

# OFFICIAL PLAN

DRAFT V5  
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**West Nipissing Ovest**

**Joie de vivre**

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Appendix A: Wildland Fire Risk Map

Appendix B: At Capacity Lake List

# 1 BASIS OF THE OFFICIAL PLAN

## 1.1 LAND USE PLANNING IN ONTARIO

Land use planning in Ontario is directed by provincial policy. In October 2024, the Provincial Planning Statement (PPS) came into effect. This Official Plan (“the Plan”) conforms with the PPS as well as the Growth Plan for Northern Ontario.

The Municipality of West Nipissing (the “Municipality”) is responsible for *development* control. This means that it will be the approval authority for zoning by-laws and amendments, site plan control, minor variances, granting permissions for non-conforming uses, for the approval of consents, subdivisions and condominiums, subdivision and *development* agreements and for property standards.

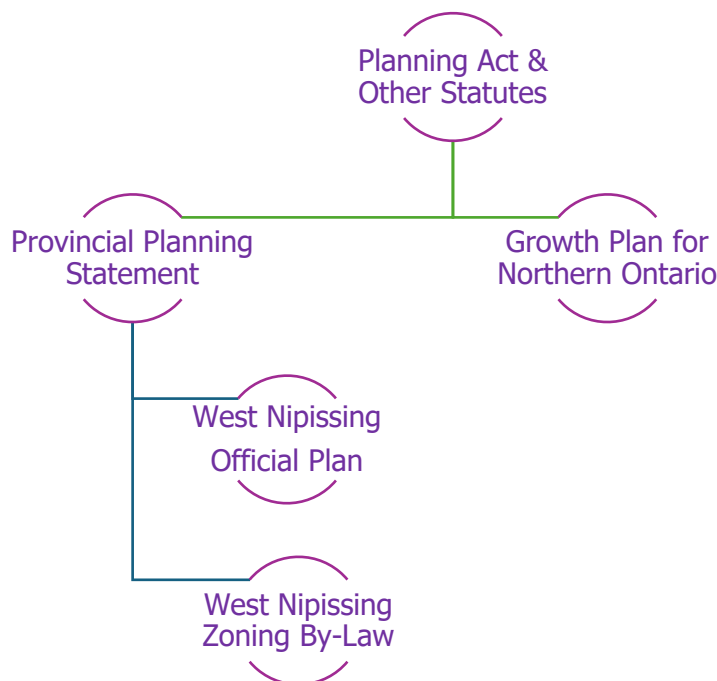
The Municipality is also responsible for processing amendments to their Official Plan. These may result from *development* applications or as an initiative of the Municipality e.g. secondary plan. Any amendment to the Official Plan is subject to approval by the Ministry of Municipal Affairs and Housing.

Agencies such as school boards, utilities, Conservation Authorities etc. have vested interests and responsibilities that affect land use decisions. Their role is primarily to provide comments on applications and to provide information or technical input. Agencies will provide timely input based on their respective mandates. They may request that conditions be imposed as a condition of approval. Such conditions may involve the preparation of technical studies or providing information which, in turn, would be reviewed by an agency.

First Nations and First Nation Communities are rightsholders that will be consulted effectively and with a foundation of respect. A “listen first” objective will guide the engagement to ensure that the Official Plan and any amendments to the plan reflect our First Nations partners in policy and effect.

Figure 1 illustrates the hierarchy of decision making for land use in Ontario.

Figure 1: Hierarchy of Land Use Planning in Ontario



## 1.2 LEGISLATIVE AUTHORITY

The Official Plan is developed under the authority of Section 17 of the Planning Act. All *development* is required to be consistent with the Provincial Policy Statement 2024 or any successor document, as well as within the context of this Plan. This Plan conforms with the Growth Plan for Northern Ontario. Other provincial statutes and regulations may influence land use decisions, and will be applied, where appropriate.

This Official Plan replaces the West Nipissing Official Plan, adopted April 15, 2008, and approved by the Ministry of Municipal Affairs and Housing on December 7, 2011, and has been in effect since February 6, 2007.

## 1.3 STRUCTURE OF THE OFFICIAL PLAN

The Plan is to be read in its entirety, and all relevant policies applied as appropriate. Parts 1 through 6 and the following Schedules constitute the Official Plan.

### **Schedule A: Land Use**

Land use designations are identified on Schedule 'A': Land Use that are made up of schedules A1 through A7 as follows:

- A1: Land Use for all of West Nipissing
- A2: Sturgeon Falls
- A3: Cache Bay
- A4: Field
- A5: Lavigne
- A6: Verner
- A7: River Valley

These schedules identify the residential, commercial, employment, community facility, rural, and agricultural areas, the land use overlays and the Crown Land and Provincial Parks within the Municipality.

### **Schedule B: Natural Heritage Features**

Contains natural heritage features including:

- *Provincial Wetland – Evaluated*
- *Open Water - Evaluated*
- Unevaluated Wetlands (per OWES)
- *Candidate Ansi – Life Science*
- *Candidate Ansi – Earth Science*
- *Deer Wintering – Stratum 1*
- *Moose Aquatic Feeding Areas*
- *Moose Late Wintering Areas*
- *Conservation Reserves*
- *Provincial Parks*

### **Schedule C: Development Constraints**

Development constraints mapping includes:

- Mining Hazards (abandoned mines and AMIS 1km Buffer)
- Ontario Power General Dams
- West Nipissing Power Generation Dam (Private)
- Little Chaudiere Dam (Federal)
- Aggregate pits and 300m influence area (MNR)



- Aggregate quarries and 500m influence area (MNR)
- MNR Aggregate Pits and Quarries with 500 m influence area
- Waste Disposal Sites and influence areas
- Hazard Lands
- Areas of Mineral Potential
- Extractive Resource Lands

#### **Schedule D: Transportation and Infrastructure**

This schedule identifies the provincial, municipal, private and resource roads within the Municipality. It also provides the railway, hydro corridors, hospital heliport, communication towers, pipelines and boat launches, in addition to the trail systems.

#### **Appendix A: Wildland Fire Risk**

The Wildland Fire mapping is provided for convenience and as a resource at the time of the publishing of this Official Plan. This appendix is subject to updating and change without the requirement for an Official Plan Amendment and land use planning applicants may be required to provide updated mapping as part of a complete application.

#### **Appendix B: List of At Capacity Lakes**

## **1.4 PURPOSE OF THE OFFICIAL PLAN**

The Official Plan is the principal land use planning policy document for the Municipality of West Nipissing. The purpose of the Official Plan is to set out goals and objectives for the physical *development* in the Municipality for the next 20 to 30 years (2025-2045/2055) while having regard for the effects on the social, economic and natural environment of the municipality. Schedules are provided to visually represent the policies and designations described within the Plan. The Plan shall be updated according to the requirements of the Ontario Planning Act, as amended.

The policies of this Plan are implemented by the decisions of Council and their delegates, with recommendations from the Planning Advisory Committee, as well as through the zoning by-law and other regulatory by-laws adopted by Council from time to time.

## 1.5 WEST NIPISSING CONTEXT

The Municipality of West Nipissing is an amalgamated municipality of nearly 2000 square kilometers, comprised of the former Towns of Sturgeon Falls, Cache Bay and Verner, the Townships of Springer, Caldwell and Field as well as 17 ½ formerly unincorporated areas in which the hamlet communities of Crystal Falls, North Monetville, Lavigne, Desaulniers, River Valley and Kipling are located.

Unlike many northern Ontario communities, the population growth of the Municipality has remained steady with a growth at the rate of approximately 1.5% per year. The predominant employment sectors are Agriculture, Health Care and Social Assistance, Public Administration and Retail Trade. West Nipissing boasts a vast area of Prime Agricultural Land producing canola, soybeans, oats, wheat and some limited specialty crops. Agriculture continues to be one of the predominant economic engines of the Municipality.

Until 2021, most permits for new construction were for single-detached homes, followed by multi-residential (apartment) and seasonal dwellings. Commencing in 2021, there was a significant increase in construction of duplex and semi-detached dwellings, indicating a market demand increase for multi-unit dwelling living options. In 2024, sixty-seven (67) new dwellings were constructed in West Nipissing.

West Nipissing also serves as a bedroom community to the Cities of North Bay and Sudbury, being strategically located along the Trans-Canada Highway 17. Many residents of West Nipissing commute daily to North Bay or Sudbury for work, but choose to make West Nipissing their home for a variety of reasons, which include the affordability of housing, the rural lifestyle and the many recreational amenities offered. The majority of West Nipissing's population is located within the urban communities of Sturgeon Falls, Cache Bay, and Verner, with the remainder of the population being distributed amongst the smaller communities of Field, Lavigne, Crystal Falls, North Monetville, Kipling and River Valley. Lake Nipissing, the Sturgeon River and the municipality's numerous lakes, rivers and forests provide an attractive residential and recreational setting for both the residents who call West Nipissing home and the many visitors who make West Nipissing their chosen tourist destination.

The Official Plan recognizes West Nipissing as a bilingual community which proudly celebrates its Francophone and Indigenous roots. More than 2/3 of West Nipissing residents speak both English and French, with more than half identifying French as their first language. West Nipissing is also bordered by three (3) First Nation communities, being the Dokis First Nation, the Nipissing First Nation and the Temagami First Nation. The "joie

de vivre” of West Nipissing is evidenced by the diversity of its residents and the lands on which they choose to live, work and play.

[Insert a paragraph requested from First Nations rightsholders describing the First Nations communities and history within the identified area of West Nipissing to ensure all relevant context included. Update: First Nations partners are still working on the additional language.]

## 1.6 VISION AND GUIDING PRINCIPLES

Through the Official Plan, the Municipality of West Nipissing will maintain strong, sustainable and resilient communities; a thriving and competitive economy; and preserve a clean and healthy environment. Lakes are one of the most important natural features on earth, serving as critical ecosystems and vital resources for humans and wildlife alike. These bodies of freshwater not only enhance the beauty of landscapes but also play essential roles in the environment, economy, and culture of West Nipissing. The protection of natural heritage resources is a priority for ensuring a thriving municipality.

To implement the vision of West Nipissing, guiding principles have been developed that are both forward thinking and supportive of local community needs and demands and are based on a reflection and interpretation of Provincial Policy and direction, where “Above all, Ontario will continue to be a great place to live, work and visit where all Ontarians enjoy a high standard of living and an exceptional quality of life.”

### 1.6.1 STRONG, SUSTAINABLE AND RESILIENT COMMUNITIES

Strong, sustainable and resilient communities will be created and maintained by:

- a) Fostering the creation of complete, healthy and sustainable communities and enhance the quality of life and ensuring that West Nipissing is safe for all residents.
- b) Strategically planning for growth and *development* and prioritizing growth within urban and rural settlement areas.
- c) Ensuring sufficient land is made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of at least 20 years.
- d) Protecting and enhancing the existing features of the rural communities.
- e) Promoting and providing for an appropriate range and mix of *housing options* and densities to meet projected needs of current and future residents that also

addresses affordability needs of families, retirees, people on assisted living and low-income earners.

- f) Recognizing the unique role Indigenous communities and rights holders have in land use planning and development, and the contribution of Indigenous communities' perspectives and traditional knowledge to land use planning decisions.
- g) Planning for different modes of transportation and optimize investments in *infrastructure* and public service facilities that will support convenient access to housing, quality employment, services and recreation for all residents.
- h) Directing development away from hazard lands that are unsafe for development such as flood prone and wildland fire areas.
- i) Protecting significant cultural heritage, archaeological resources, the history and defining character of the municipality.

### 1.6.2 STRONG AND COMPETITIVE ECONOMY

West Nipissing is a place to thrive, with a high quality of life and where the multicultural community is valued and celebrated. Natural resources are at the forefront of day-to-day living with a community ready to learn and work hard to fuel a thriving economy. A strong and competitive economy will be achieved by:

- a) Encouraging diversified economic growth with a wide range of commercial and industrial *development* to increase local employment opportunities that are compatible with the character and environment of the Municipality.
- b) Promoting downtown Sturgeon Falls as a vibrant and active hub to do business.
- c) Promoting the municipality's natural heritage and recreational assets to support economic *development* and tourism.
- d) Fostering an investment and business-friendly environment with the objective of economic prosperity and a great quality of life. This will be achieved by promoting learning opportunities, job creation, economic *development* and innovation; in partnership with key economic sectors including retail, service, agriculture, forestry, mining, technology, finance, manufacturing, trades, transportation and tourism, as well as key government services and programs such as education, health, and social services.
- e) Protecting agricultural lands and areas and recognizing the importance of agriculture in the municipality to ensure its continued viability by promoting a range of *agricultural uses*, activities and complimentary / related uses.

- f) Protecting mineral, aggregate, and petroleum resources from incompatible development for their long-term use in a manner that is socially and environmentally responsible.
- g) Continuing to work with Internet service providers to ensure high-speed broadband connectivity is available throughout West Nipissing.
- h) Stimulating the industrial sector by promoting viability and availability of the industrial lands.

### 1.6.3 CLEAN AND HEALTHY ENVIRONMENT

A clean and healthy environment is a foundational element of life and growth in West Nipissing. The protection and enhancement of the natural environment will be achieved by:

- a) Protecting *natural heritage features* and functions and fostering the creation of an enhanced and connected *natural heritage system*.
- b) Recognizing the importance of provincially *significant* features, functions, systems and landforms.
- c) Restricting *development* in areas of environmental significance and where avoidance is not possible, ensuring sufficient mitigation measures are in place to limit or eliminate *negative impacts* to *natural heritage features* and functions.
- d) Concentrating growth within *settlement areas* and limiting growth in the rural areas to levels which can be supported by existing infrastructure.
- e) Ensuring that waterfront *development* is undertaken in ways that protect water quantity and quality.
- f) Advancing *development* solutions that embrace standards of green energy, low impact technologies and *infrastructure* solutions that recognize the changing climate and the associated risks to people, property and the natural environment.
- g) Identifying invasive species and implementing strategies to prevent, control, or mitigate their spread to protect local ecosystems and biodiversity.
- h) Planning, monitoring and managing waste disposal sites to minimize environmental impact and protect public health, with an emphasis on long-term sustainability and risk mitigation.

## 2 GENERAL DEVELOPMENT POLICIES

### 2.1 INFRASTRUCTURE AND PUBLIC SERVICES

- a) *Infrastructure* and public service facilities shall be provided in an efficient manner while accommodating projected needs. Planning for *infrastructure* and public service facilities shall be coordinated and integrated with land use planning and growth management so that they:
  - i) are financially viable over their life cycle, which may be demonstrated through asset management planning;
  - ii) leverage the capacity of *development* proponents, where appropriate; and
  - iii) are available to meet current and projected needs.
- b) Green infrastructure shall be promoted to complement infrastructure.
- c) Before consideration is given to developing new *infrastructure* and public service facilities:
  - i) the use of existing *infrastructure* and public service facilities should be optimized; and
  - ii) opportunities for adaptive re-use should be considered, wherever feasible.
- d) *Infrastructure* and public service facilities should be strategically located to support the effective and efficient delivery of emergency management services, and to ensure the protection of public health and safety.
- e) Public service facilities should be planned and co-located with one another, along with parks and open space where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and active transportation.
- f) Planning authorities, in collaboration with school boards, should consider and encourage innovative approaches in the design of schools and associated childcare facilities, such as integrations with public spaces and residential *development*.

#### 2.1.1 ROADS

- a) *Transportation systems* should be provided which are safe, energy efficient, facilitate the movement of people and goods, are appropriate to address projected needs, and support the use of zero- and low- emission vehicles.
- b) Efficient use should be made of existing and planned *infrastructure*, including using transportation demand management strategies, where feasible.

- c) As part of a multimodal *transportation system*, connectivity within and among transportation systems and modes should be planned for, maintained and, where possible, improved, including connections which cross jurisdictional boundaries.
- d) Within urban *settlement areas*, roads should be constructed or rehabilitated to an appropriate urban profile with sidewalks or paved shoulder of adequate width. Sidewalks or paved shoulders on one side of the road should be the standard in urban *settlement areas*.
- e) Private resource roads as shown on Schedule D to this Plan are not public infrastructure. They are identified for information purposes only and are not considered a public asset nor are they intended to become publicly owned or maintained roadways.

#### **2.1.1.1 Provincial Highways**

- a) Provincial highways are classified according to their function by the Ministry of Transportation. All provincial highways, as shown on the Schedules to this Plan, are under the jurisdiction of the province and as such, the requirements of the Ministry of Transportation will apply.
- b) The intent of this Plan is to maintain the function of provincial highways and/or interchange areas through land use decisions which support the controls exercised by the Ministry of Transportation with respect to access, adjacent land uses and *structures*.
- c) Access to provincial highways is restricted within 350 m of the highway and *development* shall only be permitted where the applicable approvals/permits have been obtained. This may include a traffic study. *Development* will be encouraged to use local roads and service roads wherever possible. Any new roads proposed to be connected to a provincial highway are subject to provincial approval including spacing requirements between intersections. Noise and vibration studies may be required prior to considering whether *development* should be approved adjacent to a provincial highway.
- d) The Ministry of Transportation shall be consulted on all new land uses within 350 m of a provincial highway.

#### **2.1.1.2 Municipal Roads**

The following policy guidance applies to *development* on or the creation of new municipal roads:

- a) The primary function of local roads is to provide direct access to abutting properties. The Municipality may further classify local roads and establish standards for safe use, geometrics, construction and pavement standards, intersections, access, frontage requirements, intersection spacing, signs, truck routes, fire routes, parking lanes, bike lanes, lighting, speed zoning, setbacks, maintenance and winter control, culverts and drainage for all *development* or to improve the function and safety of any local road. Road maintenance and improvements to the local road system and the construction of new roads shall be deemed to conform to Section 24 of the Planning Act.
- b) The Municipality may provide for the layout and construction of roads and may enter into agreements for road construction as provided for under the Planning Act.
- c) Traffic studies may be required by the Municipality as a pre-requisite to the approval of any new access or a change to an existing access or intersection, or intersection spacing with a local road. A traffic study does not guarantee an approval. Where approvals are granted, design and *development* standards governed by the Municipality shall apply.
- d) The Municipality may require the conveyance of land for a road widening, existing forced roads, day lighting triangle or intersection improvement as a condition of *site plan approval* or land division where a road allowance or intersection is deficient in width or enlargement is a requirement. The Municipality may require the dedication of an access reserve to the Municipality along the frontage of any property abutting a local road as a condition of *development*. The Municipality may, as a condition of approval of any *development*, require the dedication of a 20 m road reserve to provide an access for the future *development* of land.
- e) Noise and vibration studies may be required prior to consider whether *development* should be approved adjacent to a local road. Minimum *building* setbacks will be set out in the Zoning By-law to allow for adequate right-of-way for all public roads.
- f) All new roads dedicated to the Municipality must be brought up to current Municipal standards prior to being assumed by the Municipality. Existing seasonally maintained roads must be brought up to an appropriate standard at the cost of the property owners before they will be considered for year-round service.

#### **2.1.1.3 Unopened or Unmaintained Road Allowances**

- a) The Municipality may enter into encroachment agreements for unused or unopened road allowances.



- b) The Municipality may permit the use of an unopened road allowance by agreement and may open or close a road allowance in compliance with the requirements of the Municipal Act and any by-law adopted by the Municipality pursuant to the Municipal Act.

#### **2.1.1.4 Private Roads**

- a) Private roads include roads, lanes, driveways, rights of way, etc., located on privately owned lands, which serve as land-based access to more than one separately conveyable property. Such private roads may exist by virtue of the prior creation of one or more rights of way in favour of the properties served by such road.
- b) Private roads do not include driveways or roadways, paved or otherwise, within a campground or mobile home park or any other internal roadway or driveway which is completely contained within the boundaries of the property and which driveway or roadway does not serve as land-based access to another separately conveyable parcel of land.
- c) All owners of properties that will be accessed by a private road, or an access road over Crown Land, or extensions to existing private roads, will enter into an agreement to be registered on the title of all of these affected properties, to indemnify the Municipality and all other public bodies of all responsibility for any maintenance of the road and all liability for any use of the road and alleged failure to provide emergency services or any other public services that were not being provided at the time of the creation of the road.
- d) Unless it is clearly in the public interest, it is not intended that existing private roads be assumed by any public agency and no responsibility for access, snow removal, maintenance or use by school buses is acknowledged.

