Regulatory Flood Elevation.

4.6.1.9 Council will consider the potential impacts of climate change on applications associated with Hazard Lands.

4.6.2 **Policies for Lake Nipissing Flood Plain**

4.6.2.1 Notwithstanding Section 4.6.1 all lands below the Flood Datum Elevation for Lake Nipissing of 197.25 metres Canadian Geodetic Datum (C.G.D.) plus an additional five metre wave uprush allowance and not subject to the influence of riverine flooding shall be subject to the following:

- (a) New Development or Site Alteration, to permit a building, structure or Individual On-Site Sewage Service system is not permitted except otherwise provided herein below the Flood Datum Elevation for Lake Nipissing nor within the five metre wave uprush allowance nor within the erosion hazard limit which includes lands within 15 metres from the top of cliff/bluff/bank or the first lakeward break in slope. Permitted uses may include passive recreational uses; and uses which, by their very nature, must locate within the Flood Plain such as flood and/or erosion control structures, or marine related structures such as docks, decks, and non-habitable boathouses. Site modifications carried out or supervised by a public authority are also permitted.
- (b) Habitable buildings or additions to habitable buildings are not permitted below the Flood Datum Elevation for Lake Nipissing nor within the five metre wave uprush allowance nor within the erosion hazard limit which includes lands within 15 metres from the top of cliff/bluff/bank or the first lakeward break in slope. Renovations or replacement to existing buildings located in these areas may be permitted provided the structure is flood proofed to the highest practical extent to the satisfaction of the Township or applicable agency and erosion control measures have been instituted on the property. Access/egress during times of flooding should not be hindered by renovations.
- (c) Lands within the 197.25 metre contour and five metre wave uprush allowance and erosion hazard limit should be zoned in an appropriate zoning category.
- (d) Development as permitted herein shall be subject to:

- (i) For all waterfront properties, a field verified Plan of Survey, certified by an Ontario Land Surveyor, demonstrating the location of the Regulatory Flood Elevation and High Water Mark and five metre wave uprush allowance and erosion hazard limit which includes lands within 15 metres from the top of cliff/bluff/bank or the first lakeward break in slope is required prior to any lot division, development of a new residential dwellings, redevelopment of existing dwellings and / or new Individual On-site Sewage Services. The need for this requirement will be determined by The Township.
- (ii) A Flood Plain study may be required as a prerequisite to any development where the limits of the Regulatory Flood Elevation and/or Flood Plain are not known. The study shall be completed by a qualified professional and be prepared to the satisfaction of the Township and the Ministry of Natural Resources and Forestry.
- (iii) All lands below the Regulatory Flood Elevation and/or lands prone to flooding or within the five metre wave uprush allowance should be zoned in an appropriate zoning category.
- (iv) The expansion of legal non-conforming uses below the Regulatory Flood Elevation or within the five metre wave uprush allowance is not permitted. Prior to consideration of an expansion, in the area of the Regulatory Flood Elevation or in proximity to the five metre wave uprush allowance a plan of survey is required in order to confirm that the expansion is above the Regulatory Flood Elevation and not within five metres of the wave rush up allowance.

4.6.2.2 Council will consider the potential impacts of climate change on applications associated with Hazard Lands on Lake Nipissing.

4.6.3 **Mine Hazard Sites**

4.6.3.1 In the case of proposed development on lands located within 1,000 metres of an abandoned mine as identified on Schedule B, a complete application will require a record of consultation by the applicant with the Ministry of Northern Development and Mines and a copy of written comments by the Ministry concerning the proposed development.

4.7 **AFFORDABLE HOUSING, HOME OCCUPATIONS AND HOME INDUSTRIES**

4.7.1 The Township shall encourage the development of affordable housing and shall target 10% for all residential development to be affordable housing. In the case of ownership housing, affordable means 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, 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. In the case of rental housing, affordable means a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or, a unit for which the rent is at or below the average market rent of a unit in the regional market area.

4.7.2 It is a policy of this plan that residential dwellings may be used in part for home occupations or home industries - catering mainly to the needs of the local residents and tourists - provided that the provisions as contained within the implementing Zoning By-law are complied with. Entrances serving home occupations, industry or businesses located adjacent to provincial highways require the approval of the MTO.

4.8 **ROAD ALLOWANCES**

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

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

- 4.8.3 The Township will consider the closing and sale of the 20 metre lakeshore road allowance to abutting property owners.
- 4.8.4 Exceptions may be made where known natural heritage features are present and the Township may not consider the sale of the lakeshore road allowance at these locations.
- 4.8.5 The possible closing of the 20 metre lakeshore road allowance will be reviewed on an individual basis and will be subject to the comment of area and or abutting landowners.
- 4.8.6 All costs incurred in the closing and sale of the lakeshore road allowance shall be paid for by the respective landowner who shall be subject to any additional fees or requirements as determined by the Township.
- 4.8.7 The Township will not stop up or sell unmaintained or unopened road allowances where there is any possibility that there is a potential future public use for the lands. Road allowances leading to water will not be sold to abutting property owners.

