

OFFICIAL PLAN
FOR
THE TOWNSHIP OF RED ROCK

NOVEMBER 2011

INDEX

PART I – BACKGROUND AND ADMINISTRATION	PAGE
1.1. TITLE, APPLICATION AND LOCATION	1
1.2. HISTORY	1
1.3. PURPOSE AND EFFECT	3
1.4. RESPONSIBILITIES	3
1.5. IMPLEMENTATION	4
1.6. INTERPRETATION	5
 PART II – DIRECTION AND VISION	
2.1. VISION – FINANCIAL STABILITY AND COMMUNITY SUSTAINABILITY	6
2.2. ARTS, CULTURE, AND SOCIAL	6
2.3. ECONOMIC DEVELOPMENT	7
2.4. NATURAL AND BUILT ENVIRONMENT	8
2.5. ENERGY AND AIR QUALITY	9
2.6. SERVICES AND INFRASTRUCTURE	9
2.7. SENSE OF COMMUNITY	10
2.8. MUNICIPAL LEADERSHIP AND GOVERNANCE	10
 PART III – GOALS AND OBJECTIVES	
3.1. OFFICIAL PLAN’S GOALS AND OBJECTIVES	11
 PART IV – GENERAL PROVISIONS	
4.1. INTENT	12

4.2.	LAND USE COMPATIBILITY	12
4.3.	ACCESSORY USES	12
4.4.	NATURAL HERITAGE	13
4.5.	CULTURAL, ARCHAEOLOGICAL HERITAGE	16
4.6.	MINERAL, AGGREGATE RESOURCES	19
4.7.	WAYSIDE PITS/QUARRIES AND PORTABLE ASPHALT/ CONCRETE PLANTS	22
4.8.	DEVELOPMENT NEAR RAILWAYS	22
4.9.	PROVINCIAL HIGHWAYS	25
4.10.	POTENTIAL CONTAMINATED SITES	26
4.11.	PUBLIC INFRASTRUCTURE	27
4.12.	WATER RESOURCES	27
4.13.	GAS TRANSMISSION FACILITIES	28
4.14.	HAZARD LANDS	29
4.15.	ENERGY AND AIR QUALITY	31
4.16.	BED AND BREAKFAST, HOME OCCUPATIONS, HOME INDUSTRIES	32

PART V – LAND USE

5.1.	INTRODUCTION	35
5.2.	SETTLEMENT AREA DEFINED	36
5.3.	TOWNSITE COMMERCIAL AND INSTITUTIONAL DESIGNATION	36
5.4.	TOWNSITE RESIDENTIAL LAND USE DESIGNATION	37
5.5.	MARINA LAND USE DESIGNATION	39
5.6.	INDUSTRIAL LAND USE DESIGNATION	40

5.7.	RURAL LAND USE DESIGNATION	41
5.8.	HIGHWAY COMMERCIAL LAND USE DESIGNATION	42
5.9.	OPEN SPACE/ENVIRONMENTAL PROTECTION LAND USE DESIGNATION	42
5.10.	WASTE DISPOSAL LAND USE DESIGNATION	43

PART VI - IMPLEMENTATION

6.1.	INTENT	45
6.2.	LOT CREATION	45
6.3.	NON-CONFORMING USES	46
6.4.	COMPLETE APPLICATION	47
6.5.	CONDOMINIUM TENURE	47
6.6.	PARKLAND DEDICATION	47
6.7.	ZONING BY-LAW	48
6.8.	HOLDING ZONE	48
6.9.	TEMPORARY USE BY-LAW	49
6.10.	SITE PLAN CONTROL	50
6.11.	COMMUNITY IMPROVEMENT	51
6.12.	PROPERTY STANDARDS BY-LAW	52
6.13.	GENERAL IMPLEMENTATION	53

PREAMBLE TO THE RED ROCK OFFICIAL PLAN

Background information supporting the updating of the Red Rock Official Plan includes;

- Adjusting our Sails – Final Report and Recommendations of the Red Rock Community Adjustment Committee -- August 2007
- Red Rock, Ontario – 2006 Community Profile including Census Data (2001), notes from an Impact of the Aging Workforce in NW Ontario; corporate profile of Norampac; Chamber of Commerce notes; Tomorrow Starts Here description of the Rock and Blues and Folk Festival; and similar information for nearby Nipigon
- 2001 and 2006 Census Community Profiles
- The Municipal web page

Based upon census data from 1996 to 2006, population trends were prepared and used to estimate population into the future planning period. The significant downturn in forestry that claimed Norampac has resulted in a substantial number of current dwellings in the community being vacant. Population and housing projections reflect this, and have resulted in a determination to fill vacant houses as a planning target rather than the standard municipal target of new development.

A local application of the Provincial Policy objectives for housing reflects the same need to occupy existing housing rather than target new lots. Provincial policies relating to infill are implemented by this approach; however infill, intensification; three and ten year supply of buildable lots and designated lands; and variety in building form and density will more likely be replaced with a more realistic target of re-occupying vacant dwelling units.

New lots may still be created in the rural area, particularly as families allocate lands to children. There is no way to assign specific targets to this and thus rural severances are continued as a development option. It is anticipated that the number of rural severances that are possible will exceed the actual number that are used by family transfers. Notwithstanding, costs associated with creating a severance (i.e. proven water supply) and the overall lack of market demand will result in rural severances not being created on speculation. This assumption can be retested at five year review intervals, as lot creation on a speculative basis does begin to occur, future versions of the official plan might consider establishing a five year ceiling on rural severance based upon a comprehensive public participation program seeking input from rural property owners.

The lakeshore area is also known to have a working elevation that is being used for consideration of marina construction, and which establishes a benchmark concerning lake related flooding. This is thought to be specific to works at the Marina area and does not represent a community based engineered flood line or Conservation

Authority type flood control. It is assumed that this elevation will continue to be used in marina related works but has not been included in the official plan as a formal flood elevation and building restraint.

In parallel with the preparation of this official plan, the Municipality has also been involved in the preparation of a sustainability plan that is intended to serve as a basis for capital funding applications. Elements of this sustainability plan have been incorporated into this official plan.

PART ONE: BACKGROUND AND ADMINISTRATION

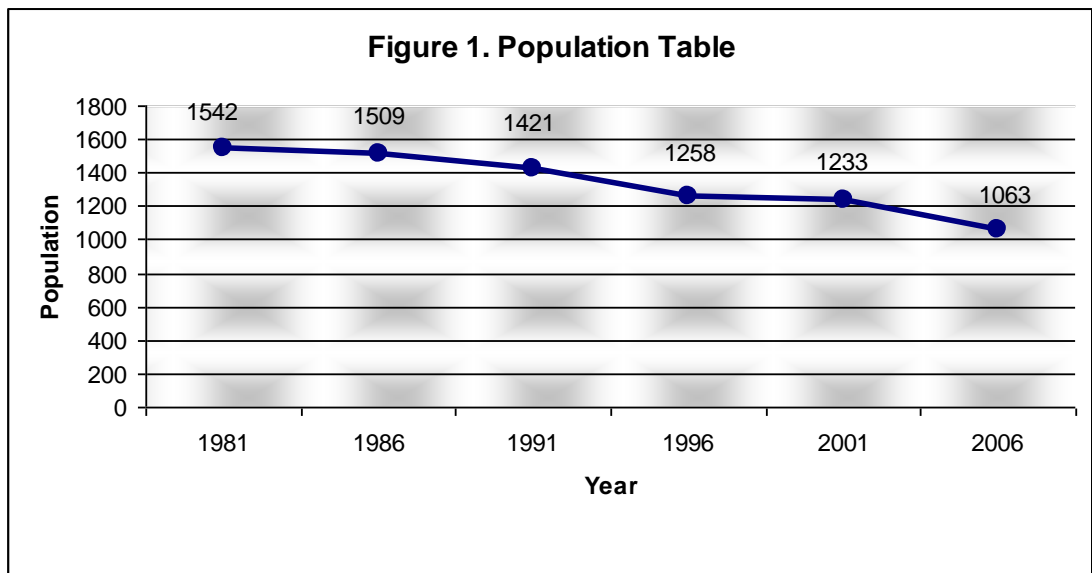
1.1 Title, Application and Location

This official plan shall be referred to as the “Official Plan for the Township of Red Rock” and shall apply to all of the lands that are located within the boundaries of the Township of Red Rock.

The Township of Red Rock is located on the north shore of Lake Superior immediately south of the Township of Nipigon and approximately 100 kilometres east of the City of Thunder Bay. The Township encompasses 62.9 square kilometres of land, and includes shoreline of the Nipigon River and of Lake Superior. The Township includes a Settlement Area situated at the east end of Highway 628 and abutting the shores of Lake Superior; and a semi-rural/Rural Area focused upon Highway 11/17, Highway 628, and several municipal roads. The Settlement Area contains 370 households, 11 businesses, 3 schools, a variety of institutional organizations, and industrial lands primarily associated with a former container board plant, and a 50 slip marina and waterfront park, and a large area of industrial property. The semi-rural/Rural Area contains 116 households, mostly on large parcels of land; a former accommodation and meeting centre for senior executives of the container board plant; municipal waste disposal site; and several properties containing aggregate resource. The Township is traversed by CNR and CPR railway lines, hydro and gas transmission lines and by Highway 11/17. Highway 628 intersects with Highway 11/17 and extends easterly into, and terminating at the community of Red Rock. A wilderness hiking trail along the shoreline of Lake Superior links Red Rock and nearby Nipigon.

1.2 History

1.2.1 FIGURE 1: Population Table



- 1.2.2 The Township originated in the 1930's as a support location for area hunting and logging operations, and evolved into one of several paper mill communities along the north shore of Lake Superior with the start of construction by Lake Superior Sulphide Pulp and Paper Company in 1936, and subsequent completion of construction and production by Brompton Pulp and Paper Company in 1945. The mill has traditionally been the major employer and a significant participant in the community.
- 1.2.3 Figure 1 above describes a multi-year pattern of population decline, reflecting the continuing economic strain experienced by the forest industry. The pattern shows a significant decline in the period from 2001 to 2006, wherein the then owner Domtar sold the mill to Norampac, and Norampac ultimately terminated operations.
- 1.2.4 The main mill has recently been acquired by Red Rock Mills Inc. and no current development initiative exists for the property. Norampac sold the Quebec Lodge (former corporate management meeting and accommodation facility) and it is being operated as an eco-tourism lodge.
- 1.2.5 In 2000, the Province established the Great Lakes Heritage Coast within Ontario's Living Legacy strategy. The Township of Red Rock is contained within the limits of this designated area.
- 1.2.6 More recently the Federal Government created the Lake Superior National Marine Conservation Area along the northerly shoreline of Lake Superior. Again the Township of Red Rock is contained within the limits of the defined area.
- 1.2.7 It is also noted that mineral exploration in the larger Northwestern Ontario region presents opportunities for communities along the north shore of Lake Superior to offer future residential services and possibly to be part of actual transportation related functions such as transportation of partially processed ore to refining locations. Red Rock is aware of these opportunities and will participate in future discussions and review of alternatives relating to them.
- 1.2.8 It is the intent of Council to focus upon tourist travel along the Trans-Canada Highway and the inclusion of Lake Superior-based recreation activity and experiences for that group. It is intended that access to Lake Superior will be channeled primarily through existing communities, and that programs and/or related development may be distributed to such area communities from time to time.

1.3 Purpose and Effect

- 1.3.1 This official plan is intended to be a policy document enacted under the provisions of Ontario's Planning Act to be a framework for community decision making respecting physical change in the Township of Red Rock over a twenty year planning perspective.
- 1.3.2 In accordance with Section 24 of the Planning Act, no public work shall be undertaken; no by-law shall be enacted; and no planning approval shall be issued unless in accordance with this official plan. Notwithstanding, Council may;
- a) Investigate and consider public works or other actions that are not in conformity with this plan, and including applications for review and/or approvals incidental and necessary for such works or actions, but not undertake the actual works until brought into conformity with this plan.
 - b) Adopt an amendment to this plan and thereafter enact a zoning or other by-law that is not in conformity with this plan, but that will be in conformity when the relevant amendment is finished and comes into force and effect.
- 1.3.3 It is Council's hope that the policies and guidance that are set out in this official plan will help to abate the historic pattern of population decline and achieve economic stability.

1.4 Responsibilities

- 1.4.1 Municipal planning in Ontario is conducted through the enabling legislation of the Planning Act, and under an umbrella of stated Provincial areas of interest and land use policy, most notably the Provincial Policy Statement. Municipal plans must have regard for and be consistent with these matters. The Township shall, in considering applications for Official Plan amendments, zoning by-law amendments, subdivisions, consents, and variances, have regard for matters of Provincial Interest as expressed in the Planning Act. As required by the Planning Act, all planning decisions made by or on behalf of Council shall be consistent with the Provincial Policy Statement.
- 1.4.2 In this context, Council of the Township of Red Rock shall have responsibilities for this plan including;
- a) To prepare this official plan;
 - b) To manage and administer this official plan and to adhere to and implement the guidance and policies contained herein;
 - c) To review and update this plan at intervals of not more than five years, in accordance with the requirements and provisions of Section 26 of the Planning Act, for regular and systematic review, including the conduct of legislated public meeting(s);

- d) To receive and review and/or to initiate amendments to the official plan from time to time as found to be necessary, and to process such amendments;
 - e) To consult with appropriate agencies and offices in the preparation of this plan and/or amendments to it, and in the day to day administration and application of this plan;
 - f) To be the final authority for day-to-day interpretation of this plan.
- 1.4.2 Private interests are generally made to adhere to this plan through implementation and application of the Township's Comprehensive Zoning By-law, and through the exercise of a variety of planning approvals that rely upon and implement compliance with this plan. It is the desire of Council that private interests will also adopt and integrate into their day-to-day activities the sustainability objectives of this plan.
- 1.4.3 Senior levels of government are acknowledged to be exempt from this plan; however they are expected, as much as possible, to have regard for the plan in the conduct of their activities that would have impact within the Township.
- 1.4.4 With respect to provincial Crown lands (lands for which patent has not been issued), such lands are under the jurisdiction of Ontario, and normally administered by the Ministry of Natural Resources. Activity on Crown lands is part of the daily land use reality that exists in the Township (i.e., wayside pits, recreational land uses) and future patents and/or approvals for use of Crown lands have the potential to impact the Township's development concept.