#### **2.1.1.5 New Private Roads**

New private roads will be permitted where such private road is within a plan of condominium or is provided by way of a legally registered right of way/easement. New private roads may be considered where acting as a secondary / alternative access to waterfront development. New roads shall have direct access to a publicly owned and maintained road. Direct access shall be deemed to exist where a new condominium road has access to a publicly owned and maintained road via another condominium road.

#### **2.1.1.6 Existing Private Roads: Minor Extensions**

- a) One extension to a private road, existing as of the date of approval of this Plan, may be permitted where such extension is limited to:

- i) serving an abutting lot, which lot benefits from a legal right of way over the full length of the existing private road; and
  - ii) such abutting lot is subject to an application or applications to create no more than 2 new lots (one retained and two severed lots); and
- b) where the Municipality is satisfied, in its sole discretion, considering the length and geometrics of the existing private road, that the private road can accommodate emergency vehicle access. In this regard, the Municipality may require an applicant to provide an engineer's report confirming the foregoing. An applicant who wishes to extend a private road must demonstrate, with copies of necessary documentation, that:
  - i) A legal right of way exists over the full length of the existing private road; and
  - ii) The private road was in existence as of the date of approval of this plan. The depiction of a road as private on any schedule to this plan does not relieve the onus upon the applicant to satisfy the foregoing requirements.

#### **2.1.1.7 Agreements**

- a) Where an extension of an existing private road is permitted in connection with an application for a consent to sever, the applicant shall be required (in any agreement authorized under section 51 (26) or 53(12) of the Planning Act), to acknowledge that public agencies, including the Municipality, are not obliged to provide services (e.g. emergency services, garbage collection, bussing etc.) on private roads that are impassable (on temporary basis or otherwise).
- b) The Municipality's policy is not to assume private roads and the creation or permission for new *development* on such private roads shall not be deemed or considered to be the Municipality's statement of intent to eventually assume such road. Whereupon the Municipality does agree or intend to assume a private road, the Municipality may require the owner and/or benefitting owners to bring the road up to a standard as determined by the Municipality in its sole discretion. Such assumption does not require an amendment to this plan.

#### **2.1.1.8 Road Frontage and Access on New Lots**

- a) Proper and adequate means of access shall be provided to all new lots. *Development* shall not be permitted where it would contribute to the demand for public services that are uneconomic to provide, improve, or maintain. Where access is restricted due to a lack of frontage on a year-round publicly maintained road, services may be limited.

- b) *Development* is required to front upon and have direct access to a publicly maintained road, except as noted below:
  - i) on an existing privately maintained road with the capacity to handle the additional traffic, where demand for additional municipal services would not be created and where legal right-of-way or access can be determined, and where the establishment of a public road would not be practical or feasible;
  - ii) on a minor extension of an existing privately maintained road as per policy 2.11.1.6.
  - iii) via water access provided that adequate long term waste disposal arrangements, parking, and docking facilities are secured to the satisfaction of the Municipality

## **2.1.2 TRANSPORTATION AND INFRASTRUCTURE CORRIDORS (PUBLIC SERVICES & UTILITIES)**

- a) The provisions of this section apply to all *significant* public works or facilities above or below grade for the provision, generation, transmission, distribution and storage of energy such as gas, oil and electric power and the provision of communication facilities such as broadcast, telecast, fibre-optic, optical wireless or other transmission apparatus of such utility.
- b) Public utility authorities may be permitted to locate all work defined by Provincial Statute in any land use designation provided the use meets the appropriate requirements of the Zoning By-law and conforms to this Plan.
- c) Public services and utilities will be planned and implemented in accordance with the requirements of the Environmental Assessment Act and:
  - i) Planning authorities shall plan for and protect corridors and rights-of-way for *infrastructure*, including transportation, transit, and electricity generation facilities and transmission systems to meet current and projected needs.
  - ii) *Major goods movement facilities and corridors* shall be protected for the long term.
  - iii) Planning authorities shall not permit *development* in *planned corridors* that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.
  - iv) Any new major corridors, or any *significant* station, storage facility or tower should be located to minimize any potential adverse social, environmental or aesthetic impacts and avoid any hazard to aeronautical transportation.

Transformer stations should be aesthetically integrated in the design of residential areas.

- v) New or existing corridors shall be protected from *development* by requiring setbacks and construction standards which are consistent with the safe operation, proposed expansion and/or respective regulations of the agencies governing those corridors (e.g. Hydro One Networks, Bell Canada Fibre Optics).
- vi) Utilities which directly serve new subdivisions or other *development* and are compatible and in scale with such developments shall be permitted without amendment to this Plan provided they comply with the construction or other relevant standards of the Municipality. Utility companies will be encouraged to coordinate their efforts in the installation of utilities and in long term facility planning.
- vii) The preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics should be encouraged, wherever feasible.
- viii) The co-location of linear *infrastructure* should be promoted, where appropriate.
- ix) Future transmission lines shall be located in areas to minimize their environmental impact and fragmentation of agricultural land.
- x) In the design and development of communication *infrastructure*, consideration should be given to the visual impacts on adjacent land uses and public safety in the event of the collapse of a tower. Communication towers should be directed to non prominent areas and to areas which do not fragment agricultural lands.
- xi) Communications *infrastructure* (e.g. internet access, cell phones) designed to enhance communications and economic development shall be encouraged.
- xii) New communications towers, storage and administration facilities may be subject to site plan control. Expansion of the electrical power transmission shall be subject to the Environmental Assessment Act.
- xiii) The Municipality shall be advised of plans for new public works before any applications for permits are made.

### 2.1.3 RAILWAYS

Rail corridors are recognized as important economic and transportation linkages through and serving the Municipality. Rail-related noise and vibration attenuation and/or the construction of crash barriers/berms (for public safety against derailments) shall be considered in land use decisions for *development* proposed adjacent to or in the vicinity of the corridor.

### 2.1.4 WATER AND SEWER SERVICING

- a) Fully serviced lots are the preference to support all types of development.
- b) Where new lots are created where full municipal services are available, the *development* of the new lot must be connected to municipal services.
- c) Where full services are not available, *partial services* may be permitted at the discretion of the planning authority. Partial services shall only be permitted in the following circumstances:
  - a. where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; or
  - b. within settlement areas, to allow for infilling and minor rounding out of existing development on partial services provided that: site conditions are suitable for the long-term provision of such services with no negative impacts.
- d) Where partial services have been provided to address failed services in accordance with subsection, infilling on existing lots of record in rural areas in municipalities may be permitted where this would represent a logical and financially viable connection to the existing partial service and provided that site conditions are suitable for the long-term provision of such services with no negative impacts. The extension of partial services into rural areas is only permitted to address failed individual on-site sewage and individual on-site water services for existing development.
- e) Consideration must be given to the capacity of the partial public service and if site conditions are suitable for the long-term provision of such services with no negative impacts.
- f) Lot creation may only be allowed if there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services or private communal sewage services and private communal water.

- g) Where municipal sewage services and municipal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used if site conditions are suitable for the long-term provision of such services with no negative impacts.

#### **2.1.5 STORMWATER MANAGEMENT**

- a) Stormwater Management and the potential impacts of stormwater quality and quantity on the lands and waters downstream shall be considered when assessing *development* applications.
- b) Stormwater Management Plans, consistent with the intent and objectives of the Ministry of the Environment's Stormwater Management Planning and Design Manual, may be required for commercial, industrial, institutional or waterfront *development* and for any large residential developments including plans of subdivision. Proposed developments may be required to incorporate stormwater management practices directed to minimizing stormwater volumes and contaminants and increasing or maintaining the extent of vegetative and pervious surfaces. Additional site-specific requirements may be applied on a case-by-case basis to ensure that the potential off-site impacts of stormwater are addressed.
- c) Where required under the Ontario Water Resources Act, permits, approvals and registrations may be required for proposed stormwater management facilities.
- d) Low Impact Development (LID) options shall be considered and utilized to protect water quality and quantity and support the mitigation of the effects of a changing climate.

#### **2.1.6 WASTE MANAGEMENT**

- a) The Municipality shall ensure that there is sufficient capacity to accommodate waste disposal for all new development.
- b) All waste management sites operating in the Municipality, whether publicly or privately owned, shall be operated in a manner that safeguards the environment and protects nearby residents and *sensitive* land uses from undue impact. No residential use is permitted in conjunction with a licensed waste management site.
- c) All operating waste management sites shall be covered by a current Certificate of Approval where available, issued by the Ministry of Environment under the provisions of the Environmental Protection Act.

#### **2.1.6.1 New Waste Management Sites**

If a new private waste management site is proposed to be opened in the Municipality, an amendment to this Plan will be required. The proponent will be required to submit complete documentation to support the proposal prior to the application being considered by Council.

#### **2.1.6.2 Closed or Inactive Waste Management Sites**

Closed or inactive sites, whether public or private, may be used for other purposes subject to meeting requirements of the Environmental Protection Act (Section 46 Order). In general, no *buildings* or other use may be made of land used as a waste management facility within a period of 25 years from the year in which the site was closed without the prior approval of the Minister of the Environment. Closure plans should provide for the progressive rehabilitation of the site.

#### **2.1.6.3 Expanding a Waste Management Site**

Any proposal for the expansion of a current use within an influence area of 500 m (1,640 ft.) of the perimeter of the fill area of either an active or inactive *waste disposal site* will require studies in accordance with the Ministry of the Environment Guideline D-4: Land Use on or Near Landfills and Dumps. The applicant should be able to demonstrate that the water supply of the proposed *development* will not be negatively impacted and that there are no other problems such as leachate, methane gas, or rodents and vermin.

*Development* shall not be permitted on or within 60 m of the boundary of the licensed fill area of a waste disposal area(s).

## **2.2 CROWN LANDS**

This designation applies to all lands in the Municipality that are owned by the Crown. Provincial Crown Land is administered by the Ministry of Natural Resources. The use of Crown Land will be in accordance with the management policies, plans and programs of the Ministry of Natural Resources and shall have due regard for the policies and designations for lands located within the immediate vicinity of Crown Land, when preparing management plans and policies. The Ministry of Natural Resources is encouraged to consult with the Municipality prior to the implementation of plans and programs within West Nipissing.

### **2.2.1 DISPOSITION OF CROWN LANDS**

In the event that the disposition of Crown owned land to private ownership occurs, the following designations shall apply:

- Where lands are located outside of a Settlement Area and farther than 150 m from a shoreline or waterbody, the lands shall be designated Rural Area.
- Where the lands fall within 150 m of a waterbody, the lands shall be designated Waterfront Area.
- Where the lands are located within a Settlement Area, the lands shall be designated Urban or Rural Settlement area, as applicable.
- Where the lands fall in multiple designations as noted above, then multiple designations will be applied.

An amendment to the Official Plan for such purposes shall not be required.

### **2.2.2 NEW CROWN LANDS**

Where the Province acquires new Crown lands, those lands will be placed in the Crown Lands designation.



### 3 LAND USE DESIGNATIONS

The majority of West Nipissing's 14,500 population can be found within the Urban *Settlement Areas* of Sturgeon Falls, Cache Bay and Verner as well as distributed amongst the smaller rural *settlement areas* of Field, Lavigne, and River Valley. Most of the residential, commercial and industrial growth will continue to be directed to *Urban* and *Rural Settlement Areas*, away from resource uses and activities. Priority will be given to *development* that optimizes the use of existing and/or planned *infrastructure* and public services and contributes to the achievement of *complete communities* in accordance with the Official Plan's Vision and Guiding Principles.

#### 3.1 OBJECTIVES

Building on the Vision and Guiding Principles above, it is the objective of the *settlement area* policies to:

- a) Provide for an appropriate range and compact mix of residential, employment, commercial, institutional and recreational uses to meet the community's long-term needs.
- b) Accommodate growth, including residential *intensification* and *infilling* that can be serviced by existing and/or planned public services and *infrastructure*.
- c) Direct higher density residential *development* to the downtowns and main streets of Sturgeon Falls, where full servicing is available, while respecting the existing or planned character of the neighbourhood.
- d) Prioritize the *development* of *housing options* that include purpose built rental and/or meet affordability needs and contribute to a more complete community.
- e) Support opportunities that attract a diversified economic base and maintain a supply of suitable sites for employment and commercial uses that take advantage of existing or planned *infrastructure* and resources.
- f) Promote opportunities to revitalize and redevelop downtowns and main streets while preserving, enhancing and/or promoting past character.
- g) Achieve high quality design and the creation of complete streets to enhance quality of life and the health of the public.

- h) Plan for the connection of community spaces and the natural environment for community wellness, social cohesion and well-being.
- i) Promote integrated, creative, accessible and inclusive community design.

## 3.2 URBAN SETTLEMENT AREA DESIGNATION

Urban *Settlement Areas* are the primary area for future growth and development and are characterized as well-developed communities with a diverse mix of uses on full municipal servicing. The following communities are identified as urban settlement areas within this Plan:

- Sturgeon Falls
- Verner
- Cache Bay

### 3.2.1 PERMITTED USES IN URBAN SETTLEMENT AREAS

The following uses are generally permitted within the designations set out in this document and illustrated on Schedule A. Public Uses and accessory uses incidental to the main use are permitted on all lands. Nothing in the policies of this section of the Plan are intended to eliminate existing agricultural uses.

Additional residential units are permitted as an accessory use subject to servicing availability, provincial guidance and provisions of the implementing zoning by-law.

#### 3.2.1.1 Permitted Uses for Lands within the Residential Designation

- a) Low density residential (single detached, semi-detached, duplex) that should achieve a density of 10 to 25 units per hectare.
- b) Medium density residential (triplex, townhouses) that should achieve a density of 25 to 40 units per hectare.
- c) High density residential (apartments), that should achieve a density of 40-80 units per hectare.
- d) Additional Residential Units (ARUs) within low density residential dwellings.
- e) All *housing options* to meet social, health, economic and well-being of current and future residents, including *additional needs housing, group homes, crisis care and social assisted housing*.

- f) Compatible institutional uses such as spiritual uses, schools and daycares.
- g) Compatible commercial uses such as service shops, convenience stores or professional services where the scale is compatible with the residential area and character.

**3.2.1.2 Permitted Uses for Lands within the Commercial Designation:**

- a) Full range of services, including commercial, retail, automotive, recreational and resort commercial, and personal service uses.
- b) Residential uses (mixed or stand-alone), where appropriate and preserves the planned function of the Commercial Designation. Where mixed use development is proposed, it is encouraged that retail and commercial spaces occupy the ground floor of structures within the Commercial Designation with accessory residential units housed on upper floors or behind commercial uses.

**3.2.1.3 Permitted Uses for Lands within the Employment Designation**

A full range of employment and industrial uses.

**3.2.1.4 Lands within the Community Facilities Designation**

- a) Large public or private parks, recreational facilities, cultural facilities, community facilities, golf courses, fairgrounds, waterfront areas and other open space and conservation uses.
- b) Urban reserves for future public services and environmental conservation.
- c) A full range of institutional uses, including but not limited to healthcare centres, hospitals, schools, childcare facilities.
- d) Spiritual uses and cemeteries.

**3.2.2 DEVELOPMENT POLICIES**

- a) *Development* shall be appropriate to the *infrastructure* and public services which are planned and/or available and avoid the need for the uneconomical expansion of this *infrastructure*.
- b) Land use conflicts shall be avoided. All new land uses shall comply with recommended separation distances and/or influence areas set out by applicable legislation and guidelines.
- c) Lots shall have frontage on and direct access to an open and maintained year-round public road or approved condominium road.

- d) Lot size shall be adequate for all existing and proposed uses and shall be further detailed in the applicable zoning by-law.
- e) Existing residential neighbourhoods are intended to generally retain their existing character while evolving to accommodate additional density and dwelling units. New housing is not required to mimic the character, type and density of existing housing but rather, it shall fit into and reinforce the stability and character of the neighbourhood.
- f) Residential *infill* development, which includes *development* on vacant lots of record, underutilized sites or creation of lot(s) between existing residential lots, may be permitted provided that:
  - i) the proposed *development* is compatible with the character of the existing neighbourhood and *sensitive* to the location, massing and height of adjacent *buildings*; and
  - ii) existing trees and vegetation will be retained where possible and additional landscaping is provided to integrate the proposed *development* with the existing neighbourhood.
- g) Residential *Intensification* is encouraged where the proposal is:
  - i) Located in a highly accessible area and close to public service facilities, amenities and open space areas;
  - ii) Contributes to the revitalization of the downtown and main streets;
  - iii) Compatible with the surrounding existing and planned context;
  - iv) Designed to adequately integrate into the community in terms of walking, cycling, transit, parking, loading, recreational facilities, landscaping and buffering;
  - v) Utilizes high quality urban design and built form that contributes to a sense of place; and
  - vi) Able to be appropriately serviced. Development on full public services is subject to the availability of capacity of the public sewer and/or water service. Should full public services not be available, demonstration of a private servicing solution will be required.
- h) Employment lands in proximity to major transportation corridors (roads, rail) should be protected for the long-term;

- i) Employment lands should be protected from and provide appropriate transition to *sensitive* land uses not ancillary to the employment uses;
- j) Development should provide a positive climate for economic investment and job creation;
- k) Any application to expand an existing *Urban Settlement Area*, other than minor rounding out of existing residential areas, shall be subject to an Official Plan Amendment that demonstrates, at a minimum:
  - i) the need for additional land to accommodate an appropriate range and mix of land uses;
  - ii) sufficient capacity in existing or planned full municipal services, *infrastructure* and *public service facilities*;
  - iii) provides for the phased progression of urban development; and,
  - iv) if the proposed expansion comprises *Prime Agricultural Areas* further examination is required to evaluate alternative locations that avoid *Prime Agricultural Areas*, or if not possible, consider lower priority agricultural lands. Compliance with the *Minimum Distance Separation Formulae (MDS)* and whether impacts on the *agricultural system* are avoided, minimized and/or mitigated to the extent feasible shall be determined through an *Agricultural Impact Assessment* or equivalent analysis, based on provincial guidance.

### 3.3 RURAL SETTLEMENT AREA DESIGNATION

Rural *Settlement Areas* are characterized as small communities within a largely rural setting that have a mix of land uses including *public service uses* and facilities. Rural *Settlement areas* which become serviced with piped sewer and water services should be redesignated as *Urban Settlement areas*.

The following communities are identified as Rural *Settlement areas*:

- Field
- Lavigne
- River Valley

### **3.3.1 PERMITTED USES IN RURAL SETTLEMENT AREAS**

The following uses are generally permitted within the designations set out in this document and illustrated on Schedule A. Compatible institutional uses such as schools, churches, daycares, municipal buildings as well as public uses are permitted within Rural Settlement Areas. Public Uses and accessory uses incidental to the main use are permitted in the rural settlement areas.

Additional residential units are permitted as an accessory use subject to servicing availability, provincial guidance and provisions of the implementing zoning by-law.

#### **3.3.1.1 *Lands within the Residential Designation***

- a) Low density residential (single detached, semi-detached, duplex) that should achieve a density of 5 to 10 units per hectare.
- b) All *housing options* to meet social, health, economic and well-being of current and future resident, including additional needs housing, *group homes*, *crisis care* and *social assisted housing*.
- c) Compatible commercial uses such as service shops, convenience stores or professional services where the scale is compatible with the residential area and character.

#### **3.3.1.2 *Lands within the Commercial Designation:***

- a) Full range of services including, commercial, retail, automotive, recreational and resort commercial and personal service uses.
- b) Residential uses (mixed or stand-alone), where appropriate and preserves the planned function of the Commercial Designation. Where mixed use development is proposed, it is encouraged that retail and commercial spaces occupy the ground floor of structures within the Commercial Designation with accessory residential units housed on upper floors or behind commercial uses.

#### **3.3.1.3 *Lands within the Employment Designation***

- a) A range of employment and industrial uses, excluding heavy (Class III) industrial uses.
- b) Associated commercial and office uses and ancillary facilities.

#### **3.3.1.4 *Lands within the Community Facilities Designation***

- a) Large public or private parks, recreational facilities, cultural facilities, community facilities, golf courses, fairgrounds, waterfront areas and other open space and conservation uses.