4.9 SOURCE PROTECTION

- 4.9.1 Source Protection planning is the result of the Clean Water Act and is required to be implemented in accordance with the local Source Protection Plan to protect municipal drinking water supplies and vulnerable areas.
- 4.9.2 The Township does not have any municipal drinking water systems and as a result, does not have an Wellhead Protection Areas (WHPAs) or Intake Protection Zones (IPZs) that require identification or protection.
- 4.9.3 The Township has vulnerable areas within the township which include Highly Vulnerable Aquifers (HVA s) and Significant Ground Water Recharge Areas (SGRAs).

- 4.9.4 Significant Ground Water Recharge Areas (SGRAs) are shown on Appendix 'A' to this Plan as policy overlays. Highly Vulnerable Aquifers (HVAs) are not identified on the mapping but cover most of the Township. During the consideration of any change in land use within a SGRA or a HVA, the Township will ensure that Significant Groundwater Recharge Areas (SGRAs) and Highly Vulnerable Aquifers (HVAs) are protected from incompatible development. Supporting studies may be required to demonstrate protection of resources by ensuring that post development infiltration rates will not impact the resource.
- 4.9.5 A Highly Vulnerable Aquifer (HVA) is an aquifer that can be easily changed or affected by contamination from both human activities and natural processes as a result of (a) its intrinsic susceptibility, as a function of the thickness and permeability of overlaying layers, or (b) by preferential pathways to the aquifer. Highly Vulnerable Aquifers (HVA's) are identified on Appendix 'A'.
- 4.9.6 Significant Groundwater Recharge Area (SGRA) are areas on the landscape that are characterized by porous soils, such as sand or gravel, that allows the water to seep easily into the ground and flow to an aquifer. A recharge area is considered significant when it helps maintain the water level in an aquifer that supplies a community with drinking water.
- 4.10 LANDSCAPE AMENITIES
- 4.10.1 Wherever possible, the amenities of the Township shall be preserved and enhanced in keeping with the Township's natural setting. To this end, effort shall be made to control, through appropriate by-laws, the display of advertising signs, and to replace trees and other landscape material, which, for one reason or another, are destroyed or removed.
- 4.11 MINERAL AGGREGATE RESOURCES USES
- 4.11.1 **General**
- 4.11.1.1 A Mineral Aggregate Resource use includes the use of lands related to the extraction and processing of raw materials from the earth, which would include quarrying, sand and gravel pit operations and associated operations such as washing, screening, crushing and storage of materials.

4.11.1.2 This Plan recognizes pits as a permitted use in the Rural designation. Quarry Operations may be considered through an amendment to this Plan.

4.11.2 **Existing, New or Expanded Pit Operations**

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

- (a) Include site development plans which show the following information:
 - (i) The topography, contours, dimensions, area and location of the property to be developed as well as the extent of adjacent property held for future pit or quarry operations;
 - (ii) The existing use of all land and the location and use of all buildings and structures lying within a distance of 150 m from the land that is to be the subject of the extractive operation;
 - (iii) The location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the property, as well as the method and phasing of the operation;
 - (iv) Existing and anticipated final grades of excavation, shown by contours where necessary, as well as excavation set-backs and location of naturally occurring vegetation which could act as screening;
 - (v) Where the operation requires dewatering in excess of 25,000 L/day, a Permit to Take Water (PTTW) will be required from MOECC. Approval for treatment of aggregate process water may also be required pursuant to section 53 of the Ontario Water Resources Act (OWRA).

- (vi) All entrances and exits proposed and existing and truck traffic routes;
 - (vii) As far as possible, ultimate pit development, progressive and ultimate road plan, any water diversion or storage, location and size of stockpiles for stripping and products, progressive and rehabilitation plans and where possible, intended use of the land after the extractive operations have ceased; and
 - (viii) Cross sections through the deposit to show among other matters, the location of the watertable.
- (b) Have regard for the following policies:
- (i) No aggregate removal may commence until appropriate buffering (eg. a planted tree screen, a berm) is established around the periphery as required, in order to remove the aggregate or quarrying operation from sight, with the position and type of buffering having been approved by Council in consultation with the MOECC and the MNRF prior to its establishment. The owner of the land shall maintain all buffering in an aesthetically pleasing condition;
 - (ii) No excavation other than for an access road shall take place within 30 metres of an adjacent residential property line or within 30 metres of any public street or highway. In addition, no pit operations or related operations may occur within 30 metres of a watercourse. Furthermore, no excavation shall take place within 150 metres of residential structures;
 - (iii) The concept of an influence area is recognized as a means of protecting against incompatible land uses in the vicinity of lands zoned for mineral aggregate resource uses. In this regard, extractive operations will generally be prohibited within approximately 150 m of any adjoining residential structure. Conversely, new buildings and structures for residential purposes will generally be prohibited within approximately 150 m of any adjoining property zoned for extractive purposes in the implementing Zoning By-law;