Accordingly, Crown lands are included in this official plan, although it is clearly understood that Council has no jurisdiction over such lands. The various policies within the official plan that relate to Crown lands are included in order to clarify and define the municipal component of relationships involving Crown lands only. It is Council's wish and desire that senior government involvement in the administration of Crown land would take into consideration aspects of this plan that might be impacted where future patent or use of Crown lands are involved.

In addition, Crown land regulations will be utilized in harmony with municipal land use controls. However, the provisions of the Aggregate Resources Act will apply to all property of the Crown, to private lands designated under this Act and to all land under water.

1.5 Implementation

- 1.5.1 The objectives, policies, figures, and schedules in this document, and amendments to this document, as may be made from time-to-time, shall be implemented through the powers conferred upon the Township by the

Planning Act, the Municipal Act, and other applicable provincial statutes, and through the capital budget and capital expenditures of the Township.

- 1.5.2 Notwithstanding the designations on the land use schedules, it is recognized that some areas of land use may not require zoning for these long term designations for some time to come. In such areas, the Township's Comprehensive Zoning By-law may recognize existing land uses until such time as services are installed and developments consistent with the long term designations are appropriate.

1.6 Interpretation

- 1.6.1 The Council of the Township of Red Rock, with the advice of staff, shall be responsible for interpretation of the text, figures and schedules contained within this Plan. The Township may consult with the Ministry of Municipal Affairs and Housing and other Provincial government offices with respect to the interpretation of this plan.
- 1.6.2 This document is intended to be flexible in nature. The text represents broad concepts and the land use designations shown on the schedules to this Plan represent relationships rather than strict and absolute conditions. Accordingly, unless specifically provided for in the text of the Plan, and so long as the overall intent is maintained, the plan shall be flexible and interpretive in nature and not represent or construe absolute conditions, situations or measurements.
- 1.6.3 Land use designations shall be considered as representing predominant land uses, and shall not preclude small pockets of other land uses consistent with the pertinent policies of this Plan. Uses mentioned under definitions in each of the land use categories should not be considered all inclusive, but rather representing general intent. However, specific land uses within each land use designation shall be defined in the Township's Comprehensive Zoning By-law or amendments thereto.
- 1.6.4 Boundary lines, unless coinciding with specific major facilities, such as roads, rivers or railways, shall be construed as representing relationships between land uses rather than exact geographic locations.
- 1.6.5 Indication of municipal services or facilities in this Plan shall not be construed as a commitment by the Township to construct or provide such services within a certain time frame. Rather, such commitments shall be subject to the decisions of Council in its annual Capital Budget deliberations.

PART TWO: DIRECTION AND VISION

2.1 Vision – Financial Stability and Community Sustainability

- 2.1.1 The Township of Red Rock wishes to achieve economic stability.
- 2.1.2 The Township wishes to create and to enjoy a clean, friendly, healthy, safe, and viable living and working environment for all current and future inhabitants, grounded in the concept of a sustainable community.
- 2.1.3 To achieve these goals the Township will channel and direct the cultural, economic, environmental and social fabric of the community, and focus local governance so as to achieve a sustainable community committed to a lifestyle wherein the use of resources to meet the day to day needs and requirements of living occurs in a manner that ensures that future generations will have the opportunity to do the same.

2.2 Arts, Cultural and Social

- 2.2.1 The Township wishes to encourage a flourishing arts and cultural component to the community, supporting all existing community artistic, social and cultural organizations and contribute to their ongoing viability. In return, these organizations and groups will contribute to the identity, social, cultural and economic viability of the Township.
- 2.2.2 Significant cultural heritage resources shall be conserved and protected, and development will only be permitted on lands containing such resources or on lands adjacent to such resources where the particular resource has been removed or studies have found resources to be protected on site. Mitigation measures may be required to address and protect the heritage resource.
- 2.2.3 The Township wishes to;
 - a) Promote tolerance, respect and co-operation among its residents and to facilitate the operation of a broad range of entertainment, leisure, recreational and social organizations and activities;
 - b) Promote and facilitate active and positive social responsibility and participation;
 - c) Achieve a safe, healthy, and enjoyable community environment.
- 2.2.4 The Township will focus its efforts towards;
 - a) Promoting stability and thereafter modest population increase as a means of maintaining and supporting existing community groups and organizations and ensuring their ongoing viability;
 - b) Becoming involved in partnerships, promotions and direct participation in local and area wide promotion of the organizations and their activities;

- c) Identifying, preserving and enhancing cultural resources within the Township;
- d) Encouraging local arts and cultural events, festivals and other such activities;
- e) Encouraging arts and cultural organizations to participate in local decision making and facilitating the development of structure and resources that would enable them to do so;
- f) Integrating the artistic and cultural component into the Township's economic development strategy.

2.3 Economic Development

- 2.3.1 The Township recognizes that employment lands are important to the community's long term viability and prosperity.
- 2.3.2 Employment areas are considered to be locations within the Township that are designated in this official plan for clusters of businesses and economic activities, including but not limited to manufacturing, warehousing, offices and associated retail and ancillary facilities.
- 2.3.3 Employment lands may only be extracted from the official plan during a comprehensive official plan review where it has been demonstrated that the lands will not be required for employment purposes over the long term, and there is a justifiable need for the lands to be removed.
- 2.3.4 The Township's economic development initiatives will focus upon;
 - a) Maintain existing employment.
 - b) Broadening forestry and recreation-related economic activity supportive of the current economic drivers for the community; into areas that might include building stone and aggregate materials and the possibility of participating in some part of future mining transportation for area resource development.
 - c) Diversifying economic activity to generate new industrial, commercial, and/or institutional opportunity for employment;
 - d) Encouraging integration of arts and culture events and activities into the community's core economic activity and strategy;
 - e) Encouraging entrepreneurship, small business, and self employment;
 - f) Participation in future planning and potential economic initiatives arising out of the Lake Superior National Marine Conservation Area and potential resource-based development.
- 2.3.5 Quality of place is seen by the Township as being a primary factor in retaining and attracting new population and economic activity. Accordingly, the Township will integrate the stated sustainable community vision into its economic development strategy and will promote the community's sustainable community identity as an economic asset and advantage.

- 2.3.6 The Township also acknowledges that the community must be investment ready in order to attract and to secure new employment opportunities. Red Rock will seek to achieve such a condition by;
- a) Identifying and designating in the official plan adequate lands to support expected future development;
 - b) Maintaining an active and aggressive economic development organization intent upon promoting the community; facilitating economic interest; and searching out potential economic opportunity;
 - c) Partnering with and participating in area and/or regional economic initiatives.

2.4 Natural and Built Environment

- 2.4.1 The Township will protect natural features and functions for the long term, and will seek to restore and improve such resources, as required in Section 2.1 of the Provincial Policy Statement. (See also Policy 4.4)
- 2.4.2 Development and site alteration shall not be permitted in;
- a) Significant habitat of endangered and/or threatened species;
 - b) Significant wildlife habitat;
 - c) Significant fish habitat or spawning areas except in accordance with provincial and federal requirements;
 - d) Significant areas of natural and scientific interest (ANSI).
- 2.4.3 Development and site alterations shall not be permitted on lands adjacent to natural heritage features unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.
- 2.4.4 The Township also includes a substantial built environment and it is the intent of Council to;
- a) Create and maintain a built environment that complements and supports a variety of land uses and balances human activities and natural features and functions; and that addresses the needs of persons with disabilities and the elderly and removes barriers that may impede such access and participation.
 - b) Encourage development to locate in the defined Settlement Area on full urban services;
 - c) Continue development of the municipal waterfront park and marina;
 - d) Facilitate use of land adjacent to the Nipigon River and Lake Superior for conservation, recreation and open space purposes;
 - e) Protect development from lands demonstrating natural or man-made development restraints, risks, or hazards that could endanger life or property;

- f) Satisfy basic human requirements for clean air and water and for a living and working environment free of noise, dust, excessive light, vibration and/or emissions;
- g) Explore public practices relating to water conservation, recycling, and management of storm water.

2.5 Energy and air quality

2.5.1 The Township wishes to promote, achieve and implement;

- a) Upgrading, retrofit, weather stripping, increased insulation and other such initiatives and renovations to public and private buildings and their operating infrastructure (energy, heat and water) so as to implement cost efficiencies, cost effectiveness, and reduced usage;
- b) Promote alternative energy generation including renewable energy systems as reflected in Section 4.15 of this Plan, as a potential economic development and sustainable community consideration;
- c) Reduce energy consumption within both the public and private domain, and to explore, and if appropriate, to implement alternative energy initiatives.

2.6 Services and Infrastructure

2.6.1 The Township acknowledges that coordinated, efficient and cost effective capital investment and operation of the community's infrastructure and services promotes an overall positive sense of community and enjoyable living environment.

2.6.2 The Township wishes to;

- a) Designate an appropriate, full urban serviced Settlement Area that will be the focus of development;
- b) Infill and intensify the Settlement Area;
- c) Explore means of delivering services with less negative impact upon resource use and the environment;
- d) Promote alternative means of travel including walking and bicycling;
- e) Explore alternative energy sources to operate public infrastructure.

2.6.3 The Township will continue to supply piped water and to operate a sewage collection and treatment system, and targets all portions of the Settlement Area for such services over the duration of the planning period.

2.6.4 The Township will also continue to deliver storm water collection, and landfill operations, and maintain the current municipal road network. The Township will also work with outside agencies to deliver gas, hydro and telephone service (regular and cell). Within the Settlement Area, sidewalks will be maintained and, where needed, will be constructed.

2.6.5 Police and ambulance services are contracted; health and medical services will likely continue to focus on the nearby hospital in Nipigon.

2.7 Sense of Community

2.7.1 The Township understands that an enjoyable and safe living environment and a strong sense of community are important to the future of Red Rock.

2.7.2 The Township wishes to;

- a) Facilitate a safe, healthy community based upon respect, tolerance and co-operation among its residents;
- b) Promote a community lifestyle rooted in sustainability;
- c) Deliver a full range of infrastructure and services within its means.

2.8 Municipal Leadership and Governance

2.8.1 The Township acknowledges that effective and encompassing community leadership which enables and makes use of public input and participation are important to residents and can contribute to an appealing and pleasant place to live, work, and play.

2.8.2 The Township wishes to implement;

- a) Ongoing, consistent avenues through which to inform the public and to gather public input and promote public participation;
- b) Develop external contacts and relationships with and participate in regional organizations that influence the Township and the area;
- c) Promote and emphasize sustainability.

PART THREE: GOALS AND OBJECTIVES

3.1 Official Plan Goals and Objectives

3.1.1 The goals and objectives of this plan are:

- a) To guide the Township's response to closure of its primary industry and employer, and to re-establish and maintain ongoing economic stability;
- b) To frame the Township's land use planning program and land use decision making within a concept of sustainability;
- c) To promote and guide land use change within the Township so as to achieve an orderly, economic and attractive land use pattern, with an emphasis upon a clearly defined and distinct Rural Area and Settlement Area;
- d) To optimize delivery of infrastructure and services;
- e) To encourage local economic initiatives, entrepreneurship and small business;
- f) To build upon the community's waterfront resources;
- g) To promote and facilitate public awareness and participation in decision making relating to planning matters;
- h) To promote, enhance, and guide the use of natural heritage, cultural, aggregate, highway, and groundwater resources within the Township;
- i) To minimize land use conflict and the adverse effects and/or negative impacts that might arise from land use changes;
- j) To provide opportunities for increased energy generation, supply and conservation, including alternative energy systems and renewable energy systems.
- k) To seek to ensure that access and participation is available for the disabled and the elderly and remove barriers that may impede such access and participation.

PART FOUR: GENERAL PROVISIONS

4.1 Intent

- 4.1.1 This portion of the official plan is intended to address general planning matters and to set out provisions and policies that will apply over the entire Township. Where conflict exists between a general provision or policy and a specific provision or policy that has been set out within a particular land use designation, the specific provision or policy will normally take precedence and apply.