- b) Urban reserves for future public services and environmental conservation.
- c) A full range of institutional uses, including but not limited to healthcare centres, hospitals, schools, childcare facilities.
- d) Spiritual uses and cemeteries.

### 3.3.2 DEVELOPMENT POLICIES

- a) *Development* shall be appropriate to the *infrastructure* which is planned and/or available, and avoid the need for the uneconomical expansion of this *infrastructure*.
- b) *Development* on private services is permitted where it can be demonstrated that sufficient area and soil capability is present.
- c) Land use conflicts shall be avoided and *sensitive* land uses (i.e. residential, health care, educational facilities) protected from incompatible land uses. All new land uses shall comply with recommended separation distances and/or includes areas set out by applicable legislation and guidelines (i.e. MDS, MOEE Industrial Categorization Criteria).
- d) Existing residential neighbourhoods are intended to generally retain their existing character while accommodating additional dwelling units. New housing is not required to mimic the character, type and density of existing housing but rather, it shall fit into and reinforce the stability and character of the neighbourhood. *Infill* and *intensification* may be permitted where it respects the scale and built form of the surrounding neighbourhood and conforms to the policies of this Plan.
- e) Residential *infill* development, which includes *development* on vacant lots of record, underutilized sites or creation of lot(s) between existing residential lots, may be permitted provided that:
  - i) the proposed *development* is compatible with the character of the existing neighbourhood and *sensitive* to the location, massing and height of adjacent *buildings*; and
  - ii) existing trees and vegetation will be retained where possible and additional landscaping provided to integrate the proposed *development* with the existing neighbourhood.
- f) Existing agricultural and mineral aggregate extraction uses are permitted to continue and may be expanded subject to appropriate zoning and provided the land is not required to accommodate new non-farm *development* permitted in the Rural

*Settlement area* and *Minimum distance separation* Formulae requirements are met. Over the long term, such uses are encouraged to relocate or be phased out.

### 3.4 EMPLOYMENT AREA DESIGNATION

Employment areas are intended to be in strategic locations such as major highway intersections where exposure to the traveling public or labour market area is essential to the vitality of commercial or industrial enterprise. They are also located in historically industrially areas.

#### 3.4.1 PERMITTED USES IN THE EMPLOYMENT DESIGNATION

Permitted uses within the Employment Designation include:

- Commercial Uses
- Industrial Uses
- Transportation and Distribution Uses

##### 3.4.1.1 *Commercial Uses*

Supportive commercial uses are permitted in the employment designation. They shall not include large retail uses, rather the commercial uses permitted shall be ancillary to the surrounding industrial uses of the area.

##### 3.4.1.2 *Industrial Uses*

Class 1, 2 and 3 industrial uses are permitted in the Employment Designation. All industrial uses in the applicable zoning by-law are permitted in addition to similar uses.

##### 3.4.1.3 *Transportation and Distribution Uses*

The storage and movement of vehicles and / or merchandise that may include warehousing facilities is permitted in the Employment Designation.

#### 3.4.2 DEVELOPMENT POLICIES

- a) Where full services are not available, only *dry industrial* uses are permitted.
- b) MECP D-6 Guidelines shall be adhered to and influence areas shall be recognized as follows:
  - i) Class 1 Industrial uses have an influence area of a minimum of 70m
  - ii) Class 2 Industrial uses have an influence area of 300m
  - iii) Class 3 Industrial uses have an influence area of 1000m



- c) As a measure to promote land use compatibility, landscaping, buffering, screening or other attenuation measures shall be used to mitigate adverse effects, noise and visual impacts, and conflicts between land uses and may include setbacks, berms, fencing, vegetation, natural landforms or a combination of these measures.
- d) Site Plan Control is encouraged to be used for all new development within the Employment Designation.

### 3.5 AGRICULTURAL AREA DESIGNATION

The Agricultural designation applies to agricultural lands identified as such on Schedules A1 through A7. The Agricultural Designation is comprised of lands classified as Class 1, 2, and 3 in the Canadian Land Inventory (CLI) classification system as well as all lands zoned for agricultural use as of January 2025. Parcels of lower soil classes which contribute to the protection of agricultural resources due to their proximity to Class 1 to 3 soils are also included in the Agricultural Designation in accordance with provincial direction.

#### 3.5.1 PERMITTED USES IN THE AGRICULTURAL DESIGNATION

Permitted uses within the Agricultural Designation include:

- *Accessory Uses*
- *Aggregate and Mineral Mining Uses*
- *Agricultural Uses*
- *Agriculture-related uses*
- *On-farm Diversified Uses*
- *Conservation Uses*
- *Residential Uses* limited to low density.

##### 3.5.1.1 Accessory Uses

All uses accessory to the primary agricultural use are permitted. Accessory uses shall include home occupations and home industries.

Where residential uses are permitted, Additional Residential Units are permitted as an accessory use subject to servicing availability, provincial guidance and provisions of the implementing zoning by-law.

### **3.5.1.2 Aggregate and Mineral Mining Use**

The full spectrum of aggregate and mineral mining uses are permitted in the Agricultural Designation and are considered to be long-term temporary uses in that when an operation or use ceases, the lands are to be put back to their pre-development condition. This pre-development condition shall be lands appropriate to be included in the Agricultural Designation.

### **3.5.1.3 Agricultural Uses**

A variety of types, and intensities of *agricultural uses* and *normal farm practices* are permitted and shall be consistent with Provincial guidelines. Forestry uses are permitted.

### **3.5.1.4 Agriculture-Related Uses**

The full spectrum of *agriculture-related uses* are permitted within the Agricultural Designation. *Agriculture-related Uses* are not intended to remove lands from agricultural use wherever possible.

Agriculture-related uses shall include farm related commercial and farm related industrial uses that are small in scale and directly related to the farm operation such as a grain drying handling and storage facilities.

Agriculture-related uses of businesses which directly support the surrounding agricultural operations are also permitted and should be located on lands with lesser soil quality to avoid negative impacts to viable agricultural land.

### **3.5.1.5 Conservation Uses**

Conservation uses are permitted within the Agricultural Designation but are not intended to remove large tracts of agriculturally appropriate lands from production. Conservation uses are intended to protect significant natural heritage features and functions. These protections will serve to enhance the biodiversity of an area which supports the agricultural systems approach.

### **3.5.1.6 On-Farm Diversified Uses**

On Farm Diversified Uses (OFDUs) are permitted where they are accessory to an agricultural use of the property. These can include, but are not limited to, *agri-tourism* uses, value-added uses, and home occupations. *OFDUs* may be subject to Site Plan Control.

Proposed *OFDUs* shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses is to be based on provincial guidance that limits the scope and scale of *OFDUs*.

### **3.5.1.7 Residential uses**

*Residential uses* in the form of a single detached dwelling are permitted except where residential uses have been prohibited by planning authorities through a surplus farm dwelling severance process. These lands are zoned to prohibit future residential uses as per the direction of the Provincial Planning Statement. Should development be proposed, an Official Plan Amendment would be required.

Where a residential dwelling is permitted, Additional Residential Units (ARUs) are permitted.

Where ARUs are permitted in Agricultural Area, they are in addition to permitted farm worker housing. Detailed provisions regarding ARUs in the Agricultural Designation are to be provided in the Zoning By-law in accordance with the Provincial Planning Statement.

A temporary residential structure may be permitted to accommodate full time farm help who are involved in the day-to-day operation of the farm. Should additional structures be needed for full time farm help, a zoning by-law amendment shall be required.

### **3.5.2 DEVELOPMENT POLICIES**

- a) The predominant use of land within the Agriculture Designation shall be agriculture, agriculture related activities, and forestry.
- b) *Development* in the Agricultural Designation shall be restricted to preserve lands in accordance with an agricultural systems approach.
- c) Land use conflicts shall be avoided. All new land uses shall comply with recommended separation distances and/or influence areas set out by applicable legislation and guidelines.
- d) New Lots shall have frontage on and direct access to an open and maintained year-round public road or registered right-of-way or easement.

### **3.5.3 NON-AGRICULTURAL USES**

- a) It shall be a policy of this Plan to discourage the development of non-agricultural related uses within the Agriculture Designation and to prevent uncontrolled and scattered development to avoid unnecessary fragmentation of the land base and in particular, farmland. Non-agriculture related uses shall be encouraged to locate within the settlement and rural areas identified on the land use schedules.

- b) New or expanding non-agricultural uses within the Agricultural Area are to be avoided, or where avoidance is not possible, minimized and mitigated as determined through an *Agricultural Impact Assessment* (AIA) or equivalent analysis, based on provincial guidance. In the case of aggregate operations and permissions, rehabilitation of lands within the Agricultural Area shall be to pre-development characteristics.
- c) Non-agricultural uses and *agriculture-related uses*, including kennels, sawmills, abattoirs, livestock marketing or sales yard, a seed cleaning plant and agricultural produce warehouse or similar agriculture-related businesses are encouraged to locate on lower priority agricultural lands.

#### **3.5.4 MINIMUM DISTANCE SEPARATION**

All *development* including lot creation, *ARUs* and new or expanding livestock facilities will comply with the *minimum distance separation* formulae established by the Province in order to minimize conflicts between livestock facilities and sensitive land uses.

#### **3.5.5 REMOVING LANDS FROM THE AGRICULTURAL DESIGNATION**

Lands shall only be removed from the Agricultural Designation following an *Agricultural Impact Assessment* (AIA) study that demonstrates no *negative impact* to the agricultural area within which the lands are found. For the purposes of the AIA, a 250 ha minimum connected area of analysis shall be studied to determine impact of the removal. Where possible, a 1:1 compensation (or swap) should be considered to maintain the integrity of the agricultural area.

### **3.6 RURAL AREA DESIGNATION**

The Rural Area is defined as all lands within the Municipality that are not within a designated urban or rural *settlement area*, the *agricultural designation* or on *Crown or federally owned lands*. The rural area is characterized by rural land uses including agriculture, low density residential, aggregate and recreational uses. *Development* is typically serviced by individual on-site water supply and sewage disposal systems.

#### **3.6.1 PERMITTED USES IN RURAL AREA LANDS**

Permitted uses include:

- *Accessory Uses*
- *Agriculture Uses*

- *Agriculture-Related Uses*
- Conservation / Resource Management Uses
- Highway Commercial Uses
- Industrial Uses
- Institutional Uses
- *On-Farm Diversified Uses* (OFDUs)
- Recreational Uses
- Residential Uses
- Resort Commercial Uses
- *Salvage Yard Use*
- *Wayside Pits and Quarries and Portable Asphalt Plant Uses*
- Other similar rural land uses

#### **3.6.1.1 Accessory Uses**

*Accessory uses* to any main use are permitted e.g. accessory dwellings, bed & breakfast establishments, garages, storage and outbuildings, *marine facilities*, administrative uses, home based businesses and home occupations.

#### **3.6.1.2 Agricultural Uses**

*Agricultural uses* are permitted in the Rural Area Designation. New *agricultural uses* are subject to the *Minimum Distance Separation* formulae.

#### **3.6.1.3 Agricultural Related Uses**

*Agriculture-related uses* shall be compatible with surrounding land uses. Guidelines from the Province and the implementing Zoning By-law shall be used to control scope and scale of the uses.

#### **3.6.1.4 Conservation / Resource Management Uses**

All uses for the management and protection of natural resources and features of *significant* architectural, cultural, historical, archaeological or scientific interest are permitted in the Rural Designation.

#### **3.6.1.5 Industrial Uses**

Class I, II and III *industrial uses* and resource related *industrial uses* are permitted in the Rural Designation. Transportation and distribution industries are permitted. All *industrial uses* in the Rural Designation shall ensure no conflict between the use of an adjacent or abutting *sensitive* land use as per MECP D6 Guidelines. Existing *Industrial uses* in the Rural

Designation shall be recognized and new industrial uses shall be approved through a Zoning By-law Amendment.

### **3.6.1.6 Community Facilities Uses**

*Institutional uses* such as schools, spiritual uses, community centres, day care centres and municipal facilities are permitted in the Rural Designation.

### **3.6.1.7 On Farm Diversified Uses**

*On-Farm Diversified Uses* (OFDUs) are permitted where an agricultural use is the primary use of the property. Proposed *OFDUs* shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses is to be based on provincial guidance that limits the scope and scale of *OFDUs*.

### **3.6.1.8 Recreational Uses**

Recreational uses such as *campgrounds*, tourist establishments, *hunt camps*, picnic areas and other recreational uses are permitted in the Rural Designation.

### **3.6.1.9 Residential Uses**

Low-density residential and accessory *residential uses* shall be permitted in the Rural Designation.

Where residential uses are permitted Additional Residential Units (ARUs) are permitted as an accessory use subject to servicing availability, provincial guidance and provisions of the implementing zoning by-law.

### **3.6.1.10 Resort Commercial Uses**

*Resort Commercial Uses* are permitted in the Rural Designation and may be subject to Site Plan Control at the discretion of staff.

### **3.6.1.11 Salvage Yard Use**

A *Salvage Yard* is a permitted use in the Rural Designation, subject to all provincial guidelines and approvals that apply to this use.

### **3.6.1.12 Wayside Pits and Quarries and Portable Asphalt Plant Uses**

*Wayside pits and quarries* as well as Portable Asphalt Plant uses are permitted in the Rural Designation subject conformity with all provincial guidelines and statutes.

### **3.6.1.13 Other Uses**

Certain other uses may be appropriate on land in the Rural designation, however, their potential for off-site impacts cannot be determined in advance and should be reviewed on

a site-by-site basis. Uses such as commercial and industrial ventures, major recreation uses such as golf courses, multiple unit dwellings or resource-based operations may be allowed by site specific zoning amendment and may not require an amendment to this Plan so long as the general intent of the Plan is maintained.

Examples of commercial and industrial ventures that may be appropriate in the Rural Designation area include, but are not limited to, restaurants, retail stores and accommodation facilities so long as it be satisfied that:

- a) the proposed use is compatible with the character of the area;
- b) adequate water, sewer, parking, loading facilities and landscaping can be provided on-site and applicable approvals can be obtained;
- c) the use shall not have a *negative impact* on the enjoyment and privacy of neighbouring properties or on the *natural heritage features* or functions of the property; and
- d) the proposed use is accessed by a publicly maintained year-round road that can accommodate the additional traffic generated by the proposed development.

### 3.6.2 DEVELOPMENT POLICIES

- a) Permitted *agriculture-related*, commercial and *industrial uses*, wherever possible, should be located along major roadways and where the uses can provide adequate off-street parking and loading facilities and will not adversely affect traffic movement.
- b) *Development* that can be sustained by rural service levels should be promoted.
- c) *Development* shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the uneconomical expansion of this *infrastructure*.
- d) Planning authorities should support a diversified rural economy by protecting agricultural and other resource-related uses and directing non-related *development* to areas where it will minimize constraints on these uses.
- e) New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *Minimum Distance Separation (MDS)* formulae.

## 3.7 WATERFRONT AREA DESIGNATION

### 3.7.1 PROHIBITED USES

Development on “At Capacity Lakes” identified in Appendix 2 of this Plan is prohibited.

### 3.7.2 PERMITTED USES IN THE WATERFRONT DESIGNATION

Permitted uses in the Waterfront Area designation include:

- Accessory Uses
- *Community Facility Uses*
- *Public Uses*
- Residential Uses
- *Tourism Commercial and Resort Commercial Uses*

#### 3.7.2.1 Accessory Uses and Structures

Accessory uses and *structures* such as storage sheds, garages, boathouses, home occupations and *bed and breakfast* establishments, may be permitted in conjunction with permitted principal uses.

Additional residential units are permitted as an accessory use subject to servicing availability, provincial guidance and provisions of the implementing zoning by-law.

#### 3.7.2.2 Community Facility Uses

- a) *Open Space, Park and Conservation uses* are permitted in the Waterfront Designation. Parking areas and any facilities such as washrooms, gazebos or pavilions are to be located outside of the natural vegetated shoreline to minimize human impact to the water.
- b) Small institutional uses may be permitted subject to the applicable zoning by-law. Larger *institutional uses* deemed to have significant potential impacts to water quality may require a Zoning By-law Amendment supported by applicable studies, as determined by staff.
- c) A full range of *infrastructure* uses and utilities excluding *waste management systems* are permitted in the Waterfront Designation.

#### 3.7.2.3 Residential Uses

- a) *Low density residential* shall be permitted in the *Waterfront Designation*.
- b) Additional residential units are permitted as an accessory use subject to servicing availability, provincial guidance and provisions of the implementing zoning by-law.
- c) ARUs shall not be permitted on existing lots of record which front onto lakes which are at capacity, or on lots which are less than 0.4 hectares in area.



#### **3.7.2.4 Tourism Commercial and Resort Commercial Uses**

New commercial *development* in *Waterfront Areas* shall generally take one or a combination of the following forms:

- a) *commercial uses which provide lodging and accommodation for the vacationing public, members, or clients, including campgrounds;*
- b) *Recreational facilities; and*
- c) *Commercial uses which are compatible with i) and ii) such as marinas, chip stands, and small retail stores.*

New tourism related commercial *development* may be allowed by Zoning Amendment and may require Site Plan Control but will not require an amendment to this Plan so long as the general intent of the Plan is maintained.

Integrated on-site recreation facilities may be a component of any resort commercial development. Public use of resort facilities, particularly recreational and docking facilities, is encouraged.

#### **3.7.3 DEVELOPMENT POLICIES**

- a) The restoration, preservation and protection of the natural shoreline is required wherever possible. Tree cover and vegetation should be retained to maintain the visual and environmental integrity of the shoreline. A natural walking / access trail to the water is permitted through the natural shoreline.
- b) Access on public lands shall be maintained and enhanced where appropriate to allow public access to waterbodies or rivers.
- c) No *development* will be permitted on islands less than 0.4 ha in size unless:
  - i) it can be demonstrated that the shape, size, soil and tree cover, and surrounding environmental characteristics make it suitable for the proposed development;
  - ii) it can be demonstrated that the property can accommodate a private on-site sewage disposal system without *significant* impacts on vegetation and the character of the island;
  - iii) it can be demonstrated that the property can accommodate a sufficient building envelope without significant impacts on vegetation and the character of the island; and

- iv) Waste disposal facilities, mainland parking and docking facilities are provided.
- d) Notwithstanding 3.7.2.c), minor alterations and additions to existing development are permitted on islands less than 0.4 ha in size.

### 3.8 COMMUNITY FACILITIES DESIGNATION

Lands identified as part of the Community Facilities Designation are for the benefit of and/or availability and enjoyment of all residents and visitors.

The Community Facilities Designation includes parks and lands used for active and passive leisure activities. In addition, these lands are intended to contribute to the enhancement of the natural environment through the provision of green space and vegetation. Park spaces shall complement the functions of community and improve access to those locations.

The Community Facilities Designation also includes institutional uses such as healthcare centres, spiritual uses and schools which contribute to the wellbeing of residents.

#### 3.8.1 PERMITTED USES IN THE COMMUNITY FACILITIES DESIGNATION

Permitted uses in the Major Open Space designation are limited to:

- *Accessory Uses and Structures*
- *Passive and Active Recreation Uses*
- *Public Parks Use*
- *Conservation and Wildlife Management Use*
- *Forestry Uses*
- *Interpretive Centre Uses*
- *Institutional Uses*
- *Public Uses and Utilities*

##### 3.8.1.1 Accessory Uses and Structures

All supporting uses to the primary use and structures such as public washrooms, water fountains, picnic shelters, accessible infrastructure etc. are permitted in the Community Facilities Designation.

### **3.8.1.2 Passive and Active Recreation Uses**

A full range of *passive* and *active recreational uses* are permitted. Recreational activities shall endeavor to protect and enhance the natural heritage features within and surrounding the use.

### **3.8.1.3 Public Park Use**

Public parks are lands owned by a public body accessible to the general public and they are encouraged within the Community Facilities designation where appropriate.

### **3.8.1.4 Conservation and Wildlife Management Uses**

Lands used for the preservation and enhancement of the natural environment are encouraged within the Community Facilities designation. *Development* for the protection of lands for the purpose of managing wildlife is permitted.

