

Official Plan for the Central Timiskaming Planning Area



Tunnock Consulting Ltd.

**247 Hearst Street
North Bay, Ontario P1B 8Z2**

**Tel: (705) 475-0040
Toll Free: (800) 924-0128
Fax: (705) 475-0030**

www.tunnockconsulting.ca
info@tunnockconsulting.ca

Approved with Minister's Modifications December 12, 2012

Table of Contents

SECTION 1	INTRODUCTION	1
(1)	TITLE OF PLAN	1
(2)	CONTENTS OF PLAN	1
(3)	SCOPE OF PLAN	1
(4)	PURPOSE OF PLAN	2
SECTION 2	FUNDAMENTAL ISSUES OF THE PLAN	3
(1)	BASIS OF PLAN	3
SECTION 3	SERVICE POLICIES.....	9
(1)	WATER SUPPLY AND SEWAGE DISPOSAL	9
(2)	SOLID WASTE DISPOSAL	16
(3)	ROADS.....	19
(4)	UTILITIES AND PUBLIC SAFETY	24
(5)	SCHOOLS	24
(6)	PARKS AND RECREATION	25
SECTION 4	LAND DIVISION POLICIES	29
(1)	EXISTING SERVICED AREAS.....	29
(2)	GUIDELINES FOR SUBDIVISION APPROVALS.....	29
(3)	GUIDELINES FOR CONSENT APPROVALS	31
SECTION 5	GENERAL LAND USE POLICIES	38
(1)	ACCESSORY USES.....	38
(2)	AGREEMENTS, STANDARDS and STUDY REQUIREMENTS	38
(3)	COMMUNITY IMPROVEMENT	55
(4)	CONVERSION OF USES	58
(5)	CROWN LANDS	58
(6)	CULTURAL HERITAGE CONSERVATION.....	59
(7)	ENERGY CONSERVATION.....	61
(8)	EXISTING LOTS	62
(9)	GROUP HOMES	62
(10)	NON-CONFORMING USES.....	62
(11)	PROVINCIAL POLICY STATEMENT	65
(12)	PUBLIC USES.....	65
(13)	SECOND UNITS	66
SECTION 6	LAND USE POLICIES	67
(1)	LAND USE PLAN	67
(2)	IDENTIFIED AREAS PLAN	67
(3)	RESIDENTIAL	67
(4)	COMMERCIAL.....	71
(5)	INDUSTRIAL	74
(6)	MIXED USE BUSINESS PARK	76
(7)	AGRICULTURE.....	77
(8)	RURAL.....	81
(9)	ENVIRONMENTAL PROTECTION	88
(10)	SENSITIVE	91
SECTION 7	IMPLEMENTATION.....	94
(1)	GENERAL.....	94
(2)	APPLICATION PROCESSING FEE BY-LAW.....	94

Table of Contents

(3)	DEVELOPMENT CHARGES BY-LAW.....	94
(4)	LAND USE CONTROLS.....	95
(5)	COMMUNITY IMPROVEMENT.....	102
(6)	GENERAL CONTROLS.....	103
SECTION 8 INTERPRETATION.....		107
(1)	LAND USE BOUNDARIES AND ROADS.....	107
(2)	QUANTITIES.....	107
(3)	METRIC UNITS.....	107
(4)	AGENCY NAMES AND RESPONSIBILITIES.....	107
(5)	LEGISLATION.....	107
SECTION 9 ADMINISTRATION.....		109
(1)	PLAN INFORMATION.....	109
(2)	EARLY CONSULTATION PLANNING.....	109
(3)	MUNICIPAL PLAN REVIEW / ONE WINDOW.....	109
(4)	PLAN REVIEW.....	110
(5)	PLAN AMENDMENTS.....	110

SECTION 1 INTRODUCTION

(1) TITLE OF PLAN

This Plan may be cited as the "Central Timiskaming Planning Area Official Plan".

(2) CONTENTS OF PLAN

Sections 1 through 9 of the text, together with the following schedules, constitute the Central Timiskaming Planning Area Official Plan:

SCHEDULE A - LAND USE PLAN

SCHEDULE B - IDENTIFIED AREAS PLAN

(3) SCOPE OF PLAN

(a) PLANNING AREA:

This Plan applies to all lands within the corporate boundaries of the Township of Chamberlain, the Township of Evanturel, the Municipality of Charlton and Dack, and the Town of Englehart, all former the Central Timiskaming Planning Area.