- (iv) Upon completion of pit operations and when there is no intention to reopen such operations:
 - (a) All buildings and machinery shall be removed from the site unless otherwise indicated on a site development plan;
 - (b) The excavation or the site shall be rehabilitated so that it does not constitute a danger to the public or present an unsightly appearance, and provides for the intended after use of the site. Rehabilitation measures may include grading the sides and bottom of the excavation or site, and/or sloping the sides.
- (v) All pit operations shall be conducted so that no danger or nuisance is caused to the public;
- (vi) The Township shall enter into an agreement with the owners of any proposed pit operations to ensure compliance with the above policies and the effective rehabilitation of the area after such operations have been completed; and,

4.11.3 Existing, New or Expanded Quarry Operations

4.11.3.1 Legally existing quarry operations shall be recognized and placed in the Quarry Area Overlay Designation and in a separate zoning category in the implementing Zoning By-law. The expansion of existing quarry operations or the establishment of new operations shall require an amendment to this Plan to place the subject lands in the Quarry Area Overlay Designation. The Quarry Area Overlay Designation is shown as an overlay designation on Schedule 'A' and represents quarries that are licensed under the Aggregate Resources Act. At such time as the aggregate extraction license applicable to an Quarry Area Overlay Designation is revoked or surrendered, the overlay designation will be deleted without the necessity of further amendment to this Plan leaving the land subject to only the permanent designation shown on Schedule 'A'. When the overlay is deleted, it is the policy of the Township to amend the Zoning By-law to delete the quarry use and associated uses as permitted uses on the subject lands.

4.11.3.2 In addition to uses permitted by the underlying designation shown on Schedule 'A', lands designated Quarry Area Overlay may be used for quarry operations and the rehabilitation of the designated land. Crushing, screening, blending, washing, stockpiling and aggregate recycling shall be permitted as accessory to a licensed quarry operation.

4.11.3.3 In considering applications for Plan Amendment, Council shall, in consultation with the appropriate Provincial Ministries assess the impact of the proposal on adjacent land uses and the environment.

4.11.4 **Mineral Aggregate Resource Areas**

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

4.11.4.2 To ensure that future development and activities do not preclude or hinder the establishment if new aggregate operations or access to the resource, the following shall be demonstrated to the satisfaction Council prior to the consideration of the proposal:

- (a) The extraction would not be feasible;
- (b) The proposed land use or development serves a greater long-term interest of the general public than does aggregate extraction, or
- (c) The proposed land use or development would not significantly preclude or hinder future extraction.
- (d) Issues of public health, public safety, and environmental impact are addressed.

4.12 MINIMUM DISTANCE SEPARATION

4.12.1 The Provincial Minimum Distance (MDS) Separation Formulae and Implementation Guidelines, as amended from time to time, shall be used to determine appropriate minimum separation distances between new land uses, and existing agricultural uses and to determine appropriate separation distances between new or expanded livestock facilities and existing non-farm uses. The MDS Formulae and Implementation Guidelines shall be applied throughout the Township.

4.12.2 Implementation of the MDS Separation Formulae shall not apply to development within a settlement area, consents involving existing dwellings and development on closed cemeteries.

4.12.3 MDS requirements shall be included within the Township's Comprehensive Zoning By-law.

4.13 MINING OPERATIONS - ACTIVE AND FORMER

The MNDM shall be consulted on all developments within 1000 metres of the boundaries of an active or former mining operation. New land uses proposed on or near active or former mining operations, or areas of significant mineral potential may be restricted to ensure compatibility with exploration, development and mining of mineral resources.

Prior to any proposed development within 1000 metres of an AMIS site, the proponent or landowner shall contact the Ministry of Northern Development and Mines.

4.14 NEW DEVELOPMENT

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

- (a) Soil and drainage conditions are appropriate to permit the proper siting of buildings;
- (b) Appropriate arrangements have been made for water supply, sewage disposal, storm drainage, waste disposal and any other necessary engineering services and that there is no danger of any increases in pollution;

- (c) Traffic hazards caused by excess traffic generation, or limited sight lines on curves or grades are minimal; and that the land fronts on a public road which is of an acceptable standard of construction;
- (d) Appropriate protection and preventive services for persons and property are available including health, welfare, fire and police;
- (e) Appropriate education and recreation facilities are available within a reasonable distance;
- (f) Persons and property are adequately protected from flood and erosion hazards; and
- (g) That the development will not create an undue financial burden on the Township.

4.14.2 New development shall comply with the minimum distance separation formulae.

4.15 NOISE - VIBRATION

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

4.15.2 Developers may be required to carry out noise and/or vibration assessments prepared in accordance with MOECC's NPC-300, to determine whether control measures will be required to meet recommended sound and vibration limits, as part of the supporting documentation for planning approvals satisfactory to the Township.

4.16 NON-COMPLYING BUILDINGS, STRUCTURES OR LOTS

4.16.1 A legal non-complying building, structure or lot does not comply with the regulations and performance standards of the Implementing Zoning By-law.

4.16.2 A non-complying building or structure may be enlarged, reconstructed, repaired, replaced or renovated based on the regulations of the Zoning By-law. The Zoning By-law shall contain specific regulations regarding the enlargement, reconstruction repair, replacement or renovation of non-complying buildings, structures and lots.