### **3.8.1.5 Forestry Uses**

Publicly owned forestry uses are permitted in the Community Facilities designation.

### **3.8.1.6 Interpretive Centre Uses**

The development of an *interpretive centre* or facilities acting as *interpretive centres* are permitted in the Community Facilities designation. This Plan is supportive of the utilizing public parks and open space areas for education and enrichment opportunities.

### **3.8.1.7 Institutional Uses**

A full range of *institutional uses*, including but not limited to healthcare centres, hospitals, schools, childcare facilities, spiritual uses and cemeteries.

### **3.8.1.8 Public Uses and Utilities**

- All public uses and utilities including infrastructure for stormwater management are permitted in the Community Facilities designation.

## **3.8.2 DEVELOPMENT POLICIES**

Development in the Community Facilities Designation shall be guided by the following:

- a) Parks and *open spaces* shall serve all residents by offering cultural, heritage and natural landscapes, *open spaces* and opportunities for active and passive recreational amenities;
- b) Council shall encourage the provision of public parkland;
- c) Provide linkages between public parks, *open spaces* and natural areas for walking and cycling;

- d) Ensure adequate provision of indoor and outdoor amenity spaces and design as year-round place making destinations;
- e) Identify and support opportunities for larger park and open space networks to serve as community hubs;
- f) Encourage co-location of public parkland with education or major recreational facilities, particularly in *settlement areas* proximate to residential and *commercial uses*;
- g) Require the dedication of land for parks or other public recreational purposes, or cash-in-lieu of parkland, as determined by Council or their delegated authority, in accordance with the Planning Act;
- h) Development should be in highly accessible areas of the designation; and
- i) Adequate servicing for the use is required.

## 4 LAND USE POLICY OVERLAYS

Where additional information and data confirmations are obtained by the municipality, the overlays identified in this plan may be updated without an amendment to this plan.

### 4.1 SHORELINE PROTECTION OVERLAY

The Shoreline Protection Overlay applies to properties which have frontage on a navigable waterbody or watercourse for a depth of 150 metres, or the entirety of the parcel, whichever is lesser, and all islands in their entirety. The Schedules of this Plan generally illustrate the application of this overlay, but where the schedule does not indicate the overlay, the policy shall still apply on lands up to 150 m from the watercourse. The intention of this overlay is to protect, restore and / or enhance the residence and presence of riparian buffers so that these buffers can support the protection of water and mitigation of the impacts of human development on natural areas, waterbodies and ecosystems.

Staff may use discretion in determining if the Shoreline Protection Overlay policies apply to a development application. In determining if lands should or should not be included in the Shoreline Protection Overlay, staff may require a planning rationale for the land's inclusion or exclusion based on physical connection as it relates to development impacts, drainage, and visual impact related to the water to be submitted as part of a complete planning application.

The following policies shall guide all development in the Shoreline Protection Overlay:

- a) The restoration, preservation and protection of the natural shoreline is required wherever possible.
- b) Tree cover and vegetation should be retained to maintain the visual and environmental integrity of the shoreline.
- c) Natural walking / access trails to the water are permitted through the natural shoreline.
- d) New *development* along shorelines, such as boathouses, docks or other accessory *structures* will be integrated, where possible, into the landscape such that vegetation is maintained and enhanced within the shoreline buffer area to:
  - i) protect the riparian and littoral zones and associated habitat;
  - ii) protect the quality of the water by preventing erosion, siltation and nutrient migration;
  - iii) maintain shoreline character and appearance; and,
  - iv) minimize the visual impact of development.

- e) Access on public lands shall be maintained and enhanced where appropriate to allow public access to waterbodies or rivers.

## 4.2 HIGHWAY COMMERCIAL OVERLAY

The highway commercial has been identified to preserve/recognize the economic potential of these areas. The Highway Commercial Overlay has been generally illustrated on Schedule A of this plan and is intended to apply to first tier / abutting lots to the highway. The overlay is a broad instrument applied for illustration purposes and not intended to apply to lots with no physical or visual connection to the Highway 17 corridor. Highway Commercial development shall be guided by:

- a) The intended uses of lands within the Highway Commercial Overlay are commercial uses with limited residential. Accessory or secondary residential uses are supported on the same lot as the primary commercial use to provide housing to the proprietor of the commercial use. In such cases, Site Plan Control may be employed to ensure mitigation for land use conflicts as deemed appropriate by staff.
- b) Agriculture-related or on-farm diversified uses in the Agricultural Designation within the Highway Commercial overlay are encouraged.
- c) Recognition that the Highway Commercial overlays represent areas that have aesthetic and cultural impacts to neighbouring communities and the municipality as a whole;
- d) Development shall be appropriately setback from roadways as per road type and authority requirements;
- e) Ingress and egress to new development may be confirmed by a Traffic Impact Study at the discretion of staff;
- f) Lit signage shall be dark sky friendly;
- g) Outdoor storage shall be located behind the main structure except for an automotive or equipment dealership or garden centre;
- h) Appropriate setbacks between large commercial uses and sensitive land uses shall be provided to avoid land use conflicts or negative impacts from the commercial operation; and
- i) Site Plan Control may be used to permit new commercial development at the discretion of municipal staff.
- j) This designation is not intended to impact existing residential or agricultural uses.

## 4.3 SPECIAL POLICY AREAS OVERLAY

### 4.3.1 SPECIAL DEVELOPMENT AREA – WEYERHAEUSER LANDS

A Special Development Area has been created to recognize the *redevelopment* potential of the 10.6 hectares (27 acres) of vacant lots and unopened road allowances (known as the Former Mill Site) located in Sturgeon Falls on the north side of Highway 17, bounded by Cache Bay Road to the north, Sturgeon River to the east and Ottawa Street to the west.

Formerly a major employment site, it is now a publicly owned riverfront offering *significant* placemaking *redevelopment* opportunity for housing, commercial, retail and parkland uses to stimulate tourism, recreation and economic growth.

The ultimate land use plan and phasing of the *redevelopment* of this land is subject to further community engagement, *development* partnership(s) and site remediation. Integral to the *redevelopment* of these lands are the following principles:

- a) *Significant* economic *development* potential, including job creation and revenue creation;
- b) Opportunities for a range of needed housing, including affordable housing;
- c) Desirable recreational *open spaces* including trail *development* to link to downtown Sturgeon Falls and Minnehaha Marina;
- d) Placemaking features;
- e) The consideration and inclusion of cultural heritage features and values within the development; and
- f) Public and safe access to water where possible.

An amendment to this plan is not required at the discretion of staff.

## 5 COMMUNITY DESIGN AND HOUSING

### 5.1 COMMUNITY DESIGN

The Municipality's population and the range of services offered will continue to grow over the planning period. This growth is to occur in built-up areas through *redevelopment* and in new *greenfield areas*. To ensure that the community evolves in a manner that enhances the quality and vibrancy of life for current and future residents, a high-quality built form is encouraged. On this basis, it is the intent of this Plan to:

- a) improve the aesthetic quality of the Municipality's built form, and promote development which is based on good design principles and standards that reflect the goals, objectives, and policies of this Plan;
- b) enhance the unique character of the Municipality's community areas by encouraging high quality design that is complementary and compatible with existing development, the Municipality's cultural and natural heritage, and which fosters a strong sense of civic identity and pride;
- c) enhance gateways into the community areas;
- d) refine development in, and connections to waterfront and natural features;
- e) revitalize the highway corridors;
- f) ensure high quality design is employed in the development of all public works and that these public works contribute to an improved community environment;
- g) exercise municipal development control to achieve a consistently high quality of site, building and landscape design; and,
- h) ensure the safety and security of public and publicly accessible places through community design.

#### 5.1.1 DESIGN POLICIES

All relevant municipal *development* controls will be used to achieve a consistently higher standard of site, *building* and landscape design. The municipality is encouraged to create a Design Guideline reflecting specific design elements and guidance for development. The community design policies of this Plan are to be implemented by:

- a) having an implementing Zoning By-law that is regularly reviewed and amended to include standards that reflect the objectives and policies of this Plan;
- b) considering urban design that better neighbourhoods and communities be considered in the evaluation of *development* applications;



- c) encouraging the Municipality's engineering standards to reflect the objectives and policies of this Plan;
- d) having a Municipal Site Plan Control by-law that reflects the municipality's design priorities in a clear and concise manner;
- e) making Public Works decisions that generally conform with this Plan; and,
- f) utilizing architectural control in new *development* areas, where appropriate, to detail proposed *building* designs and materials.

All *development* applications shall be evaluated to determine the extent to which the application respects the community design and *development* policies of this Plan.

### 5.1.2 RURAL CHARACTER

It is the intent of this Plan to only consider *development* outside of *Settlement Areas* that is compatible with the character, role and function of the rural landscape since the existing character of the rural area greatly contributes to the quality of life enjoyed by the Municipality's residents. The undulating topography, the rivers and streams and the open and natural setting of the rural landscape are all components that define this character. It is the intent of this Plan to protect the natural and rural character of the rural landscape in accordance with the policies of this Plan.

On this basis, the Municipality will consider on any Planning Act approval for *development* located outside of *Settlement Areas* that:

- a) uses be designed to blend in with the existing topography and vegetation;
- b) existing trees are maintained wherever possible;
- c) new *buildings* on farm properties are sited in existing *building* clusters wherever possible;
- d) all signage, if required, reflects the rural and natural character of the area;
- e) all lighting, if required, is appropriate for the use and does not encroach onto adjacent lands; and,
- f) upgrade and/or restore existing *buildings*, *structures*, barns and other agricultural *buildings* instead of constructing new structures wherever possible.

### 5.1.3 SAFETY

Personal safety for individuals for new *development* shall be promoted including the provision of:

- a) appropriate lighting, visibility and opportunities for public surveillance for parking lots, walkways and open space area;
- a) unobstructed views into parks and *open spaces* from adjoining streets;
- b) design and siting of new *buildings* shall provide opportunities for visual overlook and ease of public access to adjacent streets, parks and open space;
- c) views into and out of publicly accessible *buildings* shall be encouraged;
- d) landscaping that maintains views for safety and surveillance; and
- e) clear and appropriately located signage.

#### 5.1.4 BARRIER FREE ACCESS

The Municipality supports improving accessibility for all people and therefore, it is policy to ensure through the review of *development* applications that:

- a) barrier-free access shall be provided in all public and publicly accessible *buildings* and facilities and along major pedestrian routes. Such barrier-free access features may include level surfaces, ramps and curb cuts, railings, automatic door openers and rest areas;
- b) barrier free features shall be integrated with the functional and design components of the site and/or *buildings*; and,
- c) the private sector be encouraged to be proactive in modifying existing private *buildings* and facilities to improve accessibility.

#### 5.1.5 ARTS AND CULTURE

The Municipality recognizes the contributions art and culture make to the vibrancy, attractiveness and economic viability of our communities. Thriving and visible local arts and culture also help to define the identity of our community, help revitalize neighbourhoods (economically and socially) and create a legacy.

First Nations rightsholder are providing a statement regarding Indigenous arts and culture as a way of knowledge sharing and community building.

It is a policy of this Plan that Council will:

- a) promote an environment where arts, culture and creativity can thrive;
- b) encourage public art throughout the Municipality in prominent public locations where appropriate, which fosters community identity by interpreting local history, traditions and culture;

- c) encourage the inclusion of public art on properties under the jurisdiction of the Municipality, its agencies and boards and other levels of government;
- d) ensure that the design and placement of public art on public and private properties is consistent with the goals of this Plan; and,
- e) encourage arts and cultural facilities in the Municipality and the use of open public areas for festivals and community gathering events.

## 5.2 TRAILS AND CONNECTIVITY

- a) The economic, health and recreational benefits of numerous trails and corridors of various use(s) across the Municipality (e.g. decommissioned CNR line, snowmobile, ATV, cross-country, walking, biking, hiking, cycling, canoeing) is recognized. Cooperation and coordination amongst public authorities and agencies in maintaining, upgrading and extending trails and corridors as an integral component of land use decision making is encouraged. These improvements will not require an amendment to the Plan. Trails should be designed to be continuous where feasible to provide an alternative *transportation system* to the road network.
- b) Special purpose trails (e.g. Voyageur Trail, Trans Canada Trail, snowmobile trails etc.) will be protected and incorporated into design and *development* decisions.
- c) Trails should be designed as a continuous system with linkages, notably to park and open space facilities and community services.
- d) The Municipality may develop a Trails Master Plan and will incorporate sidewalks, paved shoulders and walkways in the design and *development* of residential neighbourhoods and to provide pedestrian linkages to parks, *open spaces*, downtowns, public services facilities and shopping areas.
- e) Special purpose trails which are intended to cross a provincial highway are subject to provincial approval.
- f) The Municipality encourages creating linkages to existing and new trails within large *developments* and subdivisions.

## 5.3 LAND USE COMPATIBILITY

- a) Land use compatibility shall be ensured by planning so that *major facilities* and *sensitive* land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants.

- b) *Development* shall occur in a manner which ensures compatibility with surrounding areas and uses, and shall consider:
  - i) minimizing the impact on adjacent *residential uses* with regard to noise, traffic, emissions and vibrations;
  - ii) minimizing visual appearance when considering the *development* of off-street parking, loading areas, and garbage disposal facilities; and
  - iii) the use of fencing, screening and/or separation distances to minimize potential adverse impacts between uses.
- c) When a change in land use proposes a *major facility* or *sensitive* land use within the area of influence of another less *sensitive* use, the policies contained within the Ministry of the Environment, Conservation and Parks (MECP) D Series Guidelines shall be applied to minimize or prevent the exposure of any person, property, plant or animal life to adverse effects associated with the operation of specified facilities.
- d) Uses, which by their nature are offensive, shall be restricted to those locations removed from areas that are predominantly developed for residential purposes or other *sensitive* land uses. Situations shall be avoided where *development* may have an adverse effect on adjacent land uses as a result of smoke, noise, odour, dust or other such nuisances.
- e) The Ministry of Environment, Conservation and Park's D-6 Compatibility series guidelines will be used to determine the appropriate mitigating measures to be taken, including minimum distance separations.

## 5.4 HOUSING

- a) It is a policy of this Plan to provide an appropriate mix and range of *housing options* to meet the needs of current and future residents. Accordingly, the Municipality shall maintain a minimum 15-year supply of land *designated and available* for residential growth and a minimum three-year supply of residential lots/units in draft approved or registered plan of subdivision. The Municipality intends to provide for a range of housing types and densities appropriate for meeting the housing needs of the Urban and Rural *Settlement Areas* and all area designations that characterize the Municipality of West Nipissing.
- b) It is a further policy of this Plan to establish and implement minimum targets for the provision of housing that is *affordable* and attainable to the current and future residents of West Nipissing.
- c) *Affordable housing*.

- d) This Plan encourages *affordable* and *attainable* housing by encouraging a broad mix of housing types and densities through *infill*, *intensification* and *development* in Urban and Rural *Settlement Areas*. This will be accomplished by:
- i) Encouraging all types of residential *intensification* in Urban *Settlement Areas*, including the *development* and *redevelopment* of underutilized commercial and institutional sites for residential use and introduction of new *housing options* within previously developed areas, and *redevelopment* which results in a net increase in residential units;
  - ii) Permitting all *housing options* required to meet the social, health, economic and well- being requirements of current and future residents, including purpose-built rental housing and additional needs housing;
  - iii) Assisting in the achievement of residential *intensification* and affordable housing and attainable housing by encouraging opportunities for mixed-use *development* in appropriate locations;
  - iv) *Utilizing incentive programs (e.g., Community Improvement Plans, Community Planning Permit Systems, supportive zoning by-laws, inclusionary zoning, and/or strategic reductions of development fees) that reduce approval timelines, the cost of construction and maintenance of services for affordable housing units;*
  - v) *Encouraging all development proposing ground-related housing, including single-detached, semi-detached, and street townhouse dwellings to include design options that provide purchasers the ability to have Additional Residential Units (ARUs);*
  - vi) *Encouraging the use of innovative building methods (such as prefabricated housing or modular housing) to help to reduce the cost of housing, and consider adopting pre-approved designs for certain housing typologies (including additional residential units and single, semi-detached and townhouse units) to accelerate the planning approvals process;*
  - vii) *Maintaining an inventory of viable surplus Municipality-owned properties to be sold or leased that have been deemed appropriate for the development of affordable housing at or below market value;*
  - viii) *Encourage the development of seniors housing and aging-in-place options in the settlement areas;*

- ix) *Ensure that a viable amount of rental housing continues* to be available; and
- x) Support universal physical access and encourage the *building* industry to incorporate such features in new residential *structures*.

#### 5.4.1 ADDITIONAL RESIDENTIAL UNITS

- a) An Additional Residential Unit (ARU) is a separate and self-contained dwelling unit that is subordinate to the primary dwelling and located within the same building or within a detached accessory building on the same lot as a primary dwelling. ARUs are also referred to as second units, secondary suites, accessory dwelling units, basement apartments, coach houses, laneway houses, garden suites, tiny homes, granny flats, in-law apartments or nanny suites.
- b) ARUs may be permitted where residential uses are permitted, provided they:
  - i) Are within a single detached, semi-detached, townhouse dwelling or located within a detached accessory building on the same lot.
  - ii) Meet the provisions of the implementing Zoning By-law.
  - iii) Are appropriately serviced and shall comply with all applicable health and safety standards, including but not necessarily limited to those set out in the Ontario Building Code and the Ontario Fire Code.
  - iv) Are not located within any area subject to natural hazards such as floodplains or erosion hazards.
  - v) Obtain all applicable permits and or approvals are required to be obtained from the conservation authority and any other agencies.
- c) The implementing Zoning By-law will provide ARU provisions using the following criteria as the basis:
  - i) The use is subordinate in scale and function to the primary dwelling on the lot;
  - ii) The use can be integrated into its surroundings with negligible visual impact to the streetscape;
  - iii) The use is compatible in design and scale with the built form of the primary dwelling;
  - iv) Any other siting requirements related to matters such as servicing, parking and access requirement and storm water management can be satisfied.
  - v) The ARUs do not negatively impact the surrounding natural or built environment.
- d) The municipality may establish a registration or licensing program to regulate and/or administrate Additional Residential Units.

- e) Where a residential dwelling is permitted on a lot in an agricultural area, up to two additional residential units shall be permitted in accordance with provincial guidance, provided that, where two additional residential units are proposed, at least one of these additional residential units is located within or attached to the principal dwelling, and any additional residential units:
  - i) comply with the minimum distance separation formulae;
  - ii) are compatible with, and would not hinder, surrounding agricultural operations;
  - iii) have appropriate sewage and water services;
  - iv) address any public health and safety concerns;
  - v) are of limited scale and are located within, attached, or in close proximity to the principal dwelling or farm building cluster; and
  - vi) minimize land taken out of agricultural production
- f) All applicable consent policies continue to apply. Additionally, surplus farm dwelling severance policies shall not be used to create separate lots for additional residential units.
- g) Permitting ARUs where residential uses are permitted shall not require an amendment to this Plan

## 6 RESOURCE MANAGEMENT

### 6.1 NATURAL HERITAGE

*Natural heritage features and areas* are in abundance across the Municipality and have *significant* value to local communities, organizations and landowners. *Natural heritage features* and areas are those areas which are important for their environmental and social values as a legacy of the natural landscapes of the area. Collectively, the individual natural heritage features and areas within the Municipality form a natural heritage system. Schedule B of this plan illustrates the known natural heritage features, including:

- *Provincial Wetland – Evaluated*
- *Open Water - Evaluated*
- *Unevaluated Wetlands*
- *Candidate Ansi – Life Science*
- *Candidate Ansi – Earth Science*
- *Deer Wintering – Stratum 1*
- *Moose Aquatic Feeding Areas*
- *Moose Late Wintering Areas*
- *Conservation Reserves*
- *Provincial Parks*

The long-term protection of natural features and areas, both in terms of their diversity and connectivity is of paramount importance to the Municipality. As such, the long-term *ecological function* and biodiversity of *natural heritage systems* as well as linkages between and among these features will be maintained, restored or, where possible, improved. The following guidance is provided:

- a) Development and site alternation within *provincially significant natural heritage features* is prohibited. Where other significant natural heritage features or functions are identified, impacts from development and site alternation must be mitigated through the recommendations of an Environmental Impact Study or equivalent recommendation report.