(b) PLANNING PERIOD:

The policies and schedules contained in this Official Plan cover a planning period to the year 2026.

(c) THE EFFECT ON PUBLIC SECTOR:

Once this Plan is in effect, Section 24 of the Planning Act will require all public works undertaken in a municipality forming a part of this Planning Area, and all by-laws passed by a Council of those Corporations for any purpose, with certain exceptions, to conform to this Plan.

(d) THE EFFECT ON PRIVATE SECTOR:

An Official Plan is a legal document; however, it cannot restrict the use of land, or restrict erecting, locating or using of buildings by the private sector until it is implemented by zoning by-laws passed pursuant to Section 34 of the Planning Act; or by by-laws passed pursuant to other sections of the Planning Act; or through by-laws passed in accordance with other Provincial statutes.

All zoning by-laws shall conform to the policies of the Plan, and all development applications shall be reviewed for compliance with these policies prior to any implementing by-law, where required, being approved.

(4) PURPOSE OF PLAN

The purpose of this Plan is to present planning policies that apply throughout the Planning Area. Planning matters within the Planning Board's or applicable Council's jurisdiction are provided herein in a straightforward, comprehensive policy document, supported by Schedules showing land use designations and identified areas. The document and schedules explains how land shall be developed during the planning period of this Plan.

The Plan was prepared to guide public and private sectors' decision-making in local land use development matters. Local boards and municipal departments, together with various levels of government, may use the Plan to identify public undertakings to be implemented, in accordance with this Plan. It is also possible because of this Plan, for a Council to assign appropriate budgets, as well as determine the timing and location priorities for proposed undertakings. A Council will be able to assess development proposals brought before it, through referencing the Plan. In addition, this Plan will provide a basis for zoning and other issue specific by-laws which a Council may enact to regulate the development of land.

The private sector, by being informed of the Plan's intent, may make decisions regarding land development with the assurance of known public policies. The Plan directs those proposing development to consult with the applicable municipality, the Ministry of Municipal Affairs and Housing and other authorities, on an early basis to ensure their concerns have been discussed, and resolved, prior to the submission of a formal development application.

SECTION 2 FUNDAMENTAL ISSUES OF THE PLAN

(1) BASIS OF PLAN

The policies and schedules contained in this Plan have been developed based upon findings contained in a Background Study for the Planning Area, and supported by information supplied by various responding government departments and ministries, as this information would relate to their Ministerial policy objectives. These findings and policy objectives were reviewed in the context of factors which could affect the type, location and rate of development, as well as, the land use designations shown on Schedule A. The study also examined the Municipality's capability to sustain development and accommodate change over the anticipated planning period.

Based upon these findings, a new model for development is in order. The Plan addresses head-on, the challenges of this time period. The Plan suggested herein attempts to combine principles of environmental, social and economic sustainability with concepts of density, diversity and demographic change. These findings are summarized as follows:

(a) DEVELOPMENT AS A STRONG SERVICE CENTRE:

The Englehart area of the Planning Area will be developed with two main commercial areas: a downtown commercial area and a highway commercial area. Each is to be developed based upon separate strengths and purposes. In order to achieve the expected success, the Englehart area must be clearly positioned in relation to other urban centres across the District.

To support the commercial base, downtown is to be developed as the centre of the Planning Area with the vitality of many different types of uses, building types and sizes, and human activities all within a condensed area. The downtown should be based upon a retail market, with a supermarket as the centre piece. In support of the retail, the downtown should be supported by a range of institutional uses such as a municipal office, a post office, a library, and various park-like settings. The downtown should also be supported by office development and higher density forms of housing development which creates the need for retail.

The downtown should be:

- (i) compact so as to be walkable, and not based upon the need for a car;
- (ii) an interesting place for people to arrive at, supported by inviting seating areas, with interesting signage, usable street furniture and attractive plantings, and wide sidewalks, usable for a mixture of activities;
- (iii) supported by a wide range of unique experiences that only downtown can provide such as dining out, theatres, farmers markets and other seasonal special events;

SECTION 2 - FUNDAMENTAL ISSUES OF THE PLAN

- (iv) a centre for an integrated transportation system which supports both local and regional travel modes; and
- (v) supportive of the maintenance and protection of the historical aspects of the Planning Area's development.