4.17 NON-CONFORMING USES

4.17.1 A land use not conforming to the Zoning By-law is a land use that legally existed on the date the Zoning By-law came into effect and one that does not conform to the permitted uses of the Zoning By-law. In general, these uses should cease to exist in the long term.

4.17.2 Existing uses of land which do not conform to the policies set out in this Plan may be zoned in the Zoning By-law in accordance with their present use provided:

- (a) The zoning will not permit any change of use or performance standard that may negatively impact adjoining uses;
- (b) The use does not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or the traffic they generate;
- (c) The use does not interfere with the appropriate development of surrounding lands; and, (e) where the use is discontinued any rezoning may only take place in accordance with the policies and intent of this Plan.

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

- (a) This would not further aggravate any adverse conditions attendant upon the use and the proposed extension or enlargement is small in relation to the size of the existing non-conforming use;

- (b) Measures are simultaneously required to improve compatibility through additional landscaping, buffering, parking or loading; and to mitigate any adverse effects from storage, traffic, signs or lighting and;
- (c) The changes are generally acceptable to the residents and other interested parties in the vicinity.

4.17.4 Notwithstanding the policies of this Section, non-conforming pits may be used and expanded in accordance with the existing licensed area.

4.18 PUBLIC USES

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

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

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

4.19 SECONDARY DWELLING UNITS

4.19.1 Notwithstanding any other provisions of this Plan, within the Rural, and Settlement Area designations a secondary dwelling unit shall be permitted on the basis of one secondary dwelling unit per principal dwelling, or one secondary dwelling unit in an ancillary building where no secondary dwelling unit exists within the principal dwelling. For the purposes of this Section, "secondary dwelling unit" shall be considered secondary and incidental to the principal dwelling unit.

A secondary dwelling unit shall be permitted in an accessory building in the Rural and Settlement Area designations, but only on lots with a lot area of at least 0.8-hectare and in accordance with the policies of Section 4.19.2.

Secondary dwelling units on lots less than 0.8-hectares may be considered on a case-by-case basis through a Zoning Amendment, based on a study to evaluate off-site water quality impacts of any required additional septic system loading.

4.19.2 Appropriate standards and provisions shall be established in the Zoning By-law in accordance with the following guidelines:

- (a) Only one secondary dwelling is permitted per lot;
- (b) The secondary dwelling unit is secondary to the existing dwelling unit;
- (c) The secondary dwelling unit is subject to any policies in this plan related to neighbourhood character, that apply to all construction/development in the Rural designation and/or Settlement Area designation;
- (d) No more than one parking space will be required for the secondary dwelling unit;
- (e) The addition of a secondary dwelling unit shall not cause an encroachment into any required yard or height restriction imposed by the Zoning By-law. In the case where an existing dwelling is legally non-complying such addition shall not cause a further encroachment;
- (f) The secondary dwelling unit will comply with the Ontario Building Code, Ontario Fire Code, and all other applicable requirements; and,
- (g) The private sewage disposal system is adequate to service the principle residential dwelling unit and the proposed secondary dwelling unit.

4.20 SITE DECOMMISSIONING

Where a change in the land use designation to a more sensitive use is proposed, a Record of Site Condition shall be provided indicating that the site is suitable for the intended use. Where the present use has the potential to have caused environmental contamination, the site shall be assessed and remediated in accordance with the requirements of O.Reg. 153/04 so that a Record of Site Condition can be prepared to show that the site is suitable for the intended use.

4.21 WAYSIDE PITS AND QUARRIES AND PORTABLE ASPHALT PLANTS

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

4.21.2 It shall be the policy of this Plan that wayside pits and quarries used on public authority contracts be permitted throughout the Township without requiring an amendment to the Official Plan or Zoning By-Law except for lands within the Settlement Area, Sensitive Areas) and the Hazard Lands designations where an amendment to the Zoning By-Law shall be required.

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

4.21.4 Where possible, consideration shall be given to locating the portable plant in a wayside pit and/or quarry, vacant industrial sites, or on less productive or inactive agricultural lands.

4.21.5 Portable asphalt plants are subject to the following provisions:

- (a) All portable asphalt plants must have a Environmental Compliance Approval from the MOECC Energy and must meet the minimum separation distance of that ministry.
- (b) Portable asphalt plants will be removed from the site upon completion of the project.

- (c) Sites used for portable asphalt plants within the agricultural area, shall be rehabilitated to their former agricultural capability.

4.21.6 A Portable Asphalt Plant means a facility:

- (a) With equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process;
- (b) Which is not of permanent construction, but is designed to be dismantled and moved to another location as required.

4.22 WILDLAND FIRE

4.22.1 This Plan recognizes that wildland fire risk has an impact on land use planning. In accordance with the wildland fire risk assessment information provided by the Province, development will be directed away from these areas. In areas identified on Appendix 'B' as having a hazardous forest types, development application must be supported by a risk assessment that identifies mitigation measures.