- b) The following setbacks for development and/or site alternation are required:
  - i) 120 m from Provincially Significant Wetlands
  - ii) 120 m from Areas of Natural and Scientific Interest (ANSIs)
  - iii) 20 m from all watercourses, including coastal wetlands, wetlands and unevaluated wetlands
  - iv) 5 m from any significant woodland or valley land
- c) The municipality may use measures such as *Site Plan Control* and/or *development* agreements to ensure that minimum vegetated buffers adjacent to *significant* natural features are protected.
- d) Development and/or site alteration may be permitted on adjacent lands to a natural heritage feature or area where the Municipality is satisfied that there will be no negative impacts on the natural features or the ecological functions for which the area is identified. An Environmental Impact Study may be required to satisfy the Municipality.

These policies are not intended to limit the ability of existing *agricultural uses* to continue.

#### 6.1.1 WETLANDS

- a) Wetland features, functions and connectivity are to be protected from development. No development shall occur within 120 m of a Provincially Significant Wetland (PSW) or 20 m of an unevaluated wetland, ANSI or candidate ANSI. Where development is proposed adjacent to a PSW, wetland or ANSI, an Environmental Impact Study (EIS) or Assessment (EIA) prepared by a qualified professional may be required. The Municipality may at their discretion have the EIS or EIA peer reviewed at the applicant's expense.
- b) The Municipality may permit *development* and/or *site alteration* if an EIS or EIA shows that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified. Lands adjacent to a wetland may be subject to an impact assessment study at the discretion of the Municipality. Any development permitted in these areas shall incorporate the recommendations of the Environmental Impact Assessment through appropriate agreements of planning tools as per the Planning Act.
- c) Where development or site alteration is proposed on or proximity to an unevaluated wetland, a wetland evaluation shall be conducted by a qualified professional to determine impacts of the development, identify mitigation measures and construction best practices.

- d) If new Provincially Significant Wetlands are identified, the policies of this Official Plan will apply, and schedules will be updated to reflect the changes without the need of an amendment to this Plan.

#### **6.1.2 FISH HABITAT**

- a) For the purposes of this Plan, all water bodies (e.g. lakes, rivers, streams and wetlands, including intermittent and seasonally flooded areas) should be considered as potential areas for fish habitat unless demonstrated to be otherwise by a study completed by a qualified professional. Development and/or site alteration in and adjacent to fish habitat shall not result in:
  - i) Net loss of fish habitat;
  - ii) The harmful alteration, disruption, degradation or destruction of fish habitat;
  - or
  - iii) Restriction of a fish passage.
- b) Compensation or reconstruction of fish habitat, where permitted/required, shall be subject to the approval of the federal Department of Fisheries and Oceans.
- c) In areas of known or suspected Fish Habitat, *development* along shorelines within 120 m may be subject to a Fish Habitat Evaluation undertaken by a qualified professional. The *development* shall be undertaken based on the recommendations of the evaluation and the recommendations of that evaluation may be implemented through a *development* agreement or other planning tool set out in the Planning Act.
- d) The Municipality is encouraged to require the retention of natural vegetation or the revegetation of shorelines as a condition of the approval of *development*. A 30 m setback is recommended to protect the riparian areas.

#### **6.1.3 WILDLIFE HABITAT AND HABITAT OF THREATENED AND ENDANGERED SPECIES**

- a) Wildlife habitat (e.g. deer wintering habitat, nesting sites, moose wintering and feeding areas) are shown on Schedule B of this Plan. Development and/or site alteration shall only be undertaken in these areas based on the recommendations contained in a Wildlife Habitat study (or a larger EIS or EIA that includes wildlife habitat). It is expected that an EIS or EIA be undertaken on lands where habitat concerns exist at the discretion of the municipality.
- b) Development and site alteration within 120 m of significant wildlife habitat (this includes habitat of threatened or endangered species) is to be undertaken based on the recommendations of a qualified professional. The recommendations of that

evaluation may be implemented through a development agreement or other planning tool set out by applicable legislation.

#### **6.1.4 SIGNIFICANT AREAS OF NATURAL AND SCIENTIFIC INTEREST**

- a) Areas of natural and scientific interest (ANSIs) 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 shown on Schedule B of this Plan. ANSI can be one of two types – life science ANSIs or earth science ANSIs. Life science ANSIs are significant representative segments of Ontario’s biodiversity and natural landscapes, including specific types of forests, valleys, prairies and wetlands, their native plants and animals, and their supporting environments.
- b) Development and site alteration within or adjacent to a provincially significant ANSI shall not be permitted unless it has been demonstrated that there will be no negative impacts on the ANSI and its ecological functions.
- c) Development and site alteration shall not be permitted in provincially significant ANSIs and its adjacent lands unless it has been determined, via an environmental impact study completed by a qualified individual, that there will be no negative impacts on the natural features or their ecological functions.
- d) An Environmental Impact Study shall be required for development or site alteration within 120 metres of a life science ANSI and within 50 metres of an earth science ANSI). The recommendations of that assessment may be implemented through a development agreement or other planning tool set out by applicable legislation.

#### **6.1.5 REQUIRED NATURAL HERITAGE STUDIES**

- a) Conserving *natural heritage features and areas* e.g. wetlands, fish habitat, nesting areas and significant habitat is a priority of this Plan. An *Environmental Impact Assessment (EIA)* or *Environmental Impact Study (EIS)* will be required for development which is proposed adjacent to or within a *Natural Heritage Features or Areas*. Schedule B of this plan uses the best information available but it is recognized that the municipality or First Nations rightsholders may have knowledge of areas not identified on that Schedule and may require an EIA or EIS based on local knowledge.
- b) The Impact Assessment or Study shall include a professional opinion on whether *negative impacts* on the natural features and *ecological functions* will occur, the

significance of such impacts, recommended mitigation measures for impacts, and whether ongoing monitoring is required. Planning tools (e.g. zoning, site plan control, site alteration by-laws, and/or environmental approvals etc.) may be used to implement measures for mitigating *negative impacts*, where appropriate.

## 6.2 WATER

The Municipality recognizes the importance of maintaining and improving the quality and quantity of groundwater and surface water. As such, the function of watercourses and *sensitive* ground water recharge/discharge areas, aquifers and head water areas will be protected or enhanced. All major *development* applications, including plans of subdivision and water taking industries, may necessitate hydrological and terrain analysis reports and nitrate impact assessments where there may be an impact on ground or surface water resources or where the development is in an area of known sensitivity. An impact assessment of *development* on a surface waterbody will also be required for major *development* adjacent to a waterbody. These studies, among other matters, will address the impacts of the proposed *development* on ground and surface water resources.

Development, including septic system leaching beds, and site alteration will be set back from all watercourses within the Municipality to protect the natural features and functions of the watercourse, provide riparian habitat, and minimize the risk to public safety and property. *Development* and site alterations shall be set back a minimum of 20 metres from the high-water mark of lakes, rivers and streams. In cases where these setbacks are not achievable, a Planning Justification Report may be required by the Municipality as part of a complete planning application to reduce the setback imposed by the Zoning By-law.

### 6.2.1 CARRYING CAPACITY

- a) Council recognizes that inland lakes and other water bodies within the Municipality of West Nipissing are valuable recreational and environmental resources and as such should be protected from development that might cause further deterioration of their water quality. This Plan further recognizes that the Municipality also has an obligation to adjacent municipalities who share the lakes with them as well as the existing residents and tourist camp operators located on these lakes, to protect the by advocating a sensible land use policy for the use of the waterfront and surrounding environment.
- b) Council also recognizes that many residents depend on these lakes as the sole source of drinking water, that the shoreline of these water bodies has a special aesthetic

appeal for the development of seasonal and permanent residential uses; and that the general population wishes to see that special care is taken through strict lake and watershed development controls to maintain or improve the existing level of water quality, aesthetics and fishery quality.

- c) Further, Council recognizes that the ecology of lakes is an intricate system of living and non-living components which represents a highly valued community resource and that wetlands and riparian vegetation are part of the make-up of that ecology. Some lakes or watercourses have already been identified as fragile and are highly sensitive to disturbances in the watershed due to human activity. It is imperative that individuals living near or using lakes such as Deer Lake, Cache Lake, Tomiko Lake, Bain Lake, Chebogomog Lake, Lake Nipissing and the French River, as well as potentially other lakes, continue to act responsibly to minimize the impact of their activities on the shoreline, lake water quality and the fishery. The largest potential impact to the lake may come from redevelopment of existing lots and parcels of record which are undersized or do not meet current development standards. Finally, this includes the impact of the conversion of existing seasonal uses to permanent residential uses.
- d) Development, except on existing lots of record, on lakes identified to be at or near capacity may be permitted where an impact report indicates that such development will not result in a decline in the water quantity or quality of the lake or water body i.e. through increased phosphorus loading enrichment, a reduction in oxygen levels or water taking.
- e) No development will be permitted which results in a lake to exceed its capacity. Lake capacity studies shall be undertaken by technical studies that comply with the provincial methodology or model for assessing phosphorous loading and/or oxygen levels. Known At Capacity Lakes are provided in Appendix B of this Plan.
- f) New lot creation will not be permitted on lakes which are determined to be at capacity unless:
  - i) The sub-surface sewage disposal bed for each lot is set back at least 300 m [984 ft] from the shoreline of the lake or such that drainage from the sewage disposal bed would flow at least 300 m [984 ft] from the lake;
  - ii) The sub-surface sewage disposal bed for each lot are located such that they would drain into the drainage basin or watershed of another water body which is not at capacity; or
  - iii) To separate existing habitable dwellings, each having a separate sewage disposal system, provided the land use would not change.

## 6.3 MINERALS, PETROLEUM AND MINERAL AGGREGATES

Mine sites (Abandoned/Closed Out, Prospect and Producing) and pits and quarries are shown on Schedule “C – Development Constraints” of this Plan.

- a) The Municipality recognizes the importance of mining and mineral resources to the province. Identified *mineral deposit* resources will be protected from development for future exploration.
- b) Mineral Aggregates are under the authority of the Ministry of Natural Resources and minerals are under the authority of the Ministry of Mines. These ministries shall be consulted where impacts to these resources are possible or where an application is within an identified buffer.
- c) Mining and related activities will only be permitted outside of identified *settlement areas*. The compatibility of mining activities with surrounding land use designations will determine the specific nature of permitted mining and mining related activities.
- d) The establishment of mining related activities shall be subject to the approval of the Ministry of Northern Development and Mines under the Mining Act and the Environmental Protection Act and may require an amendment to the Official Plan and the Zoning by-law.
- e) An influence area will be used as a means of protecting existing land uses in the vicinity of proposed mining operations to avoid land use conflicts and reciprocally to protect mine sites and *mineral deposit* areas from the encroachment of incompatible land uses. *Development* may be permitted in the influence area only where the impacts of/to mining operations can be properly mitigated as determined through a professional opinion report. The influence area shall be 1,000 m.
- f) The establishment or modification of the influence area should be carried out in consultation with the Ministry of Northern Development and Mines and the appropriate Ministry.
- g) Mineral mining operations will be permitted subject to the requirements of the Aggregate Resources Act, provincial environmental approvals and local planning approvals.
- h) In areas adjacent to or in known mineral deposits and in areas of mineral potential which are shown as a *development* constraint on the Schedule C, *development* that would preclude or hinder the establishment of new operations or access to these resources will only be permitted if:
  - i) It can be demonstrated by a qualified professional that no mineral deposits exist; or

- ii) The proposed land use or *development* serves a greater long term public interest; and
  - iii) Issues that have a potential *negative impact* on public health, public safety and on the environment are addressed.
- i) Adjacent lands for the purpose of this policy shall be considered those lands within 500 metres of a quarry or 300 metres of a pit.
- j) Technical studies for land use compatibility, hydrogeology, natural heritage, archaeology as well as rehabilitation plans may all be required where appropriate, as determined by the Municipality.

## 6.4 CULTURAL HERITAGE

- a) Heritage within the Municipality represents a rich legacy of cultural events, history, architecture, settlement patterns and archaeological resources. The conservation of heritage resources will serve to enhance the attributes and amenities that help to define the character and identity of the people and landscapes of West Nipissing.
- b) The Ontario Heritage Act provides the framework for the conservation of cultural, heritage and archaeological resources within communities in Ontario. The Heritage Act may be utilized to conserve, protect and enhance the cultural heritage resources in the municipality through the designation of individual properties, conservation districts and heritage areas, and archaeological sites.
- c) Council shall have regard for cultural heritage resources in the undertaking of municipal public works. When necessary, Council may impose measures to mitigate any negative impacts on *significant* heritage resources.
- d) Planning authorities shall engage early with Indigenous communities and ensure their interests are recognized, considered and acted upon when identifying, protecting and managing archaeological resources, *built heritage resources* and *cultural heritage landscapes*.

### 6.4.1 PROTECTING ARCHAEOLOGICAL RESOURCES

- a) If new development is proposed within 300m of a waterbody Municipality must require the submission of a Stage One Archaeological Assessment as part of a development application.
- b) If any development is proposed in proximity to any registered archaeological site, or heritage sites identified by the Nipissing First Nation or Dokis Nation and/or areas of archaeological potential, the Municipality may require the submission of a Stage

One Archeological Study. If there is a likelihood that an archeological site exists, further studies may be required to determine the nature and extent of the feature.

- c) Archaeological assessment reports shall be conducted by a licensed archaeologist in compliance with guidelines set out by the Ministry of Tourism, Culture and Sport. Where assessments identify previously unknown archeological resources, the Municipality shall archive the information as part of a heritage resource information base.
- d) Where archeological sites are found in the Municipality they shall be reported to the appropriate Provincial agency. Based on the extent and significance of the findings, Council may:
  - i) require the site to be preserved in its natural state;
  - ii) require that portions of the site remain preserved through the development process; or
  - iii) require that artifacts found on the site be removed and preserved for public education.

The Municipality must consult with local First Nations rightsholders prior to determining which of the above options to proceed with.

- e) Council shall consult appropriate government agencies, including the Ministry of Tourism, Culture and Sport and the Ministry of Consumer and Commercial Relations when an identified human cemetery, marked or unmarked human burial is affected by land use development. The provisions under The Heritage Act and The Cemeteries Act shall apply.



## 7 PROTECTING PUBLIC HEALTH AND SAFETY

Schedule C – Development Constraints illustrates the following development constraints as a policy overlay to be applied on all applicable lands.

### 7.1 NATURAL HAZARDS

#### 7.1.1 FLOODPLAINS

- a) The erection of *buildings* or *structures*, or the removal or placing of fill of any kind, shall be prohibited except where such *buildings* or *structures* are intended for flood or erosion control or bank stabilization.
- b) No uses of hazard land or *structures* shall be located within an identified flood area with the exception of:
  - i) Legally existing uses, *buildings* and *structures*.
  - ii) Minor alterations and/or additions to legally existing *buildings* and *structures*.
  - iii) New non-habitable accessory *buildings* and *structures* where a legally existing primary use exists.
  - iv) Uses not requiring site alteration or *development* (e.g., agricultural, open space, outdoor recreation, conservation).
  - v) Flood and Erosion control *structures* or protection works.
  - vi) Utilities or essential *infrastructure*.
- c) Minimal *development* of shoreline *structures* (docks, boat ramps) may be permitted.
- d) Staff may permit development where:
  - i) The flood contour can be identified and there is a sufficient building envelope which is outside of the flood contour; or
  - ii) Where there is not a sufficient building envelope outside of the flood contour, the grade of the building envelope is raised so that all windows, doors and other openings are above the flood elevation.
- e) *Development* should not be permitted on lands not specifically identified, but where flooding is known to occur.
- f) Hazardous sites may consist of steep slopes, unstable soils, organic soils, and unstable bedrock. Where development is proposed within or partly within these features, the development proponent may be required to submit a technical study prepared by a qualified professional to the satisfaction of the appropriate approval authority which demonstrates the following:

- i) the hazard can be safely addressed, and the development and site alteration is carried out in accordance with established standards and procedures;
  - ii) new hazards are not created, and existing hazards are not aggravated;
  - iii) no adverse environmental impacts will result;
  - iv) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies; and
  - v) the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.
- g) Recommendations made in the technical report(s) may be implemented through the planning process using development agreements, rezoning or other tools provided in the Planning Act or other applicable legislation. Where the technical report indicates that development within a particular hazard is not feasible, the development shall not proceed.
- h) There is currently no engineered *flood plain* information available for the Municipality. Until such information is developed and incorporated into this Plan, marginal refinements to *Hazard Land* boundaries as shown on Schedule C of this Plan may be made without an amendment to the Official Plan, provided they are in keeping with the original intent of the policies.
- i) Hazard lands shall be confirmed through a flood line confirmation exercise to the satisfaction of staff.

### 7.1.2 WILDLAND FIRE

- a) Appendix A of this Plan provides mapping from the Ministry of Natural Resources and Forestry identifying areas within the Municipality classified as Extreme, High and Needs Evaluation regarding Wildland Fire risk. This mapping is general in nature and may be further delineated on a site-specific basis and Appendix A is subject to updating without an amendment to this Plan.
- b) Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire.
- c) *Development* may be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards, as identified by the Ministry of Natural Resources and Forestry.
- d) *Development* proponents may be required to undertake an assessment of the risk of high-to-extreme wildland fire behaviour on the subject lands and adjacent lands (to

the extent possible). If high to extreme risk for wildland fire is present, proponents shall be required to implement measures to mitigate the risk.

### 7.1.3 STEEP SLOPE AND EROSION AREAS

- a) *Development* will be set back from areas exhibiting *steep slopes* (greater than 40%) or active erosion. The setback distance will be determined on site in consultation with a qualified specialist, who will prepare a geotechnical investigation that mitigates risk and assigns the appropriate setback.
- b) Vegetation shall be maintained on lands with slopes greater than 20% to the extent possible.

## 7.2 HUMAN MADE HAZARDS

### 7.2.1 WASTE DISPOSAL SITES

- a) Existing *Waste disposal sites* are identified on Schedule C of this Plan.
- b) The establishment of new waste disposal or waste treatment facilities including landfill or recycling facilities, sewage lagoons, or sites used for the disposal of wastes from septic or holding tanks, shall require an amendment to the Official Plan. The Official Plan Amendment application will address feasibility, site suitability, traffic and haul routes, and assess and prevent adverse impacts from odour, noise and other contamination. No such facility will be located within 500 m of any other *development* other than compatible uses such as an aggregate operation, a forestry use or a suitable *industrial use* where it can be demonstrated that ground water is potable for domestic uses in the long term and there is no potential for adverse impacts from gas or leachate migration.
- c) No reuse of a closed *waste disposal site* or a site used for the disposal of wastes may be undertaken for a period of 25 years without the consent of the MOEE under Section 46 of the Environmental Protection Act.

### 7.2.2 CONTAMINATED SITES

Sites that may have been contaminated due to a previous land use will not be rezoned to a *sensitive* land use and/or may be placed in a Holding Zone, until such time as a Record of Site Condition or another equivalent confirmation of safety has been undertaken to the satisfaction of the Municipality.

Where a change in land use is proposed, and the present use has the potential to have caused environmental contamination, the site shall be decommissioned and/or cleaned up to the satisfaction to the Province, prior to any approval of a *development* application.

#### **7.2.2.1 Influence areas**

Schedule C of this Plan identifies potential influence areas around aggregate operations and *waste disposal sites*, based on MOE D-series guidelines.

The *development* of new uses or new or enlarged *buildings* or *structures* within an identified influence area may be permitted provided an assessment is completed to determine:

- i) whether the proposed use will be adversely affected by noise, odour, dust or other nuisance factors from the adjacent land use.
- ii) Whether human health will be adversely affected by ground and surface water contamination or gas migration; and
- iii) That there are no other environmental or human health and safety issues associated with the site that would make the lands unsuitable for development.