4.2 Land Use Compatibility

- 4.2.1 The Township will avoid land use conflicts as much as possible. The encroachment of sensitive land uses (including but not limited to residential developments, educational and health facilities and day care centres) and major facilities (including but not limited to industries, transportation corridors, airports, intermodal facilities, sewage treatment facilities, operating and former waste disposal sites, and resource extraction activities) on one another is discouraged. Whenever a change in land use is proposed, appropriate studies will be completed to determine the effect of the proposed use on existing land uses.
- 4.2.2 Planning approvals are required to accommodate major facilities or sensitive land uses. Ministry of the Environment (MOE) recommends the use of separation distances, buffering, and other control measures. MOE Guideline D-1 “Land Use Compatibility” shall be used to identify recommended separation distances and other control measures for land use planning to prevent or minimize adverse effects (such as noise, dust, odour or vibration). In some cases, proponents may be required to provide the Township with technical studies, prepared by qualified professionals, to assist in the evaluation of a development proposal and, where applicable, to identify appropriate separation distances, buffering techniques, or other mitigation measures to prevent potential adverse effects.
- 4.2.3 Consideration shall also be given to the extent to which increased site plan requirements can reduce the potential impacts. If the impacts cannot be minimized to acceptable levels, the proposed development should not proceed.

4.3 Accessory Uses

- 4.3.1 In all land use designations, accessory uses (buildings, structures, etc.) as defined in the Township’s Comprehensive Zoning By-law, that are compatible with, incidental, and secondary to the main uses, shall be permitted provided that their impact upon abutting or nearby lands is minimal, and that such uses are capable of providing a full array of appropriate on-site vehicular

movement, loading and parking, amenity area, private services, landscaping/fencing and similar features.

4.4 Natural Heritage

4.4.1 Natural features and areas shall be protected for the long term.

4.4.2 Significant Wildlife habitat

- a) Development and site alteration shall not be permitted in or adjacent to significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.
- b) Adjacent lands to significant wildlife habitat is defined as 120 metres from the boundary of the feature.
- c) Preliminary ecological assessments will be conducted when development and/or site alteration is proposed to determine if the proposed development is within or adjacent to significant wildlife habitat. Preliminary assessments will be based on existing mapping and reference information, existing local knowledge, and preliminary field visits.
- d) Significant wildlife habitat can include but is not limited to: areas of relatively high animal density, areas of seasonal concentration, areas with locally/regionally/provincially rare vegetative communities, areas with features that are limited across the landscape, and areas that provide corridors for animal movement.
- e) Where preliminary assessments indicate the likely presence of significant wildlife habitat, the local MNR office will be contacted for review of the information. An environmental impact study will be required where development may impact significant wildlife habitat.

4.4.3 Significant Wetlands and Significant Areas of Natural and Scientific Interest

- a) Development and site alteration shall not be permitted in or adjacent to significant wetlands or significant areas of natural and scientific interest unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.
- b) Adjacent lands are defined as 120 metres from the boundary of the feature.
- c) No Significant Areas of Natural and Scientific Interest have been documented within the municipality at the time of writing.
- d) Wetlands occurring within the municipality have not been evaluated using the Ontario Wetland Evaluation System to determine significance. A preliminary assessment will be required for development and/or site alteration proposed within or adjacent to wetland features as mapped on Schedule B to determine if a full wetland evaluation is required.
- e) Wetland features are limited within the Town of Red Rock and are recognized as important environmental values regardless of whether they are designated as provincially significant. The municipality will

discourage development within or adjacent to wetland features. Wetland features are identified on Schedule B.

4.4.4 Fish Habitat

- a) Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.
- b) Big Trout and Little Trout Creeks are coldwater creeks containing brook trout and their associated habitat. Coldwater fisheries are sensitive to development. Potential impacts to this sensitive fish habitat will be carefully considered when development and site alteration is proposed in proximity. Riparian vegetation is important in moderating stream temperatures. A minimum 30m vegetated buffer along Big and Little Trout Creeks will be maintained.
- c) Two ground water re-charge areas and a natural spring are identified on Schedule B and are natural heritage features essential to the maintenance of the coldwater fish habitat. Development and site alteration in these areas will be discouraged.
- d) The Marina break wall is used by lake trout for spawning.

4.4.5 Threatened and Endangered Species

- a) Development and site alteration shall not be permitted in significant habitat of species listed on the Species at Risk in Ontario List as endangered or threatened.
- b) Where a habitat regulation under the Endangered Species Act (2007) is in place for a species, the regulated habitat is considered to be significant threatened or endangered species habitat for the purposes of the PPS.
- c) Development and site alteration shall not be permitted on adjacent lands to the significant habitat of threatened and endangered species unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the habitat or its ecological functions.
- d) Adjacent lands for threatened and endangered species habitat is deemed to be 120 metres at a minimum unless there are other site specific considerations such as species habits, type of development, and/or landscape characteristics that may warrant extending (or in some cases retracting) the adjacent land boundary for the purposes of meeting the preceding policy.
- e) Preliminary ecological assessments will be conducted when development and/or site alteration is proposed to determine if the proposed development is within or adjacent to significant habitat of threatened and endangered species. Preliminary assessments will be based on existing mapping and reference information, existing local knowledge, and preliminary field visits.
- f) Where preliminary assessments indicate the potential presence of significant habitat of threatened and endangered species, the local MNR office will be contacted for review of the information. An environmental impact assessment will be required in instances where the Ministry of

Natural Resources indicates that the habitat may be impacted by the proposed activity.

- g) Species at risk that are known to occur in and around the municipality at the time of plan preparation include: American white pelican (threatened), peregrine falcon (threatened), lake sturgeon (threatened) and woodland caribou (threatened).
- h) Those undertaking development and site alteration should be aware that the Endangered Species Act (ESA) prohibits the killing, harming or harassing of threatened and endangered species and, subject to transition provisions of the Act, prohibits the damage or destruction of the habitat of threatened and endangered species.

4.4.6 Peregrine Falcon:

- a) Peregrine Falcon is listed as a threatened species under the Endangered Species Act.
- b) Regulated habitat for peregrine falcon under the Endangered species Act (O. Reg. 436/09, s.1) includes:
 - 1. A natural cliff face on which a peregrine falcon is nesting or has nested at any time during the previous 15 years, excluding any part of the cliff where the top of the cliff is less than 15 metres above the base of the cliff face.
 - 2. The area within one kilometer of an area described in paragraph 1.
 - 3. An artificially created cliff face, such as a vertical or very steep rock cut in an open pit mine, on which a peregrine falcon is nesting.
 - 4. A nesting site on a building or other structure that is being used by a peregrine falcon or was used by a peregrine falcon at any time during the previous two years, and the area on the outside surface of the building or structure that is within 10 metres of the nesting site.
 - 5. An area that,
 - Is on or within 200 metres of a building or structure described in paragraph 4, and
 - Is habitually used by peregrine falcon

4.4.7 Development Adjacent to fish habitat - Where permitted by all other applicable policies of this Plan, development and site alteration may be permitted on adjacent lands to fish habitat, provided that the ecological function of adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the fish habitat or its ecological functions.

4.4.8 For the purposes of this policy, “adjacent lands” shall be defined as all lands within 120 metres of the normal high water mark of any watercourse or waterbody. All water features, including permanent or intermittent streams, headwaters, seasonally flooded areas, wetlands, municipal or agricultural surface drains, lakes and ponds are considered fish habitat unless it can be demonstrated in a report from a qualified professional that the feature does not

constitute fish habitat as defined by the Fisheries Act; in which case this policy would not apply.

- 4.4.9 Where planning approvals are required to facilitate development or site alteration adjacent to fish habitat, proposals will be evaluated for their potential impacts on the fish habitat and/or its ecological functions. Development proposals within 120m of fish habitat shall be accompanied by an Environmental Impact Study.
- 4.4.10 Wherever possible, natural vegetation should be retained adjacent to watercourses and water bodies to protect fish habitat. The maintenance of a natural vegetated buffer of a minimum of 30 metres is encouraged.
- 4.4.11 Alteration, Disruption, or Destruction of Fish Habitat - Where development or site alteration will result in the harmful alteration, disruption, or destruction of fish habitat, prior authorization from the Fisheries and Oceans Canada is required under the federal Fisheries Act.
- 4.4.12 Environmental Impact Study (EIS) - Where required by this plan or where determined by Council to be necessary , an EIS shall be prepared by a qualified environmental specialist in accordance with current MNR Guidelines, and shall include but will not be limited to:
 - a) A description of the existing natural environment, including natural features and ecological functions that may be affected by the proposed development or site alteration;
 - b) A description of the potential impacts of the proposed development on the natural environment;
 - c) Suggested development alternatives that would avoid these impacts, or, if impacts cannot be avoided, recommended mitigation measures, including proposed implementation measures; and
 - d) Recommended monitoring activities.

Where required, no planning approval will be granted until an EIS has been completed to the satisfaction of Council. Where necessary, other agencies or individuals with environmental expertise may be consulted to assist in the review of EIS. Where a peer review is necessary, the cost of this review may be the responsibility of the proponent.

4.5 Cultural, Archaeological Heritage

- 4.5.1 All new development permitted by the land-use policies and designations of this Plan shall have regard for cultural heritage resources and shall, wherever possible, incorporate these resources into any new development plans. In addition, all new development will be planned in a manner that preserves and enhances the context in which cultural heritage resources are situated.

Cultural heritage resources include, but are not restricted to, archaeological sites, cemeteries and burials, buildings and structural remains of historical and architectural value, and human-made rural, village, and districts or cultural landscapes of historic interest.

- 4.5.2 The Ontario Heritage Act and its provisions will be utilized to conserve, protect and enhance the heritage of the Township through the designation by by-law of individual properties, conservation districts and/or landscapes, and archaeological sites.
- 4.5.3 A Municipal Heritage Committee may also be established pursuant to the Ontario Heritage Act to advise and assist Council on conservation matters related to heritage resources. The functions of this Committee should include, but are not limited to: identify cultural heritage resources of local and/regional interest; advise the municipal council on matters associated with the identification, conservation, preservation and adaptive re-use of cultural heritage resources; advise to designate properties to be of cultural heritage value or interest; and advise to designate the municipality, or any area or areas within the municipality, as a heritage conservation district.
- 4.5.4 Council shall enter into a municipal/provincial data sharing agreement in order to obtain data and maps of registered/known archaeological sites located within the Township. In addition, data and maps of any designated or locally significant heritage buildings or structures, mapped areas of archaeological potential and/or cultural landscapes located within the Township shall be maintained as it becomes available for use in planning review. Council may, where financial resources permit regularly update municipal archaeological resource mapping under the provisions of the municipal/provincial data sharing agreement.
- 4.5.5 Council will regularly update municipal archaeological resource mapping under the provisions of a municipal-provincial data sharing agreement, as new archaeological sites are identified from land development and on the Provincial archaeological sites database.
- 4.5.6 Council, with the advice of the Ministry of Tourism and Culture (MTC) may undertake the preparation of an Archaeological Management Plan. The Plan will identify and map known archaeological sites registered with the Provincial Archaeological Sites Database, as well as areas within the Township having archaeological potential. The Management Plan may also outline policies, programs and strategies to protect significant archaeological sites.
- 4.5.7 The Township shall require archaeological assessment by archaeologists licensed under the Ontario Heritage Act, in areas where there are known archaeological heritage resources and/or areas exhibiting archaeological potential within the municipal boundaries of the Township of Red Rock.

Alterations to known archaeological sites must only be performed by licensed archaeologists, as per provisions under the Ontario Heritage Act. Any significant archaeological resource or site identified may be preserved in-situ, to ensure that the integrity of the resource is maintained, and/or may it be systematically removed through excavation by a licensed archaeologist. The integrity of archaeological resources can be maintained by adopting archaeological zoning by-laws under Section 34 of the Planning Act or other similar provisions, to prohibit any land use activities or the erection of buildings or structures on land which is a site of a significant archaeological resource.

- 4.5.8 The Township shall ensure adequate archaeological assessment and consult appropriate government agencies, including the Ministry of Tourism and Culture and the Ministry of Consumer and Business Services (MCBS), when an identified historic human cemetery, marked or unmarked human burial is affected by land use development. The provisions under the Ontario Heritage Act and the Cemeteries Act shall apply.
- 4.5.9 The Township shall have regard for the conservation of all significant cultural heritage resources during the undertaking of municipal public works or environmental assessment projects. When necessary, satisfactory measures and/or heritage impact assessments will be required to mitigate any adverse impact to significant resources as outlined by the heritage conservation policies contained within this plan. Council shall have regard for cultural heritage resources in the undertaking of municipal public works. When necessary, Council will require satisfactory measures to mitigate any negative impacts on significant heritage resources.
- 4.5.10 Council shall encourage local utility companies to place equipment and devices in locations which do not detract from the visual character of cultural heritage resources and which do not have a negative impact on the architectural integrity of those resources. Council shall seek the acquisition of easements on properties with heritage significance in order to assure the preservation of these properties in perpetuity.
- 4.5.11 Council shall ensure that each municipally-owned heritage resource which is sold, leased or transferred to another owner or lessee is subject to a heritage easement agreement which will guarantee its preservation, maintenance, and use in a manner which respects its heritage significance and, when appropriate, is subject to a heritage restoration agreement, which shall require that certain restoration works be carried out by the new owner or lessee to a standard acceptable to the Municipal Heritage Committee or other accepted heritage property standard. Council shall ensure that secondary planning studies identify cultural heritage resources, which may exist in the area under study and propose means to protect and enhance any significant heritage resources.