PART 5: NATURAL HERITAGE FEATURES

5.1 NATURAL HERITAGE FEATURES

- 5.1.1 Schedule 'B' to the Plan identifies a number of Natural Heritage Features on land and/or water locations of ecological, geological, archaeological or historical importance, which are significant because of their uniqueness and/or their importance in meeting provincial and regional natural resource objectives. This significance is often related to one or more functions, such as: scientific research; education and interpretation; species maintenance; conservation of unique or representative occurrences of flora, fauna, land forms, geology, historical and cultural features.
- 5.1.2 Natural Heritage Features can be easily damaged by development because many of the features are fragile or dependent on ecosystems that are delicately balanced.
- 5.1.3 The Natural Heritage Features policies refer to the following:
- (a) Habitat of Endangered Species and Threatened Species;
 - (b) Provincially Significant Wetlands;
 - (c) Other Wetlands;
 - (d) Significant Wildlife Habitat;
 - (e) Areas of Natural and Scientific Interest (ANSI).
- 5.1.4 The Natural Heritage Feature areas within the Township are to be determined in consultation with the Ministry of Natural Resources and Forestry and other applicable agencies and/or through production of Technical Reports and specifically Impact Assessments. Development within or adjacent to these Natural Heritage Features shall comply with the policies of this Official Plan.

5.1.5 Development and site alterations shall not be permitted in areas identified as significant wildlife habitat or significant areas of natural or scientific interest or areas adjacent to habitat of threatened or endangered species and Provincially Significant Wetlands. Development is not permitted within the habitat of threatened or endangered species except in accordance with provincial and federal requirements.

5.2 ADJACENT LANDS

5.2.1 Adjacent lands are the lands relevant to which impacts of a development must be considered. Development and site alteration on adjacent lands is not permitted unless it has been demonstrated through the completion of an EIS that there will be no negative impacts on the natural features and their ecological functions. The effect of a development proposal on features must be considered when the proposed development is within:

- 120 metres of the boundary of a Provincially Significant Wetland or unclassified wetland in excess of 2 hectares;
- 50 metres from the boundary of a provincially or regionally significant earth Area of Natural and Scientific Interest;
- 120 metres from the boundary of a provincially or regionally significant life science Area of Natural and Scientific Interest;
- 120 metres from the boundary of a fish habitat area.

5.3 AREAS OF NATURAL AND SCIENTIFIC INTEREST

5.3.1 There are two types of Areas of Natural and Scientific Interest (ANSI). These include earth science ANSI's and Life Science ANSI's. ANSI's are 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. ANSI's are identified on Schedule 'B'.

5.3.2 Prior to Development and Site Alteration occurring within an ANSI, an EIS shall be submitted to the satisfaction of the Township or applicable agency demonstrating that there will be no Negative Impact on the natural features or ecological function of the ANSI.

5.3.3 Prior to Development or Site Alteration occurring on lands adjacent to an ANSI, an EIS shall be submitted to the satisfaction of the

Township or applicable agency demonstrating that there will be no Negative Impact on the natural features or ecological function of the ANSI. An EIS may be required by the Township for Development of lands which are beyond the adjacent lot where it is deemed appropriate in a site specific case but shall generally not be required for single unit residential dwelling Development beyond the adjacent lot.

5.4 FISH HABITAT

5.4.1 Development and site alteration is not permitted, except in accordance with provincial and federal requirements. On adjacent lands, development and site alteration shall only be permitted if it is demonstrated there will be no negative impacts on the Fish Habitat. Adjacent lands are defined as lands within 120 metres of known Fish Habitat. Development and site alteration may be permitted in instances where a federal authorization has been given allowing for alteration or harm to the Fish Habitat.

5.4.2 Known Fish Habitat, coldwater streams and cold-water lakes are shown on Schedule 'B'.

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

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

5.5 HABITAT OF ENDANGERED OR THREATENED SPECIES

- 5.5.1 The Township recognizes the importance and value of protecting the habitat of endangered or threatened species. The exact location of habitat for these species is considered sensitive information and cannot be shown on Schedule B but will be used by the Township when development or site alteration is proposed. The Township may consult with MNRF on matters related endangered or threatened species.
- 5.5.2 The Endangered Species Act requires that the habitat of species listed on the Species at Risk in Ontario List as an endangered or threatened species, shall not be damaged or destroyed, except in the accordance with provincial and federal standards.
- 5.5.3 All development must ensure that the habitat of threatened or endangered, species is protected. No development or site alteration shall be permitted in the habitat of endangered or threatened species.
- 5.5.4 Where development is proposed adjacent to the habitat of endangered or threatened species an environmental impact study may be required to ensure development and site alteration does not occur within habitat except in accordance with provincial and federal standards.
- 5.5.5 Where development is proposed in areas that have the potential to contain habitat of endangered or threatened species, an EIS shall be required.
- 5.5.6 Where an EIS has been prepared, prior to approving any development the Township shall ensure, through land use planning controls, that the appropriate measures are in place to mitigate potential negative impacts to the habitat of endangered and threatened species. If an EIS identifies species-at-risk habitat the EIS shall be circulated to the MNRF. As a condition of an approval under the *Planning Act*, the proponent may be required to obtain an authorization from the MNRF, or a written indication from MNRF that an application under the *Endangered Species Act* is complete and will likely meet the legislated requirements of the Act.