#### **7.2.3 ABANDONED MINE HAZARDS**

- a) Known Abandoned *Mine Hazards* are identified on Schedule C of this Plan.
- b) Where *development* is proposed on lands which include, or are abutting, land affected by known *mine hazards* or former mineral resource operations, the *development* will be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are underway or have been completed. Confirmation will be required from a qualified professional that the lands proposed for *development* are not affected by the *mine hazard*.
- c) Where proposed *development* is confirmed to be affected by a *mine hazard* and rehabilitation has not occurred or is not underway, *development* shall not proceed.
- d) Mine tailings are considered *mine hazards* and are subject to the Mining Act and are to be rehabilitated as part of a mine closure plan. The Mining Act must be considered prior to using rehabilitated mine waste or tailings for aggregate.
- e) The Ministry of Mines shall be consulted where a development application is received within the 1 km buffer of an identified mine site.

## 8 INTERPRETATION AND IMPLEMENTATION

### 8.1 GENERAL

The policies in this Plan will be implemented through by-laws enacted by the Municipality, subdivision agreements, *development* agreements and site plan agreements, conditions of consent or subdivision/condominium approval and all other land use planning tools available through the Planning Act and other applicable legislation.

#### 8.1.1 BOUNDARIES

It is intended that the boundaries of the land use designations shown on the Land Use Plan Schedules are to be considered as approximate. Boundaries are to be considered absolute only where clearly bounded by roads, railways, rivers or streams or other distinctive geographical barriers. Amendments to the Official Plan will not be required in order to make minor adjustments to the boundaries of land use designations or features or other symbols nor to the location of roads, provided that in all cases, the general intent of the Plan is preserved. Such minor deviations may not be reflected on the Land Use Plan Schedules.

It is understood that there may be minor changes to the parcel fabric shown as a result of boundary adjustments (lot additions), in which the lot addition may not have the same land use designation as that to which it is being added. For the purpose of this plan, the lot addition, provided that there is no change in the land use of the property to which it is being added, shall be interpreted to have the same land use designation as that to which it was added.

#### 8.1.2 FIGURES AND QUANTITIES

It is intended that all figures and numerical quantities, where they may appear in this Plan, shall be considered as approximate unless otherwise stated. Amendments to the Official Plan will not be required for any reasonable variance from any of the proposed figures or numerical quantities subject to any technical guidelines or studies that apply or may be required.

#### 8.1.3 LAND USE

For the purposes of this Plan, it is interpreted that a legally existing use, or a legal non-conforming use as of the date of adoption of this Plan, refers to the land presently or actually in use and not necessarily the total land area or land holding of the property owner.

(Example: *one hectare of a 40 ha parcel is used for a sawmill while the balance of land is vacant, hence the industrial use would be interpreted to apply only to the one hectare.*) This Plan is not intended to recognize or endorse the use of land for any illegal land use, existing or otherwise.

#### **8.1.4 ACCESSORY USES, BUILDINGS AND STRUCTURES**

It is intended that buildings, structures, uses etc., that are normally incidental, accessory or essential to a permitted use will also be allowed even though they may not be specifically stated or identified in the land use policies of this Plan. (Examples: a detached garage or swimming pool accessory to a residential dwelling; an administrative office accessory to a campground or retail business.) Where the policies of this Plan specifically affect or control the development of accessory, uses, buildings or structures, development shall only occur in conformity with those policies. (Example: construction of a dock or boat house may not be permitted without the appropriate environmental impact assessment, even though the primary use may have been approved.)

#### **8.1.5 PERMITTED USES**

Where examples of permitted uses are provided for in the land use policies of this Plan, it is intended to indicate the possible range of uses considered appropriate and is not to be interpreted as all-encompassing or all of the possible uses unless otherwise stated as such. However, any proposed uses not listed shall only be permitted where they are determined by Council to be in conformity with the general intent and policies of the land use designations of this Plan.

The Municipality may recognize existing uses in the zoning by-law, notwithstanding that the use may not be permitted under the applicable land use designation.

#### **8.1.6 LEGISLATION**

Where an Act or portion of an Act is referred to in this Plan, such references will be interpreted to include any subsequent legislation that may supersede the Act so named.

### **8.2 LOT CREATION POLICIES**

This section contains policies that are to be considered with every application to create lots in the Municipality. Creation of lots through part-lot control by-laws and deeming by-laws shall also be subject to these policies.

### 8.2.1 LAND DIVISION BY PLAN OF SUBDIVISION

Land division by Plan of Subdivision, rather than by consent, shall generally be deemed necessary if:

- a) the extension of an existing public road or the *development* of a new public road is required to access the proposed lots; or,
- b) a Plan of Subdivision is required to ensure that the entire land holding or area is developed in an orderly and efficient manner; or,
- c) Where more than four lots (in addition to the retained parcel) are being created.

Prior to the registration of any Plan of Subdivision, a Subdivision Agreement between the landowner and the municipality will be required.

### 8.2.2 LAND DIVISION BY CONSENT APPLICATION

Where it has been determined that a Plan of Subdivision is not required, the creation of a new lot or lots by Consent is appropriate, provided that the proposal is in alignment with the lot creation considerations.

A consent may also be permitted for the purpose of correcting conveyances, technical reasons, enlarging existing lots or through acquisition by a public body.

### 8.2.3 GENERAL LOT CREATION CONSIDERATIONS

When reviewing plan of subdivision or consent applications, Council or its delegated authority, shall consider the following:

- a) Created lots will not have a *negative impact* on the drainage patterns in the area;
- b) Created lots will not affect the developability of the remainder of the lands, if they are designated for *development* by this Plan;
- c) Created lots will not have a *negative impact* on the features and functions of any *sensitive* feature or area; and
- d) Newly created lot lines should avoid bisecting environmental features where possible. Where this is not possible, the feature shall be protected from *development* through the implementation of appropriate setbacks.
- e) That the lands will be serviced with the appropriate levels of *infrastructure*, public service facilities, parkland and open space, and other amenities, as required;

- f) That the density of the *development* is appropriate for the area and, when developed, will be easily integrated with other *development* in the area;
- g) That the subdivision design mitigates *negative impacts* on surrounding land uses, *transportation systems* and the natural environment;
- h) That the subdivision design creates walkable neighbourhoods, complete streets and enhances a sense of place;
- i) That the proposal conforms to Section 51 (24) of the Planning Act, as amended.
- j) The creation of new lots for public utilities, communication utilities and water and sewer *infrastructure* shall not require an amendment to the Official Plan and may be permitted, provided:
  - i. the area of the proposed lot is minimized and reflects what is required for the use; and,
  - ii. the implementing Zoning By-law, as a condition of Provisional Consent, only permits uses that are related to the utility on the lot.
- k) Where applicable, all lot creation must comply with the Minimum Distance Separation (MDS) formulae established by the Province in order to minimize conflicts between residential *development* and adjacent livestock facilities.
- l) New lots may be created by consent or plan of subdivision along a flood plain boundary where there is adequate development area outside the flood plain in each proposed lot and where there would be safe access during times of flooding.
- f) New lots will preferably abut a publicly maintained year-round road. Access shall never be used to create a boundary for additional lot creation and shall never create land-locked areas.

#### **8.2.4 LOT CREATION IN THE WATERFRONT AREA**

- a) Lot creation will not be permitted on a body of water where the lake has reached development capacity (see Appendix B – At Capacity Lakes).
- b) New Waterfront lots are intended to be 1.0 ha in minimum area but may be permitted to a minimum of 0.4 ha should adequate servicing ability be demonstrated. More detailed provisions relating to Waterfront Area lots are to be provided in the Zoning By-law.
- c) Waterfront lots shall not be less than 0.4 ha.



- d) Island lots are subject to more detailed policies in Section 3.7.3 c).
- e) All surface water supplies used for domestic drinking purposes should be filtered and treated to Provincial standards.
- f) Policies of the Shoreline Protection Overlay apply to all waterfront area lots.

#### 8.2.5 LOT CREATION IN THE AGRICULTURAL DESIGNATION

- a) New lots may be permitted only where the severed and retained lots are intended for *agricultural use* and have a minimum lot size of 25 hectares.
- b) Lot adjustments in the Agricultural Designation may be permitted for legal or technical reasons provided it does not create a separate *building* lot that would otherwise require an amendment to this Plan.
- c) Lot creation for non-agricultural use is prohibited unless the following policies are met:
  - i) The new lot contains an existing habitable dwelling made surplus through farm consolidation;
  - ii) The severed dwelling is not required for farm employees;
  - iii) As a condition of severance, the retained lands are rezoned to prohibit *residential uses*;
  - iv) The severed lot is of a size that minimizes the loss of agricultural land; and
  - v) The new lot can be adequately serviced.
- d) Lot creation for the purpose of *agriculture-related uses* is permitted where all the following criteria are met:
  - i) As a condition of the Consent approval, the severed lot be rezoned to prohibit residential *development* except for one dwelling unit within or in close proximity to the primary *agricultural-related use structure* for the owner / operator of the agricultural-related business;
  - ii) The new use will not negatively impact surrounding agricultural operations;
  - iii) The new use complies with MDS setbacks;
  - iv) If possible, the lot is located on lower class soils;
  - v) The proposed new lot has frontage on a public road; and
  - vi) The proposed new lot shall be limited to a minimum size needed to accommodate the use to ensure the minimal loss of agricultural land.
- e) notwithstanding 8.2.4.a, lot creating for the purposes described under c) and d) are not required to meet the minimum lot size of 25 ha.

- f) No lands shall be removed from the Agricultural Designation without justification through an Agricultural Impact Assessment to the satisfaction of municipal staff that demonstrates that there will be acceptable and minimal impacts to the agricultural system within which the land is located, as per guidance of the Provincial Planning Statement.

#### **8.2.6 LOT CREATION IN THE RURAL DESIGNATION**

- a) New lot creation for rural residential *development* is not permitted on lands restricted by:
  - i) the Mining/Mineral Reserve; or
  - ii) the Aggregate Reserve
    - i. New lots may only be created if a technical study completed by a qualified professional demonstrates that the creation of the lot will not impact the future mining or aggregate potential of the adjacent operation or area of potential.
- b) The Zoning By-law shall provide more detailed guidance through provisions to guide lot creation in the Rural Area Designation.
- c) Where a lot within the Rural Designation is located on a body of water, the policies of Section 8.2.4 apply.

##### **8.2.6.1 Maximum Number of Created Lots Permitted**

- a) No more than four (4) new lots (in addition to the retained) may be created from a legally conveyable lot within a period of seven (7) years.
- b) Where lot creation of more than the permitted four severed lots is proposed within a 7-year window, lot creation shall occur through a plan of subdivision that addresses the entire legally conveyable lot, including existing lots, plus the additional lots being requested to ensure orderly development. Additional studies to identify and address impacts to *infrastructure* and servicing, agricultural areas, natural heritage, stormwater management and traffic may be required.

##### **8.2.6.2 Road Frontage and Access on New Lots**

- a) Proper and adequate means of access shall be provided to all new lots. *Development* shall not be permitted where it would contribute to the demand for public services that are uneconomic to provide, improve, or maintain. Where access is restricted due to a lack of frontage on a year-round publicly maintained road, services may be limited.

- b) *Development* is required to front upon and have direct access to a publicly maintained road, except as noted below:
  - iv) on an existing privately maintained road with the capacity to handle the additional traffic, where demand for additional municipal services would not be created and where legal right-of-way or access can be determined, and where the establishment of a public road would not be practical or feasible;
  - v) on a minor extension of an existing privately maintained road as per policy 2.11.1.6.
  - vi) via water access provided that adequate long term waste disposal arrangements, parking, and docking facilities are secured to the satisfaction of the Municipality

## 8.3 OFFICIAL PLAN AMENDMENTS AND REVIEW

### 8.3.1 AMENDMENTS

While the Plan is intended to provide direction for *development*, there is recognition that an Official Plan cannot anticipate all forms of *development* that may be appropriate and desirable in the Municipality. As such, amendments to the Official Plan may be initiated by the Municipality at any time, to ensure that the Plan remains current and relevant.

Requests for site specific changes to the Official Plan may be considered by Council upon application, and will be evaluated on the basis of the following criteria:

- a) consistency with the principles and policies of the Provincial Planning Statement;
- b) consistency with the overall intent, goals, objectives and policies of this Official Plan;
- c) suitability of the site for the proposed land use;
- d) compatibility of the proposed land use with surrounding uses;
- e) the need for and feasibility of the use;
- f) the impact of the proposal on Municipal services and *infrastructure*; and,
- g) the economic benefits and financial implications to the Municipality.

### 8.3.2 REVIEW OF THE OFFICIAL PLAN

The Official Plan is not a static document and shall be amended periodically to reflect changing conditions and to serve the overall public interest.

The municipality will review the need for changes to the Official Plan at least every five years in conformity with the Planning Act as amended. The review will consist of an assessment of:

- a) the relevance of the goals and objectives that form the foundation of this Plan;
- b) the extent to which the anticipated *development* pressures have occurred;
- c) the suitability of the policies applicable to the various land use designations;
- d) the need for revised or new policy initiatives; and
- e) the need to align with updated provincial policies and guidelines

Where a new Official Plan has been prepared, Council will initiate a review or new plan within 10 years and then every 5 years after that.

## 8.4 BY-LAWS

### 8.4.1 ZONING BY-LAW

A zoning by-law shall reflect the principles, policies and land use descriptions in this Plan. The by-law shall zone land and establish regulations to control the use of land and the location and use of buildings and structures and recognize existing legal non-conforming uses in accordance with this Plan.

The Municipality may use the powers provided by Section 34 to prohibit land uses and *development* in sites containing a variety of *natural heritage features*, as well as sites containing an identified archaeological feature.

The Municipality may establish any number of zones to classify and control land uses that may be required to implement this Plan.

#### 8.4.1.1 Temporary use By-law

- a) In certain instances it may be desirable to implement the policies of this plan or the implement measures for economic growth and prosperity. Council may pass Temporary Use Zoning By-laws to permit a use which may not conform to the Comprehensive Zoning By-law but may be appropriate for the use of the property for a set period of time.
- b) The temporary use may be authorized for the time periods provided in the Planning Act. At the expiry of the time frame, provided the temporary use has not been

extended by By-law, the use must cease. A use introduced under a temporary use by-law shall not be considered legal non-conforming at the expiry of the time frame.

- c) In considering a temporary use, the following criteria apply:
  - i) the proposed use is of a temporary nature that can cease without undue hardship;
  - ii) the use is compatible with the surrounding area;
  - iii) the use conforms with the overall intent, goals, objectives and policies of the Official Plan;
  - iv) the use does not require the expansion of municipal services; and,
  - v) the site is suitable for the use and will not have any adverse impacts on surrounding properties.

#### **8.4.1.2 Holding By-law**

Council may utilize Holding provisions as provided for under Section 36 of the Planning Act to establish zoning provisions prior to completing technical, administrative, or financial aspects of the development. Where Council uses a Holding provision, the use of land may be restricted to certain uses until the conditions noted in the Holding By-law have been satisfied.

Application to remove the Holding (H) symbol will be considered in accordance with the provisions of the Planning Act, and will include confirmation that the holding criteria have been met.

#### **8.4.2 COMMUNITY PLANNING PERMIT SYSTEM**

- a) Council may, at their discretion, implement a Community Planning Permit System (CPPS) as authorized by Section 70.2 of the Planning Act in all or part of the Municipality.
- b) Within an area for which a community planning permit by-law has been enacted, the Municipality's Zoning By-law shall not apply, nor shall site plan control if applicable.
- c) If a Community Planning Permit By-law is enacted, the use and *development* of land must comply with the permitted uses, standards and criteria set out in the Community Planning Permit By-law as demonstrated by the issuance of a Community Planning Permit unless the proposed use of *development* is expressly exempted from a permit as indicated in the Community Planning Permit By-law. Where an existing site plan agreement is already registered on a property, the

agreement may be amended if such amendment complies with the applicable provisions of the Community Planning Permit By-law.

- d) A Community Planning Permit By-law will, at a minimum:
  - i) Contain a description of the area to which the by-law applies which must be within the boundaries of the area identified;
  - ii) Set out and define permitted and discretionary uses;
  - iii) Set out *development* standards with specified minimum and maximum standards, as applicable;
  - iv) Set out any internal review for permit decisions;
  - v) Describe notification procedures for decisions;
  - vi) Set out criteria for whether a proposed use or *development* is permitted;
  - vii) Described the process for amending *development* permits, *development* permit agreements and pre-existing site plan agreements;
  - viii) Outline any conditions of approval that may be imposed; and
  - ix) Set out the scope of delegated authority, including any limitations.

#### 8.4.3 EXISTING LAND USES

- a) Certain uses of land that do not conform with the specific policies of this Plan may be permitted to continue in accordance with their present use and performance standards, provided:
  - i) the zoning will not permit any change of use or performance standard that will aggravate any situation detrimental to adjacent complying uses;
  - ii) the uses do not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or the traffic they generate;
  - iii) the uses do not pollute air or water to the extent of interfering with the ordinary enjoyment of property; and,
  - iv) the uses do not interfere with the desirable *development* or enjoyment of the adjacent area.
- b) Any land use existing at the date of the approval of the Zoning By-law that does not conform with the land use designations shown on the Schedules to this Plan, should cease to exist in the long term. It however may be desirable to permit the extension or enlargement of such non-conforming use in order to prevent unnecessary hardship. Such extensions or enlargements to existing uses may require the approval of the Committee of Adjustment under Section 45 of the Planning Act.

- c) Any land use which is illegal under the existing approved By-laws of the Municipality does not become legal by virtue of the adoption of this Plan.

#### **8.4.4 INTERIM CONTROL BY-LAWS**

In utilizing this authority, an interim control by-law shall be preceded by a By-law or resolution, directing that a study be undertaken of planning policies in the affected area and setting out the terms of reference for the study.

When an Interim Control By-Law expires, the prior zoning shall automatically apply, unless a new zoning by-law is passed.

### **8.5 SITE PLAN CONTROL**

All areas of the Municipality may be designated as Site Plan Control areas under the Section 41 of the Planning Act.

For the purposes of this Plan, the following land use designations and land uses may be subject to Site Plan Control:

- a) Any industrial, commercial or institutional use;
- b) Any multiple residential use greater than 10 units;
- c) Any lands abutting a waterbody or watercourse, natural or human-made hazard or natural heritage feature;
- d) Any brownfield or contaminated site;
- e) A communications tower or public utility installation in accordance with Industry Canada's Client Procedures Circular CPC 2-0-03 Radiocommunication and Broadcasting Antenna Systems;
- f) A wellhead protection area or high aquifer vulnerability area; and
- g) Any other land use or area included in the Municipal site plan control by-law.

As part of the Site Plan Control process, the dedication (free of all charge and encumbrance to the appropriate authority) for the following road improvements may be required:

- a) Any portion of a municipally maintained and travelled road located on the subject lands, that is 10m from centre line of the maintained and travelled roadway.
- b) Land for a widening of the road allowance to Municipal standards. Any road widening obtained under this policy must be taken equally on both sides of the

centre line of the existing traveled surface of the road. In circumstances where a road widening must be taken unequally, or in its entirety from one side of the road, only one-half will be taken through Site Plan Control.

- c) A dedication for sight triangles and turning lanes at the intersection of public roads, may be required to meet applicable Municipal standards where such dedication would extend beyond the road allowance widths stated above.
- d) A dedication may be required for an area necessary to construct grade improvements or separations where the proposed *development* requires such improvements respecting traffic volume or hazards to the road onto which the proposed *development* abuts or is immediately adjacent to, which extends beyond the road allowance widths as stated above. Such dedication may only be required to the extent that the dedication meets applicable Municipal standards.

## 8.6 COMMUNITY IMPROVEMENT

- a) The community improvement provisions of the Planning Act provide opportunities to maintain and promote an attractive, well maintained and safe living and working environment through initiatives that will stimulate community improvement, rehabilitation and revitalization.
- b) Through community improvement policies and initiatives, Council may give direction to the maintenance, improvement, rehabilitation and upgrading of residential, commercial and industrial areas.
- c) Council may designate the whole or any part of the Municipality as a Community Improvement Area pursuant to the provisions of the Planning Act.
- d) Council may adopt a Community Improvement Plan to, among other matters, provide support for community growth and development; upgrade and maintain municipal services, support affordable housing initiatives through fee reduction and/or conversion of underutilized space, or provide an environment that is attractive to new investment in the Municipality.