- 4.5.12 Council recognizes that there may be marine archaeological remains from the pre-contact period through to the modern era up to the last 50 years. These marine archaeological resources may include the remains of ships, boats, vessels, artifacts from the contents of boats and belongings of crew or passengers, weaponry, parts of ship construction, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft, and other items of cultural heritage value. The remains may currently be, or at one time, submerged under water.

In considering applications for waterfront development Council shall ensure that cultural heritage resources both on shore and in the water are not adversely affected. When necessary, Council will require satisfactory measures to mitigate any negative impacts on significant cultural heritage resources.

- 4.5.13 Council shall ensure that new development in older established areas of historic, architectural, or landscape value shall be encouraged to develop in a manner consistent with the overall character of these areas and that infill in significant areas of historical, architectural or landscape merit is sensitive to the existing scale, massing, and pattern of those areas; is consistent with existing landscape and streetscape qualities; and does not result in the loss of any significant cultural heritage resources.

4.6 Mineral Aggregate Resources

- 4.6.1 The mineral resource potential for the Township of Red Rock is considered to be low average, with the possible exception of building stone; however there are significant areas of known mineral aggregate resources (Aggregate Potential) as shown on Official Plan Schedule “C.”
- 4.6.2 The conservation of any mineral and mineral aggregate resources will be promoted by making provision for the recovery of these resources, wherever feasible.
- 4.6.3 In areas adjacent to or in known deposits of mineral aggregate resources, as shown on Official Plan Schedule “C,” development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:
- a) Resource use would not be feasible; or
 - b) The proposed land use or development serves a greater long-term public interest; and
 - c) Issues of public health, public safety and environmental impact are addressed.
- 4.6.4 Existing pits and quarries are identified on Official Plan Schedule “C.”

- 4.6.5 Existing mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use, or which would be incompatible for reasons of public health, public safety, or environmental impact.
- 4.6.6 Existing mineral aggregate operations shall be permitted to continue without the need for Official Plan amendment, rezoning, or development permit under the Planning Act. Where an existing pit or quarry ceases to operate, the area shall be considered as a known deposit of mineral aggregate resources as long as the resource has not yet been exhausted, and the policies herein shall apply.
- 4.6.7 In recognition of the interim nature of aggregate extraction, progressive rehabilitation where feasible and final rehabilitation shall be required to accommodate subsequent land uses, and to promote land use compatibility. Final rehabilitation shall take surrounding land uses, and approved land use designations into consideration. For extraction operations on private lands, rehabilitation standards that are compatible with those required under the Aggregate Resources Act will be promoted, wherever possible. Consultation with the Ministry of Natural Resources (MNR), and any other relevant provincial ministry or agency is encouraged
- 4.6.8 Aggregate extraction shall be permitted within the Rural land use designation and within the specific aggregate extraction zone. Crown Land application and approvals processes will be employed in order to regulate such aggregate activity on Crown Land.
- 4.6.9 Where evaluating proposals for the establishment of a new aggregate extractive zoning, or a Crown Land use approval for aggregate extraction use, Council may request that a brief development concept statement be submitted in support of the application. Such a statement should describe the intended operation, including scale, length of time that the operation is expected to continue, and area of the property where the pit will be located. Where residential or other sensitive land uses exist nearby, or land is zoned to permit such uses, the concept plan should address remedial measures to reduce negative impacts, such as noise, dust and vibration. Remedial measures, including required separation distances in accordance with MOE Guideline D-6 “Compatibility between Industrial Facilities and Sensitive Land Use” will be included within the zoning amendment being considered by Council.
- 4.6.10 Where aggregate extraction zones are being considered for new aggregate extraction within the vicinity of Big and Little Trout Creeks, Council will be mindful of the potential for groundwater and of the importance it plays in supporting coldwater fisheries habitat.
- 4.6.11 Council will, in the Township’s Comprehensive Zoning By-law, establish separation distances in accordance with MOE Guideline D-6 “Compatibility between Industrial Facilities and Sensitive Land Use” to limit the location of

residential or other sensitive land uses in the vicinity of known aggregate resources or existing mineral aggregate operations, as shown on Official Plan Schedule “C.”

- 4.6.12 In the absence of technical studies, in accordance with MOE Guideline D-1-2 “Land Use Compatibility: Specific Applications” (footnote), pits and quarries will be treated as Class III Industrial Facilities. Excavation or extraction shall only be permitted beyond 1000 metres of a zone permitting residential or other sensitive land uses as defined MOE Guideline D-6 “Compatibility Between Industrial Facilities and Sensitive Land Uses”. Where technical studies prepared in accordance with MOE Guideline D-6 to confirm an actual influence area of less than 1000 metres, a separation distance equal to or greater than the actual influence area shall be required between the proposed excavation or extraction area and any zone permitting residential or other sensitive land uses. For new pit and quarry operations, the influence area is to be determined by appropriate studies (e.g. noise, dust, vibration, hydrogeological) carried out in support of applications for licensing or land use approvals.
- 4.6.13 In the absence of technical studies, in accordance with MOE Guideline D-1-2 “Land Use Compatibility: Specific Applications” (footnote), pits and quarries will be treated as Class III Industries. Residential or other sensitive land uses shall not be permitted within 1000 metres of a zone permitting aggregate extraction. Where technical studies prepared in accordance with MOE Guideline D-6 to confirm an actual influence area of less than 1000 metres, a separation distance equal to or greater than the actual influence area shall be required between the proposed sensitive land use and any zone permitting extraction.
- 4.6.14 Council may enact by-laws under the Municipal Act licensing and/or otherwise regulating the activities of aggregate extraction operations.
- 4.6.15 The provisions of the Aggregate Resources Act apply to all property of the Crown, and to private lands designated under this Act, and to all land under water. Where required by the Environmental Protection Act, a Certificate of Approval must be obtained prior to the operation of aggregate processing equipment. A Permit To Take Water (PTTW) under the Ontario Water Resources Act (OWRA) may be required if any part of the extraction or excavation operation utilizes, ponds by flow restriction, or diverts ground and/or surface water on, or from the site and/or the water taking is in excess of 50,000 litres of water per day. Blasting noise and vibration levels should be regulated in accordance with the MOE Publication NPC-119 “Blasting”.
- 4.6.16 Wayside pits and quarries, portable asphalt plants and portable concrete plants are addressed in Policy 4.7 of this Plan.

4.6.17 Council shall conserve cultural heritage resources when considering the establishment of new areas for mineral extraction or when considering the establishment of new operations or the expansion of existing operations. When necessary, Council will require satisfactory measures to mitigate any negative impacts on significant cultural heritage resources.

4.7 Wayside Pits and Quarries, Portable Asphalt Plants and Concrete Plants

4.7.1 Wayside pits and quarries, portable asphalt plants, and portable concrete plants, used on public authority contracts, shall be permitted without the need for an Official Plan amendment, rezoning, or development permit under the Planning Act in all areas, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.

4.7.2 Within the Rural Area, wayside pits and quarries, portable asphalt plants, and portable concrete plants will be permitted in the Rural land use designation. Within the Settlement Area, a Zoning By-law amendment will be required to permit portable asphalt plants within the Townsite Residential, Townsite Commercial/institutional, and Open Space land use designations.

4.7.3 Where required by the Environmental Protection Act (including Regulation 349 “Hot Mix Asphalt Plants”), a Certificate of Approval must be obtained prior to the operation of portable asphalt plants or portable concrete plants. Also, where required, a Permit to Take Water under the Ontario Water Resources Act must be obtained for operations where water takings are in excess of 50,000 litres per day.

4.7.4 The rehabilitation of wayside pits and quarries shall be encouraged upon completion of active use.

4.8 Development near Railways

4.8.1 Noise is one of the most common negative impacts experienced within urban settings and, in the case of Red Rock, a major noise source includes railways. Residential and other sensitive land uses, institutional land uses, and some commercial land uses are most typically sensitive to such impacts. The requirements for the completion of a feasibility and/or detailed noise studies are described in the MOE document “Noise Assessment Criteria in Land Use Planning: Requirements, Procedures and Implementation.”.

4.8.2 Council’s planning program has been designed and has as objectives the following:

- a) Separation of noise sources and other land uses, including residential and other sensitive land uses, institutional land uses, and commercial land uses; and

- b) Abatement and mitigation considerations where development is contemplated nearby to noise sources.

4.8.3 The following policies shall apply where development is proposed in close proximity to railway corridors or rail yards and provincial highways:

4.8.3.1 Railway Corridors/Rail Yards:

- a) Proposals for Commercial, Institutional, Industrial Development

Where planning approvals are required to allow any new commercial or institutional development that does not involve sensitive land uses, a minimum 30 metre setback shall be maintained from the limit of any railway right-of-way that is not a spur line or rail yard, in addition to a minimum 1.5 metre earth berm. Where a 1.5 metre earth berm cannot be provided, a minimum 120 metre setback shall be maintained from the limit of any railway right-of-way or rail yard for any new commercial or institutional development not involving sensitive land uses.

Where planning approvals are required to allow any new light industrial development adjacent to a rail corridor or rail yard, a minimum 15 metre setback shall be maintained from the limit of the railway right-of-way or rail yard, in addition to a minimum 1.5 metre earth berm. Where a 1.5 metre earth berm cannot be provided, a minimum 60 metre setback shall be maintained from the limit of the railway right-of-way.

Where planning approvals are required to allow for new heavy industrial development adjacent to a rail corridor or rail yard, a minimum 15 metre setback shall be maintained from the limit of the railway right-of-way or rail yard.

“New development” shall mean a new building or a building that will be enlarged more than 60% in size from what existed on the day of adoption of this Plan.

In all of the above noted noise-related situations, the completion of a noise study may be a requirement of any new development. In such instances, recommendations for remedial actions may be required to be included in proposed construction.

- b) Proposals for Residential or Other Sensitive Land Uses except for limited infilling on existing lots of record, new residential development and other sensitive land uses shall not be permitted within 300 metres of a rail yard.

Notwithstanding the above, where a planning approval is required (except for a comprehensive Zoning By-law update or consolidation, or a minor variance) limited residential development of a restrictive infill nature may be permitted provided it has been demonstrated, by a site specific study to

the satisfaction of Council in consultation with the Railway, that there will be no negative impacts on the long term function of the rail yard, that the applicable policies and guidelines, including but not limited to MOE Guideline D-6 “Compatibility between Industrial Facilities and Sensitive Land Uses” and guideline LU-131 “Noise Assessment Criteria in Land Use Planning”, have been addressed, and that Council is satisfied that appropriate noise mitigation measures will be undertaken.

Applications for planning approvals to allow for the development of sensitive land uses within 1000 metres of a rail yard shall be in accordance with Guideline D-6 “Compatibility between Industrial Facilities and Sensitive Land Uses” (in line with Class III industrial facilities) and LU 131 “Noise Assessment Criteria in Land Use Planning”, accompanied by a noise study, completed to the satisfaction of Council in consultation with the Railway, demonstrating that provincial policies and guidelines have been addressed. Specific details on feasibility/detailed noise studies requirements are provided in MOE Guideline “Noise Assessment Criteria in Land Use Planning: Requirements, Procedures and Implementation”. Such applications shall be permitted only where Council is satisfied that appropriate mitigation measures will be implemented at the time of development.

Specific details are provided in MOE Guideline “Noise Assessment Criteria in Land Use Planning: Requirements, Procedures and Implementation” on the conditions in which a feasibility and/or detail noise study should be completed for applications for planning approvals for the development of sensitive land uses in close proximity to railway corridors. MOE Guideline LU 131 “Noise Assessment Criteria in Land Use Planning” provides the noise criteria for planning sensitive land uses adjacent to major facilities including railway corridors. Such applications shall be permitted only where Council is satisfied that appropriate mitigation measures will be implemented at the time of development.

c) Vibration Studies

Where a sensitive land use development is proposed adjacent to a railway corridor, vibration studies, completed by a qualified consultant to assess the impact on the sensitive land use within the minimum distances identified in MOE guidelines including publication LU-131 “Noise Assessment Criteria in Land Use Planning”, are required. Where a sensitive land use development is proposed within 1000 metres of a rail yard, vibration studies completed by a qualified consultant to assess the impact on proposed sensitive land uses is required. Where potential adverse impacts are identified, appropriate mitigation measures shall be implemented at the time of development.

d) Safety Measures

Appropriate safety measures, such as setbacks, berms, and security fencing, shall be provided in association with all development proposals adjacent to rail yards or railway corridors, to the satisfaction of the Township in consultation with the Railway.

d) **Comprehensive Noise Study**

In lieu of the site specific studies required by Policy b) above, the Township, in consultation with the Railway, may undertake a comprehensive study to determine appropriate noise mitigation measures to be incorporated into new developments proposed in close proximity to rail yards or railway corridors. Any such study shall be updated on a regular basis to reflect current rail operating conditions.

e) **Delineation of Rail Yards and Rail Corridors**

The extent of rail yards is shown on Official Plan Schedule “A” - Settlement Area. For the purposes of this Plan, all other rail lines shall be deemed to be railway corridors.

4.9 Provincial Highways

4.9.1 Direct access onto a Provincial Highway will be restricted. Development shall be encouraged to utilize local roads and service roads wherever possible. Where access is a possibility, it will only be considered to those properties that meet the requirements of the Ministry of Transportation’s access management practices and principles.