5.6 PROVINCIALY SIGNIFICANT WETLANDS

5.6.1 Provincially significant wetlands are those wetlands that have been identified as being Provincially significant by the MNRF through a wetland evaluation system. These natural heritage features are identified on Schedule 'B'.

5.6.2 Development and site alteration shall not be permitted within provincially significant wetlands and on adjacent lands, except in accordance with the adjacent land policies of this Plan.

5.7 SIGNIFICANT WILDLIFE HABITAT

5.7.1 Significant Wildlife Habitat, such as bird nesting sites or deer yards, are important because of the species it supports. It is the policy of this Plan to protect significant wildlife habitat. New development or site alteration in or adjacent to significant wildlife habitat shall not be permitted unless it has been demonstrated through an EIS that the development will not result in negative impacts on the natural features or their ecological functions.

5.7.2 The MNRF has identified a large portion of lands within the Township of Nipissing as a Deer Yard (Stratum 1). These areas are identified on Schedule 'B' of the Official Plan. It is understood that these areas may change over time and that development in these areas must be sensitive to the impact on the deer wintering areas. The removal of vegetation in these areas should be minimized.

5.7.3 Within the Deer Yard (Stratum 1) areas shown on Schedule 'B', new lots should avoid areas of dense conifer cover or be of a sufficient size to provide a suitable development area outside most significant deer wintering habitat areas. The minimum lot frontage shall be 90 metres and the minimum lot size shall be 1 hectare.

5.7.4 In shoreline areas, development shall be situated in locations that will not result in the removal of significant amounts of shoreline vegetation or affect shoreline habitat. Site specific zoning and site plan control will be used to site development in the most appropriate areas to ensure minimal impact on the natural habitat.

5.8 WETLANDS

- 5.8.1 The Township contains numerous wetlands. In general, the wetlands are located within the Environmental Protection designation. Wetlands are also identified on Schedule “B” to the Official Plan. It is the policy of this Plan to protect wetlands and limit development in proximity to these natural heritage features.

PART 6: IMPLEMENTATION

6.1 GENERAL

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

- Subdivision controls;
- Zoning by-laws;
- Construction of public works;
- Committee of Adjustment;
- By-laws passed pursuant to the Municipal Act;
- Building by-laws;
- Property standards by-laws;
- Site plan controls.

6.2 COMPLETE APPLICATION REQUIREMENTS AND PRECONSULTATION

6.2.1 The Approval Authority shall not declare any application made under the Planning Act to be complete until the Approval Authority is provided with all of the information, studies or drawings specified in this Plan that are necessary for the commenting authorities to provide comments, and decision-makers to make a decision on the application. Until the Approval Authority has received the prescribed fee and such material and information, and has deemed the application complete, Approval Authority may refuse to accept or further consider the request for an amendment and the appeal time periods shall not be in effect.

6.2.2 In order to ensure that all the relevant and required supporting information pertaining to a planning application is provided at the time of submission, the Township may, by By-law, require a proponent to attend a preconsultation meeting with staff prior to the submission of a planning application to the Township or the Planning Board. Subsequent to a preconsultation meeting, the Township will determine what supporting information (i.e. reports and studies) is required as part of the complete application submission and inform the proponent of these requirements. The Township may also consult with the provincial ministries for technical advice where there is a provincial matter of interest.

6.2.3 The following information, at a minimum, shall be required as part of a complete application;

- (a) Prescribed application fee;
- (b) Completed application form together with requisite authorizations, and cost acknowledgement agreement if necessary;
- (c) Prescribed information and material as required by Planning Act regulations;
- (d) Covering letter, which outlines the nature of the application and details of the preconsultation meeting (if applicable);
- (e) Concept plans and/or drawings;
- (f) Copy of the property deed; and,
- (g) Any studies as identified as necessary through preconsultation.

6.2.4 The following supporting information may be required as part of a complete application, to be determined through pre-application consultation with staff:

- (a) Archaeological Assessment;
- (b) Architectural/Urban Design Study;
- (c) Blasting Impact Study;
- (d) Conceptual Site Plan and Building Elevations;
- (e) Contaminant Management Plan;
- (f) Environmental Impact Statement;
- (g) Erosion and Sediment Control Plans;
- (h) Fish Habitat Study;
- (i) Floodline Delineation Report;
- (j) Functional Servicing Report;

- (k) Geotechnical Study;
- (l) Hazardous Forest Type Fire Risk Assessment;
- (m) Heritage Impact Assessment;
- (n) Hydrogeological Assessment;
- (o) Lake Capacity Study;
- (p) Lighting Plan;
- (q) Market/retail Impact Study or Analysis;
- (r) Ministry of the Environment and f (MOECC) Record of Site Condition (RSC);
- (s) Noise Study;
- (t) Other documentation as deemed necessary;
- (u) Planning Justification Report;
- (v) Site Evaluation Report;
- (w) Slope Stability Study;
- (x) Species at Risk Assessment (preliminary or detailed);
- (y) Stormwater Management Plan;
- (z) Topographic Plan;
- (aa) Transportation Impact Study;
- (bb) Tree Preservation Report and Plan;
- (cc) Vibration Study;
- (dd) Water Quality Impact Assessment; and,
- (ee) Watershed or Sub-watershed Study;