## 8.7 PROPERTY STANDARDS

The Municipality may consider adopting a Maintenance or Occupancy By-law to prescribe requirements for such items as garbage disposal, *building* safety, and yard maintenance, to assist in implementing the policies of this Plan.



## 8.8 EXISTING *DEVELOPMENT* APPLICATIONS

The policies contained in this Plan will not apply to complete applications for subdivision, consent or zoning that predate the adoption date of this document. However, the applications must be in compliance with the municipal standards for land use development in effect at the time of submitting the complete application and should maintain the general intent and purpose of the Official Plan as far as possible.

## 8.9 PARKLAND DEDICATION

In considering land division, the Municipality may require the applicant to dedicate a portion of the gross area being developed for the provision of public open space other than roads, or to provide cash-in-lieu of land.

Parkland dedication requirements will be established in a Municipal By-law, for lands not developed at the time of passage of this Plan.

## 8.10 COMPLETE APPLICATIONS AND PRE-CONSULTATION

When considering *development* or *redevelopment* of land requiring an application under the Planning Act, the municipality may require the following information and/or studies to be submitted as part of a complete application package. The requirements may be scoped in consultation with municipal staff:

- Completed application form, including all necessary fees and deposits;
- Copies of the necessary plan or sketch, to scale;
- Evidence of ownership;
- Survey of property, where necessary;
- Written clearance/permission from relevant agencies, ministries, and regulatory bodies as applicable;
- The necessary reports/studies/plans required as part of a complete application may include, but are not limited to the following by the exact name or a similar title:
  - Planning Justification Report
  - Land Use Compatibility Study
  - Urban Design Report

- Architectural Plans including building elevations, architectural renderings, and floor plans
- Site Plan
- Fire Route Plan
- Community Services Assessment
- Arborist Report
- Affordable/Attainable Housing Report
- Sun/Shadow Study
- Needs Assessment
- Market Study
- Environmental Impact Assessment or Environmental Impact Study (including impacts to *wetlands*, Species at Risk, Wildland Fire Risk Assessment, *wildlife habitat etc.*)
- Environmental Site Assessment and/or Record of Site Condition
- *Agricultural Impact Assessment*
- Heritage Report/Impact Assessment
- Site Evaluation Report
- Stormwater Management Report
- Erosion and Sediment Control Plan
- Functional Servicing Report/ Servicing Options Report
- Geotechnical Report
- Slope Stability Study
- Grading Plan
- Composite Utilities Plan
- Existing Conditions Plan
- Construction management plan/Construction staging plan
- Servicing Plan
- Archaeological Assessment
- Landscape Plan/Vegetation Management Plan/Tree preservation plan
- Traffic Impact Study
- Hydrogeological Report
- Watershed or Sub Watershed Study
- Topographical Survey
- Hydrological and Terrain Analysis
- Biological Carrying Capacity (lake) Report
- Recreational Carrying Capacity (lake) Report

- Soils Analysis
- Lighting Plan/Photometric Plan
- Air, Noise and/or Vibration Study
- Wind Study
- Energy Study
- Parking Study
- Water Quality Impact Assessment
- Compatibility Studies in accordance with MOECC D-Series Guidelines;
- *Minimum Distance Separation Formulae*; and
- Public Consultation Strategy.
- Master Plan/Block Plan

It is strongly encouraged that each applicant consult with the Municipality prior to submitting an application package to ensure that all necessary information is included.

All required technical reports or studies shall be completed by a specialist qualified in the particular field being investigated. Professional services and studies required for the review of any *development* application will be provided at the expense of the applicant, and will be provided in such a manner as to allow Council to make an appropriate decision or recommendation in regard to any application. At the discretion of the municipality a peer review of any technical study may be required at the applicant's expense.

## 9 DEFINITIONS

**Accessory Uses:** a use, *building* or structure that is commonly incidental, subordinate and exclusively devoted to the principal use, *building* or structure and is located on the same lot.

**Active Recreation Use:** a public or private area operated for the purpose of playing golf, driving ranges, miniature golf courses, tennis courts, outdoor skating rinks, recreational trails, public park, private park, ski-lifts and similar uses, together with necessary and accessory *buildings* and *structures*, but shall not include a theme park.

**Active Transportation:** means human-powered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed.

**Additional Residential Units (ARUs):** are second and third residential units that are ancillary and subordinate to the main dwelling unit on all properties where residential uses are permitted. Ontario Regulation 299/19 applies:

1. A second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all

buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit.

2. A third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

3. A residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. O. Reg. 462/24, s. 1 (4).

**Adjacent Lands:** refers to all land that borders a property and all land that would have bordered a property, if they were not separated by a river, road, railway line, power transmission line, pipeline, or a similar feature.

**Adverse effect:** means one or more of: a) impairment of the quality of the natural

environment for any use that can be made of it; b) injury or damage to property or plant or animal life; c) harm or material discomfort to any person; d) an adverse effect on the health of any person; e) impairment of the safety of any person; f) rendering any property or plant or animal life unfit for human use; g) loss of enjoyment of normal use of property; and h) interference with normal conduct of business.

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

1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low- and moderate-income households; or
2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the municipality. In the case of rental housing, the least expensive of 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 municipality.

*Affordable housing* includes all forms of housing tenure (ownership, rental, cooperative ownership) provided by the public, private and not-for-profit sectors.

The term *affordable housing* includes any part of the housing continuum from temporary emergency shelters through transition housing, supportive housing, subsidized housing, market rental housing or market ownership.

**Agricultural Impact Assessment (AIA):** means the evaluation of potential impacts of non-agricultural *uses* on the *agricultural system*. An assessment recommends ways to avoid, or if avoidance is not possible, minimize and mitigate adverse impacts. AIAs must be completed by a qualified professional.

**Agricultural System:** means a system comprised of a group of inter-connected elements that collectively create a viable, thriving agricultural sector. It has two components:

- a) An agricultural land base comprised of prime agricultural areas and *rural lands* that help to create a continuous productive land base for agriculture; and
- b) An agri-food network which includes agricultural operations, *infrastructure*, services, and assets important to the viability of the agri-food sector.

The Agricultural System is recognized as the Agricultural Area Designation on the Land Use Schedule A to this Plan.

**Agricultural Uses:** means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock;

raising of other animals for food, fur or fibre, including poultry and *fish*; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm *buildings* and *structures*, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and housing for farm workers, when the size and nature of the operation requires additional employment.

**Agri-food network:** Within the *agricultural system*, a network that includes elements important to the viability of the agri-food sector such as regional *infrastructure* and transportation networks; agricultural operations including on farm *buildings* and primary processing; *infrastructure*; agricultural services, farm markets, and distributors; and vibrant, agriculture-supportive communities.

**Agri-tourism Uses:** means those farm-related tourism uses, including limited accommodation such as a *bed and breakfast*, that promote the enjoyment, education or activities related to the farm operation.

**Agriculture-Related Uses:** means those farm related commercial and farm-related *industrial uses* that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and

provide direct products and/or services to farm operations as a primary activity.

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

**Alternative Energy System:** means a system that uses sources of energy or energy conversion processes to produce power, heat and/or cooling that significantly reduces the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

**Approval Authority:** the authority granted approval by Council to approve land use planning applications.

**Archaeological Impact Assessment:** The archaeological assessment process is composed of two principal components: assessment and impact management. Assessment is primarily concerned with the inventory and evaluation of archaeological resources, and the assessment of impacts during the initial stages of project planning. Impact management follows directly from assessment and is primarily concerned with managing unavoidable adverse impacts as well as unanticipated impacts. Archaeological Impacts Assessments must be carried out by

archaeologists licensed under the Ontario Heritage Act.

**Archaeological Resources:** includes artifacts, archaeological sites and marine archaeological sites, as defined under the Ontario Heritage Act. The identification and evaluation of such resources are based upon archaeological assessments carried out by archaeologists licensed under the Ontario Heritage Act.

**Areas of Archaeological Potential:** means areas with the likelihood to contain archaeological resources, as evaluated using the processes and criteria that are established under the Ontario Heritage Act.

**Areas of Mineral Potential:** means areas favourable to the discovery of mineral deposits due to geology, the presence of known mineral deposits or other technical evidence.

**Areas of Natural and Scientific Interest (ANSI):** means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

**Attainable Housing:** Housing available at below-market pricing.

**Bed and Breakfast:** a dwelling, or part thereof, in which not more than 4 bedrooms are used or maintained for the accommodation of the travelling or

vacationing public, in which the owner lives on the premises and supplies lodgings with or without meals for the persons so accommodated, but does not include a boarding house, group home, or tourist establishment.

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

**Building:** any structure used or designed to be used for shelter, accommodation or enclosure of persons, animals or chattels other than a lawful boundary wall or fence.

**Built Heritage Resource:** means a *building*, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community.

**Campground:** the use of land, buildings or structures for commercial camping on a short-term basis where campsites are rented to and used by the travelling public. A tourist camping establishment may include accessory buildings, structures or facilities incidental to the principal use, such as common washrooms, recreational facilities, a

convenience store, or an accessory dwelling unit for the owner or operator. A tourist camping establishment does not include the use of a campsite as a dwelling, off season storage of tents or recreational vehicles on campsites, or a use otherwise defined by this By-law.

Note: used interchangeably with Tourist Camping Establishment.

**Coastal wetland:** means: a) any wetland that is located on one of the Great Lakes or their connecting channels (Lake St. Clair, St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers); or b) any other wetland that is on a tributary to any of the above-specified water bodies and lies, either wholly or in part, downstream of a line located 2 kilometres upstream of the 1:100 year floodline (plus wave run-up) of the large water body to which the tributary is connected.

**Commercial Use:** the use of land, structure or *building* for the purposes of buying or selling commodities and supplying services, as distinguished from such uses as manufacturing or assembling of goods, warehousing and contractors' yards.

**Community Gateway:** a featured area that helps to clearly define community boundaries that reflect elements of local culture, natural landscape, built form and/or community history. A gateway can be a structure or natural feature meant to delineate the entrance to a community.

**Compact Built Form:** means a land use pattern that encourages the efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace, and institutional) all within one neighbourhood, proximity to transit and reduced need for *infrastructure*. *Compact built form* can include detached and semi-detached houses on small lots as well as townhouses, duplexes, triplexes and walk-up apartments, multi-storey commercial developments, and apartments or offices above retail.

**Complete Communities:** means places such as mixed-use neighbourhoods or other areas within cities, towns, and *settlement areas* that offer and support opportunities for equitable access to many necessities for daily living for people of all ages and abilities, including an appropriate mix of jobs, a full range of housing, transportation options, public service facilities, local stores and services.

**Condominium:** individually owned units within a complex or building of units with common element ownership of infrastructure such as roads and stormwater management facilities.

**Conservation Use:** land used solely for the preservation and enhancement of the natural environment and may include a conservation area, and fish and wildlife management.



**Council:** the Council of the Municipality of West Nipissing.

**Crown Land:** land, lakes and rivers that are managed by Canada's federal government or the Ontario government through the Ministry of Natural Resources and Forestry.

**Cultural Heritage Landscape:** means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as *buildings, structures, spaces, views, archaeological sites or natural elements* that are valued together for their interrelationship, meaning or association.

**Deer Wintering Areas:** an area where deer concentrate during the winter months.

**Designated Vulnerable Area:** means areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source.

**Development:** means the creation of a new lot, a change in land use, or the construction of *buildings and structures* requiring approval under the Planning Act.

**Development Agreement:** a contractual arrangement between a property developer and a municipality or other governing body for coordinating various

aspects of a development include land use, zoning, infrastructure and public services.

**Dry Industrial:** an industrial land use not requiring additional water and sewer services beyond what staff requirements are.

**Dynamic Beach Hazard:** means areas of inherently unstable accumulations of shoreline sediments along the Great Lakes -St. Lawrence River System and large inland lakes, as identified by provincial standards, as amended from time to time. The *dynamic beach hazard* limit consists of the flooding hazard limit plus a dynamic beach allowance.

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

**Employment Area:** means those areas designated in this Official Plan for clusters of business and economic activities including manufacturing, research and *development* in connection with manufacturing, warehousing, goods movement, associated retail and office, and ancillary facilities. An *employment area* also includes areas of land described by subsection 1(1.1) of the Planning Act. Uses that are excluded from

*employment areas* are institutional and commercial, including retail and office not associated with the primary employment use listed above.

**Endangered Species:** means a species that is classified as “*Endangered species*” on the Species at Risk in Ontario List, as updated and amended from time to time.

**Energy Storage System:** means a system or facility that captures energy produced at one time for use at a later time to reduce imbalances between energy demand and energy production, including for example, flywheels, pumped hydro storage, hydrogen storage, fuels storage, compressed air storage, and battery storage.

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

**Essential Emergency Service:** means services which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion.

**Fish:** includes *fish*, *shellfish*, crustaceans, and marine animals, at all stages of their life cycles.

**Fish Habitat:** as defined in the *Fisheries Act*, means water frequented by *fish* and any other areas on which *fish* depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply, and migration areas.

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

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

**Flood Level - One Hundred Year:** means for the shorelines of the Great Lakes, the peak instantaneous still water level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equalled or exceeded in any given year; for large inland lakes, lake levels and wind setups that have a 1% chance of being equalled

or exceeded in any given year, except that, where sufficient water level records do not exist, the *one hundred year flood level* is based on the highest known water level and wind setups.

**Flood Plain:** for river, stream and small inland lake systems, means the area, usually lowlands adjoining a watercourse, which has been or may be subject to flooding hazards.

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

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

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

1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific *watershed* and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over *watersheds* in the general area;

2. the *one hundred year flood*; and

3. a flood which is greater than 1. or 2. which was actually experienced in a particular *watershed* or portion thereof, for example, as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources and Forestry; except where the use of the *one hundred year flood* or the actually experienced event has been approved by the Minister of Natural Resources and Forestry as the standard for a specific *watershed* (where the past history of flooding supports the lowering of the standard).

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

**Floodway:** for river, stream and small inland lake systems, means the portion of the *flood plain* where *development* and site alteration would cause a danger to public health and safety or property damage. Where the one zone concept is applied, the *floodway* is the entire contiguous *flood plain*. Where the two-zone concept is applied, the *floodway* is

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

**Forestry Use:** the management, *development* and cultivation of timber resources to ensure the continuous production of wood or wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, protection of water supplies, and preservation of the recreation resource, and shall include reforestation areas owned or managed by the Ministry of Natural Resources.

**Freight-Supportive:** in regard to land use patterns, means transportation systems and facilities that facilitate the movement of goods. This includes policies or programs intended to support efficient freight movement through the planning, design and operation of land use and transportation systems. Approaches may be recommended in provincial guidance or based on municipal approaches that achieve the same objectives.

**Green Infrastructure:** means natural and human made elements that provide ecological and hydrological functions and processes. *Green infrastructure* can

include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs.

**Ground Water Feature:** means water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

**Group Home:** a single housekeeping unit in a single detached dwelling or an accessory dwelling unit in which three to ten residents, excluding staff or receiving family, live under responsible supervision consistent with the requirements of its residents. The home is licensed or approved under Federal or Provincial statutes.

**Growth Plan for Northern Ontario:** a 25 year provincial plan that provides guidance to align provincial decision-making and investment for economic and population growth in Northern Ontario.

**Hazardous Forest Types - Wildland Fire Risk:** means forest types assessed as being associated with the risk of high to extreme wildland fire using risk assessment tools established by the Ontario Ministry of Natural Resources, as amended from time to time.

**Hazard Lands:** means property or lands that could be unsafe for *development* due

to naturally occurring processes.. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, *erosion hazard* or *dynamic beach hazard* limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or *erosion hazard* limits.

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

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

**Heritage Attributes:** means, as defined under the Ontario Heritage Act, in relation to real property, and to the *buildings* and *structures* on the real property, the attributes of the property, *buildings* and *structures* that contribute to their cultural heritage value or interest.

**Higher Order Transit:** means transit that generally operates in partially or completely dedicated rights-of-way, outside of mixed traffic, and therefore can achieve levels of speed and reliability greater than mixed-traffic transit. Higher order transit can include heavy rail (such as subways, elevated or surface rail, and commuter rail), light rail, and buses in dedicated rights-of-way.

**Housing Options:** means a range of housing types such as, but not limited to single-detached, semi detached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, laneway housing, garden suites, rooming houses and multi-residential *buildings*, including low-and mid-rise apartments. The term can also refer to a variety of housing arrangements and forms such as, but not limited to, life lease housing, co-ownership housing, co-operative housing, community land trusts, land lease community homes, affordable housing, additional needs housing, multi generational housing, student housing, farm worker housing, culturally appropriate housing, supportive, community and transitional housing and housing related to employment, educational, or *institutional uses*, such as long-term care homes.

**Hunt Camp:** a base camp used solely for the activity of hunting or *fishing*, which

provides seasonal or temporary accommodation in a remote location and without public access, where municipal or community services are usually not available.

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

**Impacts of a Changing Climate:** means the present and future consequences from changes in weather patterns at local and regional levels including extreme weather events and increased climate variability.

**Industrial Use:** the use of land, *building* or *structure* designed for the purpose of fabricating, manufacturing, assembling, making, printing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale any goods, substance, article or thing, or any part thereof, and the storage of *building* and construction equipment and materials, as distinguished from the buying and selling of retail commodities and the supplying of personal services.

**Infilling:** the development of vacant land between other developed lands.

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

**Interpretive Centres:** an institution that disseminates knowledge or natural or cultural heritage.

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

**Large Inland Lakes:** means those waterbodies having a surface area of equal to or greater than 100 square kilometres where there is not a

measurable or predictable response to a single runoff event.

**Legal or Technical Reasons:** means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

**Low and Moderate Income Households:** means: a) in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the municipality; or b) In the case of rental housing, household with incomes in the lowest 60 percent of the income distribution for renter households for the municipality.

**Low Impact Development (LID):** means an approach to stormwater management that seeks to manage rain and other precipitation as close as possible to where it falls to mitigate the impacts of increased runoff and stormwater pollution. Low impact *development* can include, for example: bio swales, vegetated areas at the edge of paved surfaces, permeable pavement, rain gardens, green roofs, and exfiltration systems.

**Major Facilities:** means facilities which may require separation from *sensitive* land uses, including but not limited to airports, manufacturing uses, transportation *infrastructure* and

corridors, rail facilities, marine facilities, sewage treatment facilities, *waste management systems*, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

**Marine Facilities:** means ferries, harbours, ports, ferry terminals, canals and associated uses, including designated lands for future marine facilities.

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

**Minerals:** means metallic *minerals* and non metallic *minerals* but does not include *mineral aggregate resources* or petroleum resources.

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

**Mineral Deposits:** means areas of identified *minerals* that have sufficient quantity and quality based on specific

geological evidence to warrant present or future extraction.

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

**Minimum Distance Separation**

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

**Minor Variance:** a process under the Planning Act that grants a small variation from the requirements of the zoning by-law.

**Multimodal:** means relating to the availability or use of more than one form of transportation, such as automobiles, walking, cycling, buses, rapid transit, higher order transit, rail (such as freight), trucks, air, and marine.

**Municipality:** the Corporation of the Municipality of West Nipissing

**Natural Heritage - Features and Areas:** means features and areas, including *significant wetlands*, *significant coastal wetlands*, other *coastal wetlands* in Ecoregions 5E, 6E and 7E, *fish habitat*, *significant woodlands* and *significant valleylands* in Ecoregions 6E and 7E

(excluding islands in Lake Huron and the St. Marys River), habitat of *endangered species* and threatened species, *significant wildlife habitat*, and *significant areas of natural and scientific interest*, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

**Natural Heritage System:** means a system made up of natural heritage features and areas, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include natural heritage features and areas, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support hydrologic functions, and working landscapes that enable ecological functions to continue.

**Negative impacts:** means  
a) potential risks to human health and safety and degradation to the quality and quantity of water, *sensitive surface water features* and *sensitive* ground water features, and their related hydrologic functions, due to single, multiple or successive development. Negative



impacts should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards;

b) in regard to *fish habitat*, any harmful alteration, disruption or destruction of *fish habitat*, except where an exemption to the prohibition has been authorized under the *Fisheries Act*;

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

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

e) any *development* or site alteration that would compromise or conflict with the planned or existing function, capacity to accommodate future needs, and cost of implementation of the corridor.