4.9.2 In addition to all the applicable municipal requirements, all proposed development located adjacent to, and in the vicinity of, a provincial highway within MTO’s permit control area under the Public Transportation and Highway Improvement Act (PTHIA), will also be subject to MTO approval. Early consultation with the MTO is encouraged to ensure the integration of municipal planning initiatives with provincial transportation planning. Any new areas in the municipality identified for future development that are located adjacent to, or in the vicinity, of a provincial highway or interchange/intersection within MTO’s permit control area will be subject to MTO’s policies, standards and requirements.

4.9.3 Where a new sensitive land use development is proposed in close proximity to provincial highways, the submission of a detailed noise study or feasibility study, completed by a qualified professional, to the satisfaction of Council, to identify appropriate noise mitigation measures, setbacks, and acceptable indoor and outdoor noise levels in accordance with MOE Guideline LU-131 “Noise Assessment Criteria in Land Use Planning”, may be required. MOE document “Noise Assessment Criteria in Land Use Planning: Requirements, Procedures and Implementation” provides conditions under which these studies are required to be completed.

- 4.9.4 A transportation study may be required to address both the impact of new development on the provincial highway system, as well as any associated highway improvements that are required prior to approval of the development.
- 4.9.5 Outdoor storage and loading areas should be visually screened or appropriately located so as not to be visible to the traveling public.
- 4.9.6 The Ministry of Transportation's policy is one highway entrance for one lot of record. Back lot development cannot use another entrance for access to a provincial highway.
- 4.9.7 Any new proposed access connection (i.e. Public road or signalized intersection) onto a provincial highway shall meet the Ministry of Transportation's access management practices and principles
- 4.9.8 Any proposals for snowmobiles or trail crossings of provincial highways will require the prior approval of the Ministry of Transportation. Trails running along the right-of way of a provincial highway are not permitted.
- 4.9.9 A drainage/stormwater management report/plan shall be prepared by the proponent, and reviewed and approved by the Ministry of Transportation for those developments located adjacent to, or in the vicinity of, a provincial highway whose drainage would impact the highway and/or downstream properties.
- 4.9.10 For highway safety reasons, wind turbines located adjacent to a provincial highway will be set back a minimum distance measured from the limit of the highway property line equal to the distance of the height of the wind turbine structure plus the length of the blade.

4.10 Potential Contaminated Sites

- 4.10.1 Current or historic use of land may suggest the possibility of contamination, and may impact upon the future use of lands for more sensitive land uses.
- 4.10.2 Where planning approvals are required and/or to facilitate a change in land uses (i.e. less sensitive to more sensitive) on property which may have been contaminated by previous uses, the proponent must submit a Record of Site Condition or Risk Assessment, prepared by a qualified person, in accordance with O. Reg. 153/04 "Record of Site Condition" prior to the development of any land uses on such sites.
- 4.10.3 Where site remediation requirements are known and feasible, both technically and financially, planning approvals using a Holding Zone may be considered. In these instances, the remediation of the site and the submission of a Record of Site Condition acknowledged by the Ministry of the Environment will be

required prior to the removal of the holding symbol. In the interim, uses permitted on such properties will be restricted to existing land uses.”

4.11 Public Infrastructure

- 4.11.1 The Township wishes to deliver a full array of services to the community in a coordinated, efficient and cost effective manner, and in particular to maintain full urban level services within the Settlement Area.
- 4.11.2 Municipal sewage service involves primary settling treatment with anaerobic digestion and effluent chlorination, with a design capacity of 850,000 gallons/day. In addition, the former paper mill operated its own industrial sewage treatment facility (lagoon). The sewage treatment facility that resides on Nipigon Bay is currently being upgraded from a primary treatment facility to a secondary treatment facility in order to protect the waters of Lake Superior. The type, design, and possible new location of this plant will be determined within the current planning period.
- 4.11.3 The Township also operates a piped water system, drawing water from Nipigon Bay and directing it by gravity to a low level lift station. Treatment includes pre-chlorination, clarification, filtration, and post chlorination UV disinfection. The system has a capacity of 31.5 l/s.
- 4.11.4 Storm water is collected in pipes and open ditched, and is discharged without treatment into Nipigon Bay.
- 4.11.5 In the Rural Area, and within areas of the Settlement Area where full urban services for existing uses are not practical, private, individual septic systems and wells may be used.
- 4.11.6 Partial servicing (piped water and individual septic systems) will be used only in response to failure of existing individual on-site sewage services and individual on-site water services where other alternatives are not possible or practical.
- 4.11.7 The preparation of a Servicing Options Study to investigate the feasibility of providing municipal sewage and water services to areas outside the Settlement Area may be completed prior to the 5-year review of this Official Plan.

4.12 Water Resources

- 4.12.1 Development on municipal water and sewage services is the preferred mode of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing full municipal services should be promoted wherever feasible. If there are no municipal sewage and water services, the use of private sewage and water services can be used for new development in rural areas where site conditions are suitable for the long term and municipal

or communal servicing is not available or feasible with the required approval by the appropriate authority.

- 4.12.2 Any development proposing to be serviced by individual on-site private sewage systems, the MOE Guideline D-5-4 “Technical Guideline for Individual On-site Sewage Systems: Water Quality Impact Assessment” applies. Any development proposing to be serviced by individual on-site private wells, the MOE Guideline D-5-5 “Technical Guideline for Private Wells: Water Supply Assessment” applies. These studies are required to assess the cumulative impact of development on the water supply and to protect the quality of groundwater. O.Reg. 544/06 “Plans of Subdivisions”, provides specific direction on required servicing options statements and hydrogeological reports required for development applications. Servicing options statements must be completed in accordance with MOE Guideline D-5-3 “Servicing Option Statements”.
- 4.12.3 The Township will, where possible, protect, improve and restore vulnerable and/or sensitive surface and/or ground water features and their hydrological functions.
- 4.12.4 The Township will promote efficient and sustainable use of water resources and water conservation.
- 4.12.5 The Township shall require the development of a stormwater management plan for any new development consisting of more than four lots, or where there are potential impacts to stormwater runoff expected from a development, or for commercial or industrial developments with large amounts of impervious area. Stormwater management will be undertaken in accordance with MOE Guideline “Stormwater Management Planning and Design Manual, 2003”..
- 4.12.6 Development initiatives within areas of or close to areas of vulnerable or sensitive water features may require specific study of the potential impacts of the development upon such features.

4.13 Gas Transmission Facilities

- 4.13.1 TransCanada Pipelines Limited operates a high pressure natural gas pipeline within its right-of-way which crosses the Township, as shown on the Official Plan Schedules. Any development within 200 metres of TransCanada’s facilities may affect the safety and integrity of the pipeline.
- 4.13.2 TransCanada is regulated by the National Energy Board which, in addition to TransCanada, has a number of requirements regulating development in proximity to the pipelines. This includes approval requirements for activities on or within 30 metres of the right-of-way such as excavation, blasting and any movement of heavy equipment. New development can result in

increasing the population density in the area that may result in TransCanada being required to replace its pipeline to comply with the CSA Code Z662.

- 4.13.3 Therefore, the Township shall require early consultation with TransCanada or its designated representative for any development proposals within 200 metres of its facilities.
- 4.13.4 A setback of 7 metres shall be maintained from the limits of the right-of-way for all permanent structures and excavations. A reduction in the 7 metre setback will only be considered if it can be demonstrated, to TransCanada's satisfaction, that it will not compromise the safety and integrity of the pipeline and if all necessary municipal approvals are obtained.
- 4.13.5 In areas of more urban development, the Township will encourage the development of TransCanada's right-of-way for passive parkland or open spaces purposes, subject to TransCanada's easement rights.

4.14 Hazard Lands

- 4.14.1 The "Hazard Land" land use designation, consisting primarily of areas prone to flooding and erosion shown on Official Plan Schedule "C," is defined by this Plan to include all lands within 15 metres of the top-of-bank of any watercourse or water body. Additional concern also exists for talus slopes that are located at the bottom of large rock cliffs and Council may require a rock stability review prior to approval of development located close to such conditions.
- 4.14.2 Development and site alteration shall generally be directed to areas outside of the Hazard Land designation. With the exception of uses which, by their nature, must locate within the floodway, such as flood and/or erosion control works, minor additions or passive non-structural uses which do not affect flood flows, or docks, boat lifts, and boat ramps, construction shall not normally be permitted within the Hazard Land designation. The Hazard Land designation, as defined by this Plan, shall be included in a restrictive zone in the implementing Zoning By-law; permitted uses shall be more specifically defined in that document.
- 4.14.3 For Hazard Land areas where there is no engineered flood plain mapping, and where Hazard Lands are defined by either elevation or the 15 metre setback from top-of-bank, applications for Zoning By-law amendment to allow development and site alteration will be considered on an individual basis, provided they are supported by engineering designs, to the satisfaction of the Township, demonstrating that the effects and risks to public safety are minor so as to be managed or mitigated in accordance with provincial standards.
- 4.14.4 Where these requirements can be met, development and site alteration, including the erection and/or construction of buildings or structures and the

placement or removal of fill, may be permitted, subject to rezoning, where there is no defined floodway and it can be demonstrated to the satisfaction of the Township that:

- a) Development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;
- b) Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion, and other emergencies;
- c) New hazards will not be created and existing hazards will not be aggravated;
- d) No adverse environmental impacts will result; and
- e) The development will not include:
 - i) Institutional uses associated with hospitals, nursing homes, pre-schools, school nurseries, day care, and schools where there is a threat to the safe evacuation of the occupants as a result of flooding or erosion;
 - ii) Essential emergency services such as that provided by fire, police and ambulance stations, and electrical substations, which could be impaired as a result of flooding or erosion; or
 - iii) Uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

4.14.5 Where required under the Lakes and Rivers Improvement Act or the Public Lands Act, prior written authorization from the Province must be obtained.

4.14.6 Existing uses shall be recognized despite the natural hazardous characteristics of the land. It shall be the policy of Council to discourage expansion of any non-conforming building, structure, or use within the Hazard Land designation; however, reconstruction and/or minor alterations to existing buildings and structures, and additions or extensions which are not likely to incur significant flood damage, and will not result in impediments to flow or floodwater storage, may be considered by the Township. Where required under the Lakes and Rivers Improvement Act or the Public Lands Act, prior written authorization from the Province must be obtained.

4.14.7 Where private lands are included within the Hazard Land designation, the Township:

- a) Has no obligation to accept such lands as part of any parkland dedication required;
- b) Has no obligation to re-designate such lands; and
- c) Has no obligation to otherwise acquire such lands.

4.13.8 No plans to divert, channelize or in any way alter an inland natural watercourse shall proceed without prior written authorization from the Province. Where required under the federal Fisheries Act, prior written authorization from the federal Fisheries and Oceans Canada must also be obtained.

4.15 Energy and Air Quality

4.15.1 The Township shall support energy efficiency and improved air quality through land use and development patterns which:

- a) Promote compact form and a structure of nodes and corridors;
- b) Promote the use of public or other alternative transportation modes in and between residential, employment (including commercial, industrial and institutional uses) and other areas where these exist or are to be developed;
- c) Focus major employment, commercial and other travel-intensive land uses on sites which are well served by public or other alternative transportation modes where this exists or is to be developed, or designing these to facilitate the establishment of public or other alternative transportation modes in the future;
- d) Improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion; and
- e) Promote design and orientation which maximize the use of alternative or renewable energy, such as solar and wind energy, and the mitigating effects of vegetation.

4.15.2 Increased energy supply will be promoted by providing opportunities for energy generation facilities to accommodate current and projected needs and the use of renewable energy systems and alternative energy systems, where feasible.

4.15.3 Larger scale alternative electric power generation initiatives may be considered, subject to the requirements of the Green Energy and Green Economy Act.

4.15.4 Renewable energy systems, as defined in the PPS, will be required to comply with the provincial and federal requirements notably the Green Energy and Green Economy Act and the Renewable Energy Approvals process under the Environmental Protection Act, O. Reg. 359/09 “Renewable Energy Approvals”.

4.15.5 Renewable energy projects may be subject to environmental screening and other environmental assessment requirements under the under the Environmental Assessment Act (EAA), including the Electricity Projects Regulation O. Reg. 116/01, and may require approvals under the Environmental Protection Act.

4.16 Bed and Breakfasts, Home Occupations, Home Industries

4.16.1 A Bed and Breakfast use shall be considered as an accessory use to any permanent, low density residential dwelling that is serviced by full municipal sewage and water services, subject to the following;

- a) The bed and breakfast use shall clearly remain a secondary use of the property to the main residence;
- b) A bed and breakfast use shall be carried out within a dwelling by the occupant of the dwelling and may involve up to one additional employee;
- c) A bed and breakfast use shall not exceed five bed and breakfast bedrooms available to guests, except where a specific rezoning implements a greater number;
- d) Food services shall be limited to guests only, but may also involve food catering. The food service shall not include an on-site restaurant open to the general public;
- e) The number of bedrooms used for bed and breakfast activity shall be at least one less than the number of bedrooms existing in the dwelling;
- f) In addition to the parking required for the dwelling, one additional parking space shall be identified for each bedroom to be used for bed and breakfast use;, provided that parking may involve doubling up of spaces in a driveway.
- g) A non-illuminated sign no greater than 0.8 square metres will be permitted, subject to the requirements of the Township's Comprehensive Zoning By-law.