- 6.2.5 Where a policy in this Plan requires the submission of technical studies, such studies must be prepared at the applicant's expense by a qualified person or qualified professional. When technical studies are submitted to the Township, after review of the technical studies by the Township it may be determined that it is necessary to have a qualified person or qualified professional to peer review such studies and provide advice to the Township at the applicant's expense.
- 6.2.6 Where the Township identifies a development application that implements specific objectives of this Plan such as proposals that demonstrate a high degree of sustainable design and construction and affordable housing, following receipt of a complete application the Township will utilize its best efforts to expedite the approval process in accordance with the Planning Act.
- 6.2.7 The Township shall engage the public in all Planning Act applications in the manner prescribed in the Planning Act.
- 6.2.8 Applicants for Official Plan amendment, Zoning By-law amendment, and plan of subdivision, will be required to provide a proposed strategy for how the applicant will consult with the public with respect to the application.
- 6.3 DEVELOPMENT CHARGES
- 6.3.1 Under the Development Charges Act, Townships can pass Development Charge By-Laws in which they can assess and recover part of their anticipated expenses for new growth for both hard and soft services. Hard services include such items as sewer and water services, landfill sites, roads and power services. Soft services include such items as an addition to the township office or a new office, a new fire station, library expansion, recreational facilities, and additional township staff.
- 6.3.2 Council may pass a By-law under the Development Charges Act, to assess and recover their anticipated expenses for new growth for both hard and soft services.
- 6.3.3 Development charges may be levied against plans of subdivision, consents, condominiums, Zoning By-law amendments, minor variances, building permits, and lands exempted from part lot control.

6.4 HOLDING PROVISIONS BY-LAW

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

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

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

6.5 INTERIM CONTROL BY-LAW

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

6.6 INTERPRETATION

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

6.7 LAND DIVISION POLICIES

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

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

- (a) Whether the extension of an existing public road, opening of an unopened road allowance or the creation of a new road is required; or
- (b) Whether the extension, or expansion of municipal services is required; or
- (c) Whether an agreement with complex conditions is required by the Township, or Province in respect to any part of the lands that would be defined as remaining land in a consent application.

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

6.7.3 **Plans of Subdivision**

6.7.3.1 It shall be the policy of the Township only to recommend to the approval authority those plans of subdivision which comply with the policies of this Plan. Before recommending a plan of subdivision to the Planning Board, Council will ensure that the area to be subdivided can be provided with the necessary services and amenities, and that the proposed development will not adversely affect the economy of the Township. Council will also consult with relevant government agencies. All plans of subdivision shall include a subdivision agreement between the Township and the developer. Subdivisions shall not be permitted on a private road.

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

6.7.3.3 New lot creation must provide confirmation that sufficient capacity exists for treatment capacity for hauled sewage.

6.7.4 Consents

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

- (a) Consents may be granted only when the proposed severed and retained land fronts on a public road which is maintained on a year round basis by a public authority;
- (b) Notwithstanding item (a) above, consents for residential uses may be considered for lands with frontage on Lake Nipissing or the navigable portion of South River between Lake Nipissing and Chapman's Chute provided that:
 - (i) The proposed use is accessed by only water;
 - (ii) Suitable provision has been made on the mainland for public docking and public automobile and boat trailer parking or it has been confirmed that suitable docking and automobile and boat trailer parking will be provided by a private commercial marina establishment; and
- (c) The size of any parcel of land created by consent should be appropriate for the use and no parcel shall be created which does not conform to the policies of this plan or the requirements of the implementing Zoning By-Law;
- (d) The minimum lot area and frontage shall generally be 4,000 square metres and 60 metres respectively. Lots with water frontage (except water access only lots) shall also abut a public road which is maintained on a year round basis by a public road authority for a minimum continuous distance of 20 metres; except, in a Stratum 1 Deer Yard as outlined in Section 5.7.3 and Schedule 'B' of the Official Plan, the minimum lot frontage shall be 90 metres and the minimum lot size shall be 1 hectare.
- (e) For waterfront lots, consents should be granted only if it has been established by the MOECC that the water quality of the waterbody is capable of accepting further development;

- (f) Consents should not be granted when access to the site creates a traffic hazard because of limited sight lines, curves, or grades of existing development as set out in accepted traffic engineering standards;
- (g) Consents should be granted only when it has been established by the Building Inspector **or** delegate that soil and drainage conditions are suitable to permit the proper siting of buildings, to obtain a sufficient and potable water supply and, where applicable, to permit the installation of an adequate means of sewage disposal;
- (h) Recommendations shall be requested from all relevant agencies prior to a decision being made;
- (i) The lots should not adversely affect areas of mineral aggregate or forestry production, recreational uses or environmentally sensitive areas;
- (j) The lots should be reasonably well proportioned and of regular shape and dimension;
- (k) The creation of the severed and retained lot(s) will not have the effect of preventing access to or land locking any other parcel of land; and
- (l) It shall be the policy of this plan to permit a maximum of two consents (i.e. the creation of two new lots plus the retained remainder of the parcel) from any parcel in existence on or before October 11, 1996. This policy shall not apply to development in Settlement Area.
- (m) New lot creation must provide confirmation that sufficient capacity exists for treatment capacity for hauled sewage.
- (n) New development in the vicinity of a provincial highway that does not have lot frontage on the highway may only gain access using a new or existing municipal road in a manner that is satisfactory to the MTO. A maximum of one entrance per lot shall be permitted. Back lots that do not have frontage on a provincial highway will be restricted from using the highway entrance(s) on an adjacent property.