**Non-Conforming Use:** a use which is not a use permitted in the zone in which the said use is situated.

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

**Official Plan:** describes your upper, lower or single tier municipal council or planning board's policies on how land in your community should be used. It is prepared with input from your community and helps to ensure that future planning and development will meet the specific needs of your community. An official plan deals mainly with issues such as: where new housing, industry, offices and shops will be located; what services like roads, watermains, sewers, parks and schools will be needed; when, and in what order, parts of your community will grow; and community improvement initiatives.

**On-Farm Diversified Use:** means uses that are secondary to the principal *agricultural use* of the property, and are limited in area and include, but are not limited to, home occupations, home industries, *agri-tourism* uses, uses that produce value-added agricultural products, and electricity generation

facilities and transmission systems, and *energy storage systems*.

**Open Space:** the designated areas within the municipality that are set aside for public, recreational, or ecological purposes. These areas are intentionally left undeveloped or minimally developed to provide a range of benefits for both the community and the environment.

**Other Water-Related Hazards:** means water associated phenomena other than flooding hazards and **wave effects** which act on shorelines. This includes, but is not limited to ship-generated waves, ice piling and ice jamming.

**Passive Recreational Uses:** the use of land which is typically unobtrusive and not disturbing to the surrounding natural landscape and may include walking trails, natural interpretive facilities, bird and wildlife observation areas and similar uses involved in the enjoyment of the natural environment.

**Petroleum resources:** means oil, gas, and salt (extracted by solution mining method) and formation water resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage for

natural gas, other hydrocarbons, or compressed air energy storage.

**Pit:** a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an excavation to supply materials for construction, industrial or manufacturing purposes, but does not include a wayside pit.

**Pit – Wayside:** a temporary pit opened and used by a public road authority, or their agents, solely for the purpose of road construction or an associated road project or contract and which is not located on the road right-of-way.

**Planning Authority:** the body authorized to implement and enforce provincial legislation (i.e. the Planning Act).

**Portable Asphalt Plant:** means a facility a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

**Portable Concrete Plant:** means a *building* or structure a) with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials

used in the process; and b) which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

**Prime Agricultural Area:** means areas where prime agricultural lands predominate (Class 1, 2 and 3 lands using the Canada Land Inventory (CLI) ranking system). This includes areas of land with associated Canada Land Inventory Class 4 through 7 lands, and additional areas with a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by a *planning authority* based on provincial guidance or informed by mapping obtained from the Ontario Ministry of Agriculture, Food and Agribusiness and the Ontario Ministry of Rural Affairs or any successor to those ministries.

**Property Standards:** an evaluation of property characteristics which may be regulated by by-law such as waste and debris accumulation, overgrown areas, snow and ice accumulation etc.

**Protected Heritage Property:** means property designated under Part IV or VI of the Ontario Heritage Act; property included in an area designated as a heritage conservation district under Part V of the Ontario Heritage Act; property subject to a heritage conservation easement or covenant under Part II or IV of the Ontario Heritage Act; property

identified by a provincial ministry or a prescribed public body as a property having cultural heritage value or interest under the Standards and Guidelines for the Conservation of Provincial Heritage Properties; property protected under federal heritage legislation; and UNESCO World Heritage Sites.

**Public use:** the use of land, *building* or structure by a public authority, for the purpose of providing its services to the public, or carrying out its public mandate.

**Public Utility:** any water works, gas works, electric heat, light or power works, telegraph and phone lines, railways and works for the transmission of gas, oil, water or electrical power or energy, or any similar works supplying the general public with necessities or conveniences.

**Quarry:** an area where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit or mine.

**Quality and Quantity of Water:** is measured by indicators associated with *hydrologic function* such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime.

**Rail Facilities:** means rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future rail facilities.

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

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

**Regional Market Area:** refers to an area that has a high degree of social and economic interaction. The upper or single-tier municipality, or planning area, will normally serve as the regional market area. However, where a regional market area extends significantly beyond these boundaries, then the regional market area may be based on the larger market area.

**Renewable Energy Source:** means an energy source that is renewed by natural processes and includes wind, water, biomass, biogas, biofuel, solar energy, geothermal energy and tidal forces.

**Renewable Energy System:** means a system that generates electricity, heat and/or cooling from a renewable energy source.

**Residence Surplus to an Agricultural Operation:** means one existing habitable detached dwelling, including any associated additional residential units, that are rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

**Residential Use:** means use in a structure or portion of a structure which is a person's residence. It does not include use in motor homes, travel trailers, other recreational vehicles.

**Residential Use – Low Density:** means single detached and duplex housing configurations. Additional Residential Units (ARUs) can be part of a low-density residential use.

**Residential Use – Medium Density:** Townhouses, condominiums and apartments of up to 10 units are a medium density residential use.

**Residential Use – High Density:** apartment buildings or residential complexes with more than 10 units per lot.

**Resort Commercial:** see Tourist Establishment.

**Resource Management:** the management of natural resources such as land, water, soil, plants and animals, with a focus on how management affects

the quality of life for both present and future generations.

**Rural Areas:** means a system of lands within municipalities that may include *rural settlement areas*, *rural lands*, agricultural areas, natural heritage features and areas, and resource areas.

**Rural lands:** means lands which are located outside *settlement areas*, the agricultural designation, and the waterfront designation.

**Rural Settlement Area:** a populated area that is characterized by infrastructure, economic activities and cultural institutions, not containing full municipal sewer and water services and identified as a Rural Settlement Area on Schedule A of this plan.

**Salvage Yard:** a place where motor vehicles are wrecked or disassembled and resold; a place where second-hand goods, including wastepaper, bottles, automobile tires, clothing, other scrap materials and salvage are collected to be sorted, and a place where used lumber and used *building* materials are stored for sale or resale.

**Services / Servicing:**

**Individual On-site Sewage:** means sewage systems, as defined in O. Reg. 332/12 under the Building Code Act, 1992, that are owned, operated and managed by the owner of the property upon which the system is located.

**Significant:** means an area which is ecologically important in terms of features or function, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system. Regarding cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act. Criteria for determining natural heritage significance are provided in provincial guidance but an evaluation by a qualified person at the discretion of municipal staff may be required to determine significance.

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

**Partial:** means a) municipal sewage services or *private communal sewage services* combined with individual on-site water services; or b) municipal water services or *private communal water services* combined with individual on site sewage services.

**Municipal Sewage:** means a sewage works within the meaning of section 1 of

the Ontario Water Resources Act that is owned or operated by a municipality.

**Municipal Water:** means a municipal drinking-water system within the meaning of section 2 of the Safe Drinking Water Act, 2002.

**Private Communal - Sewage:** means a sewage works within the meaning of section 1 of the Ontario Water Resources Act that serves six or more lots or private residences and is not owned by a municipality.

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

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

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

centres, and educational and health facilities.

**Settlement Area:** built-up areas where *development* is concentrated and which have a mix of land uses and have been designated in an official plan for *development* over the long term. Settlement areas are further identified as “urban” or “rural” based on sewage and water servicing levels.

**Sewer and Water Services (Full Municipal):** both water and sewage disposal infrastructure that is owned and operated by the Municipality and is designed to adequately service the water and sewage disposal needs of a use, building or lot.

**Sewer and Water Services (Partial Municipal):** infrastructure where either water or sewage disposal facilities is owned and operated by the Municipality and is designed to adequately service the water and sewage disposal needs of a use, building or lot.

**Sewer and Water Services (Private):** infrastructure on a lot which is privately owned and operated, which is designed to service the water and sewage disposal needs of that lot, and without limiting the generality of the foregoing, shall include a private septic system and a private well.

**Significant:** means:  
a) in regard to *wetlands*, *coastal wetlands* and *areas of natural and scientific*

*interest*, an area identified as provincially *significant* using evaluation criteria and procedures established by the Province, as amended from time to time;

b) in regard to *woodlands*, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria and procedures established by the Province;

c) in regard to other features and areas such as wildlife habitat, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or *natural heritage system*; and

d) in regard to mineral potential, an area identified as provincially *significant* through provincial guidance, such as the Provincially *Significant* Mineral Potential Index.

e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or

interest are established by the Province under the authority of the Ontario Heritage Act.

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

**Site Plan Control:** a land use planning tool authorized by the Planning Act that a municipality uses to evaluate certain site elements, such as walkways, parking areas, landscaping or exterior design on a parcel of land where development is proposed. A legal agreement is completed and registered on title of the applicable property.

**Social Assisted Housing:** is government-assisted housing that provides lower cost rental units to households with low-to-moderate incomes and can include: public housing (owned directly or indirectly by service managers); not-for-profit and co-operative housing; rent supplement programs (often in the private market); and rural and native housing (owned by Ontario Aboriginal Housing Services). Note: used interchangeably with social housing.

**Special Policy Area:** means an area within a community that has historically existed in the *flood plain* and where site-specific policies, approved by both the Ministers of Natural Resources and

Forestry and Municipal Affairs and Housing, are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the *significant* social and economic hardships to the community that would result from strict adherence to provincial policies concerning development.

**Specialty Crop Area:** means areas within the agricultural land base designated from provincial guidance. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil.

**Steep Slopes:** landscape grade of 40% or more.

**Streetscape:** the roadway and sidewalk design of an urban area and how it impacts residents' and visitors' lives. It involves both the natural and built elements of a street and recognizes that streets and sidewalks are the places where people engage with each other and engage in activities.

**Strategic Growth Areas:** means within *settlement areas*, nodes, corridors, and other areas that have been identified by municipalities to be the focus for accommodating *intensification* and

higher density mixed uses in a more *compact built form*.

**Structure:** anything that is erected, built or constructed of parts joined together or requiring a foundation to hold it erect and located under, on or above ground level, including anything prefabricated on or off the site. But for the purposes of this By-law, a fence not exceeding 2 metres in height shall be deemed not to be a structure.

**Subdivision:** when a piece of land has been divided into more than three parcels to offer for sale. A *subdivision* can be for residential, commercial or industrial purposes.

**Surface Water Feature:** means water-related features on the earth's surface, including headwaters, rivers, permanent and intermittent streams, inland lakes, seepage areas, recharge/discharge areas, springs, *wetlands*, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

**Tourist Establishment:** the use of land, *buildings* or *structures* for the provision of commercial roofed accommodation where commercial accommodation units are offered for rent on a short term or transient basis to the public who is travelling, vacationing, engaged in leisure or recreation, or participating in conventions or meetings. A *tourist*



*establishment* may include accessory uses, services, equipment or facilities, including a restaurant, normally incidental to such accommodation. A *tourist establishment* does not include a dwelling unit except for a dwelling unit for the owner or operator, or staff quarters that are accessory to the principal use.

**Threatened Species:** means a species that is classified as “Threatened Species” on the Species at Risk in Ontario List, as updated and amended from time to time.

**Transit Service Integration:** means the coordinated planning or operation of transit service between two or more agencies or services that contributes to the goal of seamless service for riders and could include considerations of service schedules, service routes, information, fare policy, and fare payment.

**Transit-Supportive:** means *development* that makes transit viable, optimizes investments in transit *infrastructure*, and improves the quality of the experience of using transit.

**Transportation Demand Management:** means a set of strategies that result in more efficient use of the *transportation system* by influencing travel behaviour by mode, time of day, frequency, trip length, regulation, route, or cost.

**Transportation System:** means a system consisting of facilities, corridors and rights-of-way for the movement of people

and goods, and associated transportation facilities.

**Two Zone Concept:** means an approach to *flood plain* management where the *flood plain* is differentiated in two parts: the *floodway* and the *flood fringe*.

**Urban Agriculture:** means food production in *Settlement Areas*, whether it is for personal consumption, commercial sale, education, or therapy. Examples include, but are not limited to, vertical agriculture facilities, community gardens, greenhouses, and rooftop gardens.

**Urban Settlement Area:** a densely populated area that is characterized by significant infrastructure, economic activities and cultural institutions. Urban Settlement areas are fully services with public water and wastewater facilities.

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

**Vulnerable Water System:** means surface and/or ground water that can be easily changed or impacted.

**Walkable Neighbourhood:** can be characterized by roads laid out in a well-connected network, destinations that are easily accessible by transit and active transportation, sidewalks with minimal interruptions for vehicle access, and a

pedestrian-friendly environment along roads.

**Waste Disposal Site:** where garbage, refuse or domestic or industrial waste is disposed of or dumped and which is approved by The Ministry of Environment pursuant to the provisions of The Environmental Protection Act, R.S.O. 1990, c E.19, as amended.

**Waste Management System:** means sites and facilities to accommodate waste from one or more municipalities and includes recycling facilities, transfer stations, processing sites and disposal sites.

**Waterbody:** A waterbody refers to any significant accumulation of water, such as a lake or a pond.

**Watercourse:** a natural channel through which water flows, such as a river, stream, or creek.

**Waterfront Area Overlay:** lands generally within 150 m of a waterbody 10 ha or more in size that is functionally, practically or aesthetically connected to the waterbody and shoreline.

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

**Watershed Planning:** means planning that provides a framework for establishing comprehensive and integrated goals, objectives, and direction for the protection, enhancement, or restoration

of water resources, including the quality and quantity of water, within a *watershed* and for the assessment of cumulative, cross jurisdictional, and cross-*watershed* impacts. *Watershed planning* evaluates and considers the impacts of a changing climate on water resource systems and is undertaken at many scales. It may inform the identification of water resource systems.

**Water Resource Systems:** means a system consisting of ground water features and areas, *surface water features* (including shoreline areas), natural heritage features and areas, and hydrologic functions, which are necessary for the ecological and hydrological integrity of the *watershed*.

**Wave effects:** means the movement of water up onto a shoreline or structure following the breaking of a wave, including wave uprush, wave set up and water overtopping or spray; the limit of *wave effects* is the point of furthest landward horizontal movement of water onto the shoreline.

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

**Wetland:** means lands that are seasonally or permanently covered by

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

**Wetland – Locally Significant:** a wetland that is evaluated under the Ontario Wetland Evaluation System (OWES), but is not considered provincially significant (i.e., scores lower than indicated above) may be designated as a *locally significant* wetland by a planning authority (i.e., municipality).

**Wetland - Provincially Significant:** is any wetland that: 1) achieves a total score of 600 or more points, or 2) achieves a score of 200 or more points in either the Biological component or the Special Features component in the Ontario Wetland Evaluation System (OWES). A wetland is also considered a PSW if it has previously been evaluated under the first and second edition of the OWES as Class 1, 2, or 3 (out of 7 possible classes).

**Wetland – Unevaluated:** a wetland that has not been evaluated using the Ontario Wetland Evaluation System.

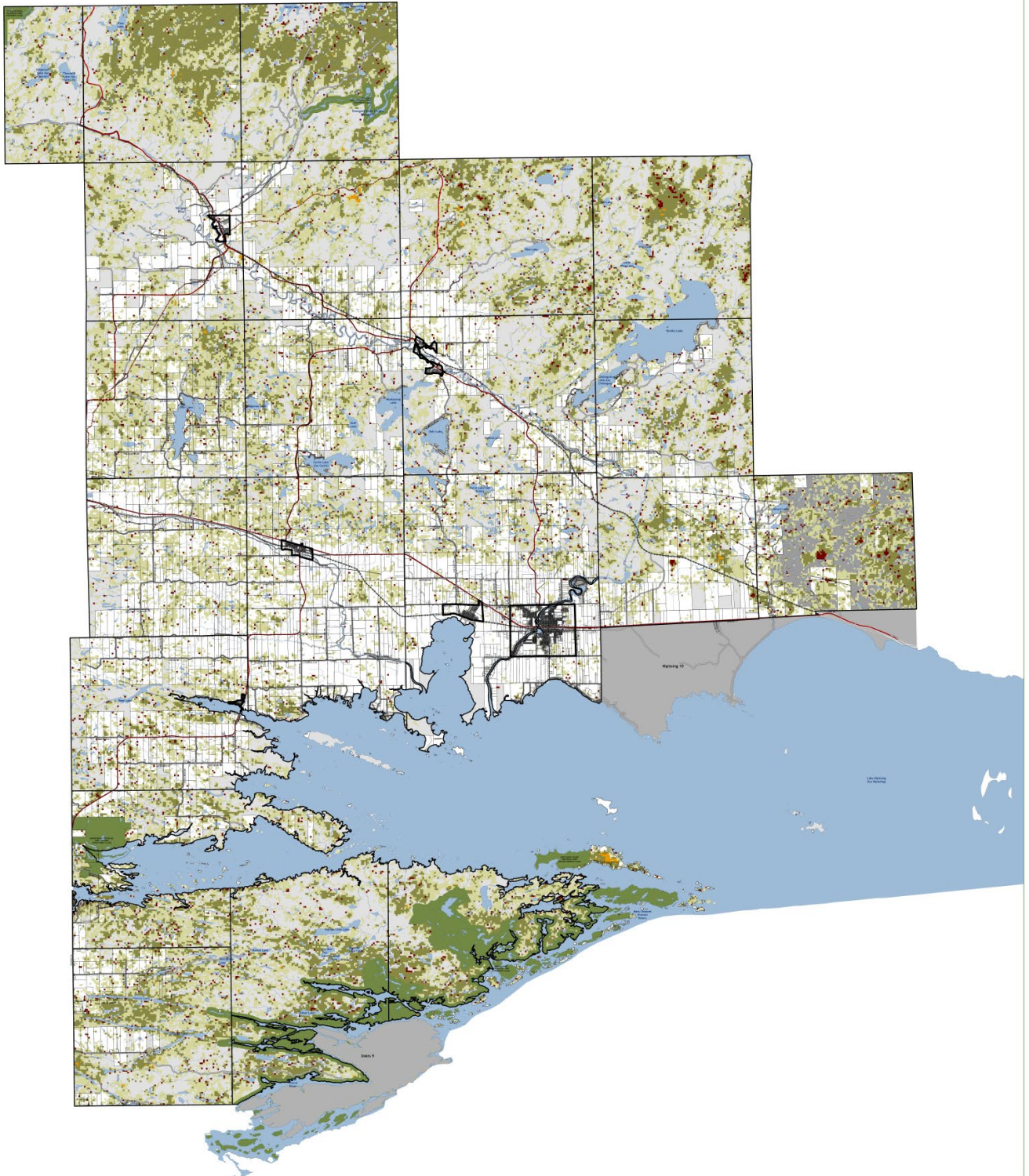
**Wildland Fire Assessment:** means the combination of risk assessment tools and environmentally appropriate mitigation measures identified by the Ontario Ministry of Natural Resources to be incorporated into the design, construction and/or modification of *buildings, structures*, properties and/or communities to reduce the risk to public safety, *infrastructure* and property from wildland fire.

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

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

*Woodlands* may be delineated according to the Forestry Act definition or the Province’s Ecological Land Classification system definition for “forest.”

**Zoning By-law:** A zoning bylaw controls the use of land in your community. It states exactly: how land may be used; where buildings and other structures can be located; the types of buildings that are permitted and how they may be used; and the lot sizes and dimensions, parking requirements, building heights and densities (the number of people, jobs and building floor area per hectare), and setbacks from the street.



WILDLAND FIRE - MNR

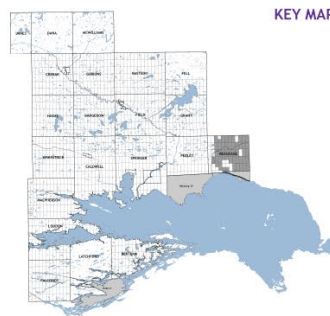
- EXTREME
- HIGH
- MODERATE
- NEEDS EVALUATION

- SETTLEMENT AREAS
- PROVINCIAL PARKS
- FIRST NATION LANDS
- FEDERAL CROWN LAND
- CROWN LAND
- PARCEL FABRIC
- WATERCOURSES
- WATERBODIES

TRANSPORTATION

- PROVINCIAL HIGHWAY
- MUNICIPAL ROADS
- PRIVATE ROADS
- RESOURCE ROADS
- PIPELINE
- RAILWAY

KEY MAP



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**APPENDIX B: At Capacity Lake List**

1. Cache Lake
2. Deer Lake