Bed and Breakfast establishments proposed in residential areas that are not serviced by full municipal sewage and water services will require a Zoning By-law amendment. Employment lands, including applications for Bed and Breakfasts, Home Occupations and Home Industries, should be located on full municipal services. Industries proposing to be located in individually serviced areas must comply with MOE Guideline D-5-4 "Technical Guideline for Individual On-site Sewage Systems: Water Quality Impact Risk Assessment and D-5-5 "Technical Guideline for Private Wells: Water Supply Assessment". Industrial designations and proposals in individually serviced areas are limited to dry uses only: uses which generate domestic waste only at a rate of 10,000 litres per day or less. Water intensive uses are also prohibited on individual services..

4.16.2 Home occupations and/or home industries shall be considered as an accessory use to any low density residential dwelling, and is considered by Council as a means of supporting existing and new home owners as is suggested by the Red Rock Community Adjustment Committee subject to the following;

- a) A home occupation shall mean the conduct of a business or occupation, trade, profession or craft carried on by the resident or occupant of a

dwelling unit as an accessory use to the main residential use of such dwelling.

- b) A home industry shall mean the conduct of a business or occupation by the resident or occupant of a dwelling unit as an accessory use to the main residential use of such dwelling, where the activity involves carpentry; small appliance repair; live bait shop, or similar activities but does not include welding or the repair of motor vehicles, or the stripping of furniture.
- c) A home occupation use may be permitted within any low density dwelling within the Township. A home industry may be permitted within any low density dwelling within the Township, except within the Settlement Area where such a use may only be permitted through a site specific zoning amendment which has included a determination that the intended use will not cause inconvenience or conflict with existing and nearby sensitive land uses. The implementing zoning by-law shall contain regulations to ensure that home industries are adequately separated from residential or other sensitive uses, both on and off the property;
- d) Where required by the Environmental Protection Act, a Certificate of Approval may be required for certain industrial activities. Where water takings are in excess of 50,000 litres per day, a Permit to Take Water under the Ontario Water Resources Act is also required;
- e) The home occupation or home industry use shall clearly remain a secondary use of the property to the main residence;
- f) A home occupation or home industry use shall be carried out within a dwelling by the occupant of the dwelling, may involve up to two additional employees and at least two additional parking spaces must be provided;
- g) A home occupation or home industry may involve use of an accessory building;
- h) A home occupation or home industry shall not exceed 50 % of the size of the main dwelling;
- i) Home occupation and/or home industry operations for which their owners want to exceed 50% of the size of the main dwelling will be encouraged to relocate to appropriate commercial or industrial locations and there should be no expectation that size regulations intended to limit the size of such activities and reduce potential impact will be amended by Council;

4.16.3 Home occupations and home industries shall be subject to Policy 4.2 of this Plan regarding Land Use Compatibility.

4.16.4 Entrances serving home occupations, industry or businesses located adjacent to provincial highways require the approval of the Ministry of Transportation. Typically, the Ministry of Transportation will require that the property owner obtain an entrance permit and a sign permit if necessary. As a condition of these permits, the Ministry of Transportation requires the property owner to acknowledge that the use of their existing entrance cannot be converted to a commercial entrance in the future, and that an additional entrance will not be

permitted to accommodate the home occupations, industry or business. In addition, the Ministry of Transportation would not support a future severance that would result in a separate entrance to a business and one for the retained parcel.

- 4.16.5 The Zoning By-law shall contain regulations in respect to home occupations and home industries. These regulations shall indicate, amongst other matters, the zones in which home occupations are permitted.
- 4.16.6 Home industries shall require a site specific amendment to the Zoning By-law. Home industries may be classified as a Class I industries only and must comply with MOE Guideline D-6 “Compatibility between Industrial Facilities and Sensitive Land Uses” to mitigate any adverse effects with surrounding sensitive land uses (i.e. use of setbacks and buffering). Home occupations which conflict with surrounding land uses will also require rezoning.

4.17 Secondary Dwelling Units

- 4.17.1 Secondary dwelling units are permitted in single-detached dwellings and only in the Townsite Residential Land Use designation. Standards shall be established in the Zoning By-law to govern compatibility with the main dwelling and surrounding land uses, as well as the size of secondary dwelling units and other performance standards.

4.18 Garden Suites

- 4.18.1 Garden Suites shall be permitted in the Townsite Residential and Rural Land Use designations. A garden suite may only be permitted as a temporary use subject to a rezoning. A garden suite means a one-unit detached residential structure containing kitchen and bathroom facilities that is ancillary to an existing principal dwelling and that is designed to be portable. The Zoning By-law shall include regulations for unit size and other performance standards.
- 4.18.2 As per the Planning Act regulations for garden suites, Council shall require the owner of the suite or any other person to enter into an agreement with the municipality dealing with such matters related to the temporary use of the garden suite as the council considers necessary or advisable, including:
 - a) the installation, maintenance and removal of the garden suite;
 - b) the period of occupancy of the garden suite by any of the persons named in the agreement; and
 - c) the monetary or other form of security that the council may require for actual or potential costs to the municipality related to the garden suite.

PART FIVE: LAND USE

5.1 Introduction

- 5.1.1 This official plan employs land use designations as a basis of describing an orderly, economic and functional land use pattern within the Township and as a means of organizing related goals, objectives, policies, regulations, and planning guidance and of minimizing conflict, adverse effects and negative impacts arising from land use changes.
- 5.1.2 The following land use designations are used;
- a) Townsite Commercial/Institutional
 - c) Townsite Residential
 - d) Marina
 - e) Industrial
 - f) Rural
 - g) Highway Commercial
 - h) Open Space/Environmental Protection
 - i) Waste Disposal
- 5.1.3 These land use designations apply to lands identified on Official Plan Schedules “A” and “B” attached to and being a part of this official plan.
- 5.1.4 Each land use designation is addressed in this official plan by policies that establish general permitted uses and articulate related policy, guidelines and regulations intended to co-ordinate and harmonize land use within the designation and between designations.
- 5.1.5 A variety of land uses are considered to be necessary, appropriate in, and consistent with the intent of all land use designations, and such uses, described as follows, are permitted in all designations;
- a) Roads, pathways, lanes;
Essential operations of municipal government relating to the delivery of public services;
 - b) Gas and/or electrical transmission lines and/or local service lines and directly related infrastructure and facilities;
 - c) Parks, open space, conservation;
 - d) Accessory buildings, structures, and activities relating directly to a main use;
 - e) Parking and loading and related driveways and aisles;
 - f) Landscaping, fencing, natural vegetation;
 - g) Remedial flood protection and/or rehabilitation works, fish, wildlife, waterfowl habitat protection and/or enhancement.

5.2 Settlement Area Defined

- 5.2.1 Ontario's 2005 Provincial Policy Statement (PPS) defines a Settlement Area as being lands within municipalities which have been designated in an official plan for development over the long term planning horizon, and a built up area where development is concentrated and which has a mix of land uses.
- 5.2.2 Subsection 1.1.3.1 of the Provincial Policy Statement indicates that Settlement Areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.
- 5.2.3 Subsection 1.1.4.1 of the Provincial Policy Statement indicates that Rural Areas within municipalities shall involve permitted uses and activities that, among other things, relate to the management or use of resources, resource-based recreational activities, and limited residential development and other rural land uses, with development being compatible with the rural landscape and where such development can be sustained by rural service levels.
- 5.2.4 The lands that are contained within the boundaries shown to be a Settlement Area on Official Plan Schedule "A" are herein designated as a Settlement Area for the Township of Red Rock. New land uses within the Settlement Area shall be planned and located so as to efficiently use existing infrastructure and public service facilities, thereby avoiding the need for unjustified or uneconomical expansion of infrastructure and public services.
- 5.2.5 As per Subsection 1.6.4.2 of the Provincial Policy Statement, municipal sewage services and municipal water services are the preferred form of servicing for the Settlement Area and intensification and redevelopment within the Settlement Area on existing municipal sewage services and municipal water services should be promoted, wherever feasible.
- 5.2.6 Lands that are not contained within the boundary of the Settlement Area are, in accordance with the Provincial Policy Statement, considered to be rural, notwithstanding that they may be designated to be contained within other land use designations for the purposes of this official plan.

5.3 Townsite Commercial/Institutional Designation

- 5.3.1 This designation identifies and established planning policies and guidance for the concentration of commercial and institutional land use within the Settlement Area.
- 5.3.2 The lands contained within this designation on Official Plan Schedule "A" are located in the centre of the intensively developed Settlement Area.

- 5.3.3 Primary uses within the designation include general and tourist commercial, retail, wholesale, service businesses, offices, institutions and general business activities appropriate to a concentrated central location within the built up area. Schools, government offices, and recreation areas are also permitted within this designation, and make up a significant part of the existing land use.
- 5.3.4 Residential accommodation in association with permitted commercial and/or institutional uses are also recognized as appropriate and permitted, including dwellings for owners/operators/maintenance persons and rental accommodation.
- 5.3.5 It is the intent of the Township to encourage additional commercial and/or institutional uses to locate in this designation, through intensification, including redevelopment and/or conversion of existing buildings and infill. Additional lands have been identified that would also serve to support future townsite commercial/industrial initiatives, and could be zoned for such in the future on the basis of specific projects or initiatives. Current zoning for such lands as residential is deemed to be consistent with the overall intent of the official plan.
- 5.3.6 It is the further intent of the Township that intensive commercial and/or institutional land uses should be encouraged to locate within this defined area in order to minimize adverse effects and the potential for land use conflict with surrounding residential areas, and to establish a community identity inclusive of distinct and identifiable functional land use areas and focal points of activity.
- 5.3.7 The Township shall encourage a pedestrian orientation to the Townsite Commercial/Institutional area through the provision of sidewalks and walkways leading to the area.
- 5.3.8 The Township will implement appropriate planting, streetscape improvements and similar initiatives intended to accentuate the area and to make it pleasant and appealing.

5.4 Townsite Residential Land Use Designation

- 5.4.1 The lands designated as Townsite Residential on Official Plan Schedule “A” are intended to be used primarily for residential accommodation for the majority of the inhabitants of the Township, and offer a variety of tenures and building forms, facilitating a broad range of lifestyles.
- 5.4.2 Lands within the Townsite Residential designation shall be zoned to accommodate a range of housing types and densities, in order to meet projected requirements of current and future residents of the Township.

- 5.4.3 New residential development within the Settlement Area shall be encouraged to locate primarily within those portions of the Settlement Area that are serviced by full municipal sewer and water services. It is anticipated that 30% of all new lots/units created over the life of this Plan will occur through residential intensification in portions of the Settlement Area where full municipal sewer and water services are already available. Residential intensification is expected to occur primarily through the development of vacant and/or underutilized lands within fully serviced areas. It is also an objective of the Township that the current inventory of vacant residential dwellings within the Settlement Area shall be re-occupied. These targets should be applied over the entirety of the planning period and not used to prevent family severances that may occur in the Rural area and individually not contribute to meeting the targets.
- 5.4.4 To this end, residential development shall generally occur, in the first instance, on existing registered plans of subdivision, provided full municipal sewer and water services are available. In addition, Council shall review the Township's Comprehensive Zoning By-law to ensure that this document encourages residential development in underutilized areas, so as to promote the efficient use of existing infrastructure.
- 5.4.5 Residential lands will be predominantly low density, focused upon single detached, semi-detached, duplex, townhouses, triplexes and/or quadruplex building forms. Medium density apartments/condominium buildings will also be permitted in the residential area, in accordance with the guidance provided in this plan.
- 5.4.6 Churches as well as home occupations, home industries and bed and breakfast use shall be permitted in residential areas.
- 5.4.7 Modular homes shall be permitted as a standard building within all low density residential areas. Mobile homes shall be permitted as a standard building within the Rural Area and within defined, planned and zoned mobile home park settings within the Settlement Area.
- 5.4.8 The present housing inventory includes a number of vacant dwellings. It is the intent of the Township that occupation of these vacant dwellings shall be the first priority within the municipal housing targets.
- 5.4.9 In order to minimize incompatibility between land uses or density of use, multiple residential development will generally be;
- a) In the vicinity of buildings of similar scale and character;
 - b) At the intersection of two streets;
 - c) On parcels of sufficient size so as to accommodate required on site parking, loading, vehicle maneuvering, landscaping, and activity area.

- 5.4.10 The Township will encourage planting and landscaping of side and front yards as a means of promoting street and community beautification and community aesthetics and of promoting energy efficiencies.