- (o) New lots (severed and retained) having a lot area less than 0.8-hectare shall only be permitted if supported by a hydrogeological study demonstrating that a smaller lot area is appropriate.
- (p) Among the Township's goals is to make the Settlement Areas of Nipissing, Commanda, and Sunset Cove the focus of development. The total number of new lots permitted to be created by consent within the combined Rural and Shoreline designations within any calendar year shall be limited to a maximum of 10, provided that the consent(s) conform(s) to all other applicable sections of this Plan.

6.7.5 **Exceptions to Consent Policies**

6.7.5.1 Notwithstanding Section 6.7.4 of this Plan further division of parcels of land which were themselves created by a previous consent may be approved under the following conditions:

- (a) To correct lot boundaries;
- (b) To convey additional lands to an adjacent lot provided the conveyance does not lead to the creation of an additional building lot and/or create an undersized or irregular shaped lot;
- (c) To separate dwellings in existence at the date of adoption of this plan provided that the new lots have frontage on a road which is maintained on a year round basis by a public authority or has water access only;
- (d) To dispose of surplus dwellings when two or more parcels are consolidated provided that the new lots have frontage on a road which is maintained on a year round basis by a public authority or has water access only;
- (e) An easement or right of way;
- (f) To recreate original Township lots of approximately 40 hectares (100 acres) along the originally surveyed lot lines provided that the lot has frontage on a maintained public road or for seasonal residential lots having frontage on Lake Nipissing or the navigable portion of the South River where Council is satisfied that suitable mainland parking and

docking facilities are available by private commercial marinas in the area and the lot is water access only.

- (g) It will be a policy of this plan to permit a maximum of two consents from any original Township lot. Recreated original Township lots will be treated the same as any parcel in existence on date of approval of the Township's first Official Plan which was approved on October 11, 1996.

6.8 OFFICIAL PLAN REVIEW

- 6.8.1 Council shall, from time to time, and in accordance with the Planning Act, hold a special meeting, open to the public, for the purpose of determining the need for a revision to the Plan, as required by the Planning Act.

6.9 PROPERTY STANDARDS

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

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

6.10 PUBLIC WORKS

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

6.11 REVISIONS AND AMENDMENTS

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

6.12 SITE PLAN CONTROL

6.12.1 Purpose

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

6.12.2 Development Guidelines

The areas in which site plan control regulations will be exercised are described in Section 6.12.3 of this Plan. Through the application of site plan control by-laws the township will attempt to:

- (a) Retain natural site features and shoreline areas in as natural a state as possible;
- (b) Implement recommendations with respect to specific properties which may be put forth by the Ministry of Natural Resources and Forestry or other applicable agencies;
- (c) Enhance the provision of services such as waste disposal, water supply, storm drainage and other utilities;
- (d) Provide access, both pedestrian and vehicular, as well as site parking and loading areas in appropriate locations;
- (e) Control lighting, landscaping and buffering;
- (f) Prevent or mitigate adverse effects from incompatible land uses;
- (g) Deal with development conditions which cannot be adequately controlled by the Zoning By-law or subdivision agreements;
- (h) Deal with matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings

6.12.3 Designated Areas

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

- (i) All Commercial Zones;
- (ii) All Industrial Zones except mineral aggregate extractive zones;
- (iii) All lands located below the established flood elevation;
- (iv) Any Special Zone that would permit a commercial or industrial use;
- (v) Council may deem that any new use within a sensitive area designation be subject to Site Plan Control;
- (vi) All uses abutting shorelines; and
- (vii) Council may deem that any lot situated within an area identified in Appendix 'B' as having a hazardous forest type for wildland fire be subject to Site Plan Control.

6.12.4 No person may undertake any development in the areas designated under Section 6.12.3 until all conditions have been met to the satisfaction of Council as prescribed under the Planning Act.

6.13 TARIFF OF FEES

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

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

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

6.14 TECHNICAL AMENDMENTS

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

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

6.15 TEMPORARY USE BY-LAW

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

6.16 ZONING BY-LAW

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

6.16.2 All amendments to the Zoning By-law will be checked for conformity against Schedules 'A' and 'B'; Appendix 'A' and 'B'; and, the text of this Plan.

6.17 COMMUNITY IMPROVEMENT

6.17.1 In accordance with Section 28 of the *Planning Act*, the Township may by by-law designate all or part of the Township as a Community Improvement Project Area.

6.17.2 An area may be designated as a Community Improvement Project Area for a number of reasons, which may include: the facilitation of infrastructure projects; development of options for affordable housing; development of municipal facilities; construction of flood control and erosion control measures; or any other reason permitted by the *Planning Act*.