5.5 Marina Land Use Designation

- 5.5.1 Clearing of lands along the Lake Superior shoreline for recreation purposes began in the mid 1960's focusing upon a 1967 Centennial Park project. By the 1990's the local park and activity area concept had evolved into a park as an economic activity and development instrument, complete with a marina.
- 5.5.2 Council wishes to continue to pursue development of the waterfront park as a local activity facility and as a vehicle to implement and achieve economic development.
- 5.5.3 The current waterfront park includes activity space; a marina with launching and boat mooring facilities protected by a break wall and serviced with related parking facilities and a Fish and Game Club building is located at the periphery.
- 5.5.4 Waterfront park infrastructure and development is expected to include boat slips, marine fueling, boat launching and similar marina facilities; a waterfront centre (interpretive centre for the Lake Superior National Marine Conservation Area); performance arts stage; and some commercial); a possible RV campground and open space/activity area.
- 5.5.5 It is anticipated that the waterfront park will be a participating location in the overall implementation of the Lake Superior National Marine Conservation Area, and that the Township will be involved in ongoing Federal Government co-ordination and planning associated with that designation.
- 5.5.6 The Township would further encourage the introduction of "out of a storm" mooring facilities along the north shore of Lake Superior, offering minimum service safe harbor facilities that would enhance and promote around the lake boating on Lake Superior.
- 5.5.7 Any development proposed within 300 metres of a waterbody will require consideration of the impact of the development on the ability of the waterbody to sustain additional development. Where necessary, development and site alteration shall be restricted in or near sensitive lakes such that these features and their related hydrologic functions will be protected, improved or restored.. The "Lakeshore Capacity Assessment Handbook – Protecting Water Quality in Inland Lakes on Ontario's Precambrian Shield" developed by the MOE should be consulted wherever shoreline development is proposed on inland lakes

5.6 Industrial Land Use Designation

- 5.6.1 Industrial uses included but not limited to assembly, manufacturing, processing, transportation, storage, repair, welding, and operations such as construction yards. Related but secondary sale of goods, materials, or product may be permitted.
- 5.6.2 Lands designated on Official Plan Schedule “A” as industrial lands are an extreme important economic driver for the community.
- 5.6.3 It is important for the Township to ensure that lands exist to be able to respond quickly to future economic opportunities, and accordingly the Township will seek to provide available vacant lands designated and ready for development.
- 5.6.4 The same time it is recognized that industrial lands exhibit potential incompatible adverse affects and/or negative impacts and require separation and possible mitigation such as specific analysis and study, berms, fencing, screening and/or landscaping.
- 5.6.5 Employment lands should be located on full municipal services. Industries proposing to be located in individually serviced areas must comply with MOE Guideline D-5-4 “Technical Guideline for Individual On-site Sewage Systems: Water Quality Impact Risk Assessment and D-5-5 “Technical Guideline for Private Wells: Water Supply Assessment”. Industrial designations and proposals in individually serviced areas are limited to dry uses only: uses which generate domestic waste only at a rate of 10,000 litres per day or less. Water intensive uses are also prohibited on individual services.
- 5.6.6 The Ministry of the Environment’s compatibility guidelines will be applied to the planning and consideration of industrial development, and significant development will be encouraged to engage in air and/or water quality monitoring.
- 5.6.7 Where planning approvals are required to allow for either new/expanded Class III industrial Facilities or residential/other sensitive land uses within 1000 metres of each other, proponents may be required to provide supporting technical studies, prepared in accordance with Ministry of the Environment MOE Guideline D-6 “Compatibility between Industrial Facilities and Sensitive Land Uses”, to address potential impacts caused by the industrial use. These studies will be required to identify the actual influence area of the industrial use, address potential impacts on surrounding land uses, and identify appropriate mitigation measures. Where potential impacts cannot be mitigated, planning approvals will not be supported.

In the absence of technical studies defining an actual influence area of less than 1000 metres, the new/expanded use shall not be permitted within 1000

metres of a zone permitting the conflicting use. Where technical studies, prepared in accordance with MOE Guidelines, confirm an actual influence area of less than 1000 metres, a separation distance equal to or greater than the actual influence area shall be required between zones permitting the industrial use and zones permitting residential or other sensitive land uses. Under no circumstances shall heavy industrial uses be permitted within 300 metres of zones permitting residential or other sensitive land uses

5.7 Rural Land Use Designation

- 5.7.1 It is intended that the Rural Area will be characterized as a low density, multi-purpose areas with a variety of land uses accommodated in a compatible manner.
- 5.7.2 Lands that are outside of the defined settlement are designated predominantly as Rural, and development is expected to be related to resource based; highway resource based; and/or recreation resource based activities. Limited residential activity will also be permitted in the Rural designation, particularly as infill and/or minor expansion of existing concentrations of residential use. Typical activity will include agriculture, conservation, forest harvesting, recreation, tourism, and limited residential. Highway commercial use may be considered by rezoning. Aggregate extraction and/or pits and quarries will also be permitted subject to rezoning and any required environment assessment.
- 5.7.3 Public sewer and/or water service shall not be provided in the Rural designation, and new development will be required to prove lot capacity to support private sewage capacity and a potable water supply. Communal sewer and water services will not be permitted except through an amendment to the official plan, and it is intended that the Township would not be inclined to provide public backing or public guarantee to any such communal service, except where it has participated in an official plan amendment indicating such support.
- 5.7.4 Home occupation, home industry and bed and breakfast activities will be permitted in association with residential use in the Rural Area in accordance with Policy 4.16 of this Plan, and the Township's Comprehensive Zoning By-law.
- 5.7.5 Limited residential activity in the Rural Area shall be considered, and will generally be expected to;
 - a) Be located on properties that have legal and practical public road access;
 - b) Involve one only single detached dwelling per lot, which may be a mobile home, modular home or a conventional constructed dwelling;

- c) Be located in the vicinity of other existing residential land use and preferably constitute infill or minor expansion of such existing concentrations of residential activity;
- d) Not involve extensions to rural roads, unless such extension offers positive benefit to the operation of the rural road network (ie results in or advances connecting and looping of existing dead end roads).

5.7.6 A specific Rural Residential zone may be used for residential properties along Highway 628, and will provide for lesser lot sizes than typically required for the Rural Area.

5.7.7 Any development proposed within 300 metres of a waterbody will require consideration of the impact of the development on the water quality and remaining development capacity of the lake, consistent with the policies of this plan regarding Lake Capacity Assessment.

5.8 Highway Commercial Land Use Designation

5.8.1 Highway Commercial uses in the Rural Area may be considered by rezoning subject to the guidance and provisions set out in Policy 4.9 Provincial Highways, and to the particular commercial activities relying upon the traveling public and/or traffic related exposure as an integral part of the business model.

5.9 Open Space/Environmental Protection Land Use Designation

5.9.1 Open Space land use is intended to provide recreation and/or leisure activity area, and to accommodate related buildings and/or facilities and to protect natural features. Such land use will be provided in a variety of areas.

Black Sturgeon River falls within the Black Sturgeon River Provincial Park, a protected area regulated under the Provincial Parks and Conservation Reserves Act and identified on Schedule B.

5.9.2 Where appropriate, the zoning applied to lands within the Open Space land use designation may provide for construction of buildings and/or structures, as well as for the provision of open activity or play areas. Major recreational activities such as golf courses, ski facilities, or snowmobile assembly areas may also be permitted within the Open Space land use designation.

5.9.3 Council desires to protect areas within the Municipality which exhibit a fragile environment, including wetlands; significant habitat of fish, wildlife, threatened and endangered species; areas of natural scientific interest; areas that contain significant archaeological or cultural resources; and other such areas of natural heritage.

- 5.9.4 In this respect known endangered species habitat, significant wildlife habitat, wetlands and significant fish habitat shall be identified on Schedule B. This information will be referred to in the application of the natural heritage policies outlined in Section 4.4. If new natural heritage information becomes available it will be included in Schedule B for reference purposes and to support the application of the natural heritage policies.

All watercourses and lakes within the Municipality shall have a minimum 15 metre setback. Due to the erodable nature of the banks of Big and Little Trout Creeks a minimum setback of 30 m will be required to protect riparian vegetation and soil stability. Watercourses may have an additional setback established in the zoning by-law where size warrants additional measures of protection.

- 5.9.5 Any development proposed within 300 metres of a waterbody will require consideration of the impact of the development on the water quality and remaining development capacity of the lake, consistent with the policies of this plan regarding Lake Capacity Assessment.
- 5.9.6 Where other applicable policies allow for industrial or light industrial uses within the Open Space/Environmental Protection Land Use Designation, these shall be restricted to dry industrial uses only, in which no industrial liquid wastes, wash or cooling water, or process wastes are permitted,

5.10 Waste Disposal Land Use Designation

- 5.10.1 Lands supporting operation of the current Red Rock landfill site is identified within a Waste Disposal (WD) land use designation on Official Plan Schedule “B,” and will continue to be used as the Township landfill site.

The existing municipal landfill has a fifty to sixty (50-60) year capacity. It is not expected that the landfill capacity will be a land use planning issue over the next twenty (20) year horizon as the population is expected to remain stable at the current population over the planning period.

Best management practices in the area of waste diversion must be pursued in order to extend the lifespan of the existing municipal landfill site.

- 5.10.2 A private landfill associated with the former paper mill, may continue to be used for such purposes by the eventual new owner, provided that such private landfill activities shall not involve landfill services to other clients or companies not related to the current and primary user. New operation may be subject to environmental assessment and material listing requirements.
- 5.10.3 No other dumping of solid or organic wastes or of sewage will be permitted within the Township except under permit from the Ministry of the Environment and by amendment to this Plan.

- 5.10.4 At such a time a new landfill site is required, the township will comply with the requirements under O. Reg. 101/07 “Ontario’s Waste Regulation” and the “Guide to Environmental Assessment Requirements for Waste Management Projects”. Expansions to landfill sites may also be required fulfill requirements under the Environmental Assessment Act. Separation distances and other controls measures will be determined by the applicable studies in accordance with MOE Guideline D-6 “Compatibility between Industrial Facilities and Sensitive Land Uses”.

Other waste management systems serving the Township, such as recycling facilities, transfer stations and processing sites, should be established in accordance with O.Reg. 101/94 “Recycling and Composting of Municipal Waste”. Hazardous waste facilities must be in compliance with O. Reg. 347 under the Environmental Protection Act along and other applicable legislation. Other management systems and hazardous waste facilities must both establish separation distances and other control measures determined by the applicable studies in accordance with MOE Guideline D-6 “Compatibility between Industrial Facilities and Sensitive Land Uses”.

- 5.10.5 Development proposals adjacent to the limits of existing landfill sites are required to use separation distances and/or other control measures to mitigate adverse effects on sensitive land uses. Separation distances and other control measures are described in Guideline D-4 “Land Use Near or on Landfills or Dumps”. Studies should be completed in accordance with the Guidelines in order to determine the appropriate separation distances and/or other control measures to mitigate adverse effects on sensitive land uses. Guideline D-4 also applies where there is a proposed new or expanded waste disposal facility adjacent to existing sensitive land uses. Where adverse effects can not be mitigated, planning approvals may not be granted.

Development proposals for the use of land that has been previously used for waste disposal or former waste disposal sites must obtain approval under Section 46 “Former Disposal Sites” of the Environmental Protection Act in order to protect the health and welfare of the general public from potential hazards relating to those lands. MOE has published a guidance document “Operational Guidance for Obtaining Environmental Protection Act Section 46 Approval for the use of Lands Previously used for Disposal of Waste” that provides direction on requirements and restrictions for proposed use of lands previously used for disposal of waste.

- 5.10.6 Development proposals adjacent to sewage treatment facilities or waste stabilization ponds are required to use separation distances and/or other control measures to mitigate adverse effects on sensitive land uses. Separation distances are outlined in MOE Guideline D-2 “Compatibility between Sewage Treatment and Sensitive Land Use”. Guideline D-2 also applies where there is a proposed new or expanded sewage treatment facility adjacent to existing

sensitive land uses. Where adverse effects can not be mitigated, planning approvals may not be granted.

PART SIX: IMPLEMENTATION

6.1 Intent

6.1.1 It is the intent of this section to articulate and describe typical planning powers that are available to the Township for planning purposes and to describe related policies.

6.2 Lot Creation

6.2.1 Major land development is expected to occur through the plan of subdivision process the Planning Act, and typically would involve a large number of new lots and/or blocks, new road and/or infrastructure, and a comprehensive layout of a parcel or a substantial portion of it.

6.2.2 Notwithstanding Policy 6.2.1 above, it is recognized that the current size and character of the Township and the current level of economic activity is such that lot creation through the consent or severance process, as provided for under Section 53 of the Planning Act, is also relevant and appropriate as a means of creating new lots. Consent will be considered, subject to the following;

- a) In the Rural Area, the number of new lots to be created for a parcel of land does not exceed two, plus the residual parcel for any patent land holding, provided that for the purposes of the above noted limit on the number of lots to be created, lot enlargements and/or lot adjustments shall not be considered in the count. Over the life of the plan the total number of rural severances may be limited in order to avoid speculative rural severances and to support targets for infilling, and intensification in the built up area. Future five year reviews of the official plan may implement this policy with a specific number.
- b) Notwithstanding Policy 6.2.2 a), in the Rural Area additional severance may be agreed to by Council resolution for permitted employment generating uses that are not for residential and not for recreational cottaging purposes, subject to any other planning considerations set out hereafter and throughout this Official Plan;
- c) In the Settlement Area, the number of new lots to be created by severance shall normally not exceed two new lots and a residual lot; however, where no new road and/or services are necessary to support severances and the whole of the lands are being practically developed, additional severances may be approved by Council by resolution;
- d) Severance shall not be considered until it has been determined that a plan of subdivision is not necessary for the logical and proper development of the lands and/or of the surrounding area;
- e) Retained and newly created residential lots in the Rural designation shall have 90 metres of frontage on a traveled and maintained public road and a lot area of not less than 1.5 hectares, or involve a situation, such as a lot enlargement, remote cottaging, mining or other such situation, where a public road is determined not to be a specific requirement;

- f) Residential severance in the Rural Area will be encouraged to locate as infill to existing concentrations of development or as logical and immediate extension of such concentrations;
- g) The creation of a new lot shall not result in adverse effect or negative impact upon abutting and nearby lands and/or land uses;
- h) The proposed lot size, frontage, and configuration shall meet the minimum requirements of the Township's Comprehensive Zoning By-law and shall be suitable for the intended use and generally compatible with the surrounding lot fabric;
- i) The proposed lot shall have sufficient size and practical space to accommodate the main use and related accessory uses, including on-site parking and vehicular movements, loading, landscaping and amenity/activity area;
- j) Where lands are proposed to be severed and private sewage and water services are intended, preliminary confirmation shall be obtained from the Thunder Bay District Health Unit, or other appropriate approval authority, that the lands can support a Class IV sewage system, and that a suitable potable water supply (quantity and quality) has been proven by the Thunder Bay District Health Unit or by a similarly qualified person;
- k) Where a severance involves lands that circumstantially function as a part of the public road allowance, the Township may, as a condition of approval to the severance, require that such lands be identified in one or more separate parts in a survey and transferred to the Township.
- l) Prior to the approval of new lots or units, confirmation of available existing or planned capacity to treat the hauled sewage/septage generated as a result of the proposed development will be required.
- m) Where lot creation may result in land use compatibility concerns, proponents may be required to provide supporting technical studies, prepared in accordance with MOE guidelines, to identify influence areas, address potential impacts and identify appropriate mitigation measures. Where potential land use compatibility impacts cannot be mitigated, lot creation proposals will not be supported.
- n) Depending on operational requirements of any proposed new or expanded land use, MOE approvals may be required for the establishment of water works and the taking of water in excess of 50,000 litres per day.

6.3 Non-Conforming Uses

- 6.3.1 Where a legally existing use of land does not comply with the designation set out in this plan, it is the Township's longer term intent that such use will cease to exist at that particular location.
- 6.3.2 Notwithstanding Policy 6.3.1, a legal non-conforming use is protected by the Planning Act, and may be recognized in a zoning by-law as a legally permitted use so long as it continues to exist, provided that it does not aggravate or cause nuisance or conflict with adjacent land uses that are consistent with the policies of the official plan. Where such a use is

recognized in a zoning provision, and such use is discontinued for a period in excess of one year, recognition as a legal use shall cease to apply.

- 6.3.3 The lands upon which a legal non-conforming use is located may be added to without impacting legal status, and may be reduced in size without impact upon legal status where property acquisition occurs due to the action of a public body that requires lands for its purposes.
- 6.3.4 A legal non-conforming use may be maintained, repaired, and/or restored to a safe condition without impact to legal status.

6.4 Complete Application

- 6.4.1 Ontario's Planning Act requires that planning applications include certain prescribed information in support of the submission being made. Upon receipt of an application, a determination will be made as to whether or not the application is complete, and;
 - a) Where the application contains the appropriate information and support material and is complete, the applicant will be so advised;
 - b) Where the application does not contain the appropriate information and support and is not complete, the application may be returned to the applicant.

6.5 Condominium Tenure

- 6.5.1 Lands processed and owned under the Condominium Act shall be considered to be the same as lands processed and owned under the Planning Act in that condominium shall be considered as a form of tenure and not as a separate or distinct land use.
- 6.5.2 Condominium approval may involve consideration of a private road allowance that is under the jurisdiction of a condominium corporation. Notwithstanding such ownership, the Township may require that a condominium road shall be constructed to a standard that will allow ease of access by emergency vehicles.

6.6 Parkland Dedication

- 6.6.1 In accordance with Section 42 of the Planning Act, the Township may, by by-law applicable to the whole Township or a portion(s) thereof, require land to be conveyed for park or other public recreational purposes as a condition of approval of any plan of subdivision/condominium, consent or in any development or redevelopment initiative.
- 6.6.2 In the case of commercial or industrial development or redevelopment, the amount of land to be conveyed shall not exceed two (2) percent of the total

land area. In the case of all other development or redevelopment, the amount of land shall not exceed five (5) percent of the total land area. Any land so acquired shall be used for park or other public recreational purposes, but may be sold at any time.

- 6.6.3 As an alternative to requiring the conveyance of land, the Township may require cash-in-lieu of parkland to be paid, and, where the Township receives such payment, it shall place and maintain the funds in a specific Parks Reserve Account to be used only for park or other public recreational purposes.
- 6.6.4 Where lands proposed to be dedicated as parkland are low lying, wetlands, or otherwise contain development constraints, or are too small or irregular in shape to be of use, the Township may not accept such lands as the parkland dedication.

6.7 Zoning By-law

- 6.7.1 The Township shall, upon approval of this official plan, ensure that its Comprehensive Zoning By-law conforms to and implements the plan.
- 6.7.2 The Township may, in the zoning by-law, in accordance with Section 34 of the Planning Act, zone lands into a suitable zone to provide site-specific zoning recognition to a particular use of land, and may provide such regulations appropriate to such use.
- 6.7.3 Amendments to the Township's Comprehensive Zoning By-law may be considered for changes that are consistent with this official plan.
- 6.7.4 Regulations may be set out in the Township's Comprehensive Zoning By-law, including the following, to establish minimum setbacks for specific facilities;
 - a) Outdoor wood burning stoves shall not be permitted in the Settlement Area, and a minimum two hectare lot shall be required in the Rural Area.

6.8 Holding Zone

- 6.8.1 Council may utilize Holding provisions as provided for under Section 36 of the Planning Act in order to establish zoning provisions prior to completing technical, administrative, or financial aspects of a development. The Township may use a holding symbol (H) in conjunction with any land use designation in the Township's Comprehensive Zoning By-law so as to specify the use or uses to which lands may be put at some time in the future, but which are considered premature or inappropriate for immediate development for such use(s). A holding symbol shall not be applied to establish the principle of development for a particular use where issues that are fundamental to the feasibility of the proposed land use have not yet been resolved.

- 6.8.2 Any lands within the Township may be zoned to include holding provisions.
- 6.8.3 The holding symbol may be used to;
- a) Identify the future intended use of lands;
 - b) Stage or phase development consistent with current subdivision agreements;
 - c) Provide for the installation of services prior to development occurring;
 - d) Allow for the execution of a site plan agreement or subdivision agreement between the Township and the developer;
 - e) Where site remediation requirements are known and feasible, ensure that site contamination has been appropriately addressed; or
 - f) Ensure that an archaeological assessment, to the satisfaction of the Province, has been undertaken by an archaeologist licensed under the Ontario Heritage Act, and any significant archaeological resources have been conserved by removal and documentation, or preservation on site, to the satisfaction of the Province.
- 6.8.4 The use of lands subject to a holding symbol, until its removal, shall be limited to uses legally existing at the time of passing of the holding by-law.
- 6.8.5 A holding symbol may be applied on the basis of one or more of the following;
- a) Where municipal infrastructure, services, or transportation facilities have been determined to be insufficient to serve the proposed development or use;
 - b) Where development is contingent upon other matters occurring, such as the consolidation of land or the execution of agreements;
 - c) Where environmental site remediation is required, and site remediation requirements are known and feasible; or
 - d) Where completion of an archaeological assessment is required.
- 6.8.6 The holding symbol may be removed from all or from a part of a property to which a holding by-law has been applied once an applicant has satisfied the Township that all of the matters relating to the placement of the holding symbol have been appropriately addressed.

6.9 Temporary Use By-law

- 6.9.1 In accordance with Section 39 of the Planning Act, Council may pass a by-law to permit a temporary use of land, building, and/or structure(s) for a use that may otherwise be prohibited in the Township's Comprehensive Zoning By-law, whether such by-law is in conformity with this official plan or not without an amendment to this official plan.

- 6.9.2 Such a by-law may be considered where;
- a) the intended use is to exist only for a short period of time;
 - b) Such use is to be monitored prior to being considered as a permanent zoning;
 - c) Use of an existing building is being accommodated in conjunction with a planned redevelopment for a new use that is consistent with the official plan;
 - d) The use is intended to exist pending the outcome of a study or the extension of infrastructure.
- 6.9.3 Council may establish a temporary zoning by-law to allow an applicant to consider a home-based business or home industry that is currently not offered in the community, in order to determine if a market exists, prior to establishing in a properly zoned location, or to consider the adverse effects and/or negative impacts of such an activity upon surrounding properties.
- 6.9.4 Prior to enacting a temporary use by-law, Council shall satisfy itself that;
- a) The lands can accommodate the intended use;
 - b) Appropriate and safe means of water supply and sewage disposal are available;
 - c) The use will not prejudice future development or redevelopment of the lands.
- 6.9.5 Such a by-law shall define the lands to which the by-law shall apply, set out appropriate regulations which shall apply to the lands and the use of the lands and establish an expiry date, which shall not be greater than three years from the date of passing of the by-law.
- 6.9.6 Council may extend a temporary use by-law provided that such extension would not jeopardize the long term development of the lands or the surrounding area.
- 6.9.7 Where a temporary use by-law has expired, the use of land, building, and/or structure permitted under the temporary use by-law shall cease to apply and the previously relevant zoning shall prevail and govern the land and its use.

6.10 Site Plan Control

- 6.10.1 In accordance with Section 41 of the Planning Act, Site Plan Control agreements may be entered into in order to achieve the following purposes;
- a) To obtain drawings of buildings and property layout, including elevations, building and lot plot plans, parking and/or loading and related driveways, aisle ways, landscaping, lighting, retaining walls, and signs, and to ensure that such features are properly designed and constructed. In addition,

agreements may be required to outline details of property management with respect to snow removal;

- b) To obtain easements;
- c) To ensure that matters such as storm drainage, snow removal, lighting and landscaping are addressed and that ongoing maintenance is carried out;
- d) To ensure proper traffic provision and flow;
- e) To identify, protect and secure lands needed for road widening and/or easements;
- f) To identify details of specific on site features;
- g) To identify specific requirements such as noise remediation works or other such works determined by studies and/or reports needed to support a particular development.

6.10.2 Council may utilize site plan control for any portion of or for any lands within the Settlement Area, and will use site plan control within areas that are zoned for multiple residential, commercial, and highway commercial use.

6.10.3 Council may also use site plan control at any location within the Township in response to issues and concerns raised in the processing of development applications.

6.10.4 Council may require that a site plan agreement be registered on title.

6.10.5 Where a site plan control designation by-law is enacted, no building permit shall be issued until such time as an appropriate site plan agreement has been entered into and/or related approvals have been given.

6.11 Community Improvement

6.11.1 Council may participate in programs or other activities that have as an objective the improvement of one or more land uses, areas, or other features of or within the Township, and may partner with other levels of government and/or private sector interests in order to carry out and achieve the following;

- a) Improvement of social, recreational, or other such community services and/or facilities;
- b) Improvement to the physical environment of the community including physical services and/or facilities, streetscape, or the upgrading or rehabilitation of private property;
- c) Promotion of new employment, new investment; and/or new assessment;
- d) Implementation of Brownfield initiatives or considerations.

6.11.2 Specific objectives in this regard will include;

- a) Paved surfaces on residential, commercial and institutional streets;
- b) Curb and gutter, storm sewer, and/or street lighting on roads within the Settlement Area;

- c) Sidewalks on at least one side of the street within the Settlement Area;
- d) Improvements to existing parks, beaches, playgrounds, rest areas, tourism promotion areas, open space areas, and/or recreation/leisure facilities;
- e) Upgrading or installing public sewage and/or water service to property owners within the Settlement Area;
- f) Recovery and/or re-utilization of contaminated or abandoned industrial or commercial lands.

6.11.3 The Community Improvement Area determined by Council in accordance with these objectives is identified as the Settlement Area and the nearby lands that are located along Highway 626 adjacent and in the vicinity of the Settlement Area. In accordance with Section 28 of the Planning Act, Council may, by by-law, designate all or part of the Settlement Area and the nearby lands as a Community Improvement Project Area and provide for the preparation of a plan suitable for adoption as a Community Improvement Plan for the Community Improvement Project Area.

6.12 Property Standards By-law

6.12.1 Council currently has a property standards by-law, and has established a property standards committee as provided for in the Building Code Act.

6.12.2 All properties within the area that is set out in the property standards by-law shall conform to the standards and provisions that are set out in the by-law.

6.12.3 Such a by-law may apply to lands, buildings, and/or structures.

6.12.4 Such a by-law shall be enforced by such staff and/or such persons as Council may from time to time designate.

6.12.5 Council may, within such a by-law enact regulations intended to address;

- a) structural integrity and/or standards for occupancy;
- b) the maintenance of yards and/or open spaces, and in particular to ensure that such lands are well kept, safe, free of debris and/or unsightly materials, equipment, and that the overall yard is in keeping with the surrounding property character;
- c) The cutting and/or storage of fire wood;
- d) Notice requirements, enforcement, and/or administration, including the removal of buildings.

6.13 General Implementation

- 6.13.1 Council of the Township shall be responsible for interpretation of this official plan and including the related schedules and maps that form a part of the official plan.
- 6.13.2 It is intended that this document will be read with the understanding that the text and schedules represent concepts and relationships rather than absolute and rigid conditions, delineations or situations. Accordingly;
- a) Land use designations shall represent predominant land uses and intended future lands uses, and shall not preclude the existence of small pockets or isolated occurrences of other land uses;
 - b) Numbers shall not be considered to be absolute unless specifically indicated to be so;
 - c) Statements of program, objectives or services shall not be construed as being a commitment by the Township to act, construct, or otherwise provide such within any specific time frame.