The highway commercial area should be supported by a range of uses based upon the need to attract those who require various forms of service commercial uses. The location of the highway commercial area along Highway No. 11, creates the opportunity to separate the special needs of tourists, local residents and resource based industrial businesses from the development assigned to the downtown.

The range of uses will be limited to the ability of the development to be compatible with the environmental concern of being within the wellhead protection zone for the Town of Englehart's water supply. The tourist service commercial uses may include a range of uses including food service and motels. The local service commercial needs may include warehouse facilities and home and business improvement displays and sales operations, while the resource based industrial businesses may include parts and distribution operations. Vehicle repair and sales, along with fuel sales are not encouraged within this area, however, they may be permitted, subject to environmental review.

The highway commercial area should be:

- (i) Limited to properties fronting both sides of Highway No. 11 from the Englehart River Bridge to Kap-Kig-Iwan Road, and from Fifth Street to the end of the Clarksville Neighbourhood, north of the Englehart town boundary, on the east side of the highway only;
- (ii) Developed with buildings fronting the highway, while parking is to be located at the rear;
- (iii) Well landscaped, particularly in the area where parking is to be provided;
- (iv) Developed with the inclusion of appropriate signage for the traveling public so as to advise of approaching intersections and major facilities within the Planning Area, while limiting the size and type of signs serving businesses located along the highway; and
- (v) Developed around service roadways which limit access for businesses directly to the highway.

The Business park:

- (i) The Town of Englehart has identified the need for a business park to attract potential developers and uses may include highway commercial, downtown commercial or industrial. The town of Englehart would like to see development on this designated area to help boost the economy of

the planning board area, bringing in businesses that would increase the work force compliment the towns present and future strategic plan

(b) SMART GROWTH PLANNING

Smart growth planning is the beginning of a recognition of the interdependency of land use, energy use, affordable housing, public health, social equity, and the supply of food. In response, public investment and growth policies must emphasized urban infill as an objective to maintain smart growth planning.

The encouragement to develop higher density type housing in and around the downtown commercial area supports several principles of smart growth. First it provides the opportunity to locate the aging population of the Planning Area within walking distance of major services. This leads to a reduction in the number of automobile trips taken with less carbon released into the atmosphere. Because residents would choose to locate in and around the downtown, they will, when walking, support public health objectives and create a market for a wider demand for the supply of (local) food.

As well, the development of infill housing and higher density development in the downtown area supports the use of existing municipal services without the need to expand services beyond its current coverage.

Smart growth is supported by a tremendous shift in attitudes and behaviour. High levels of consumer consumption have been winding down because of the recession, allowing many people to look for other ways to live. Also, the first wave of baby-boomers have reached retirement age, which is a major milestone. These factors created a demand, not for the suburban lifestyle, but higher denser urban living. This is supportive of aging residents, who will begin to lose their driver's licence, and are simply attracted to these new areas (higher density) to live, where walking is possible.

The Planning Board shall strive to present a positive and optimistic approach to planning and development, as a means to encourage and attract development. Most of the projected growth shall be accommodated within urban areas because of the presence and level of municipal services.

(c) PROTECTION OF RURAL LANDSCAPES

Overall the Planning Area is a mixture of rural landscapes, each of which requires special planning objectives and policies. These landscapes encompass multiple jurisdictions and resources, where residents have formally recognized their physical character and intrinsic values, and seek to conserve their unique qualities. This may include special landscapes such as lands with environmental concerns, or land, which have been identified as having a significant biological, geological, historical and/or cultural interest. By carving out these special places, it is possible to devote extra attention and resources to their care, and require government agencies to consider their character when planning, or spending money.

SECTION 2 - FUNDAMENTAL ISSUES OF THE PLAN

Today, the qualities that make protected landscapes special in the first place are being threatened. The most obvious threat is from the expanding needs of wealthy urban forces, who develop suburban lifestyles, colliding with nearby rural areas, whose economies still rely on land-based resources, such as productive farmland, aggregate and mineral extraction and forestry operations. Adding to this, is the loss of population in rural areas which cause major landscape changes, particularly the loss of productive farmland. At the same time, the pace and scale on demands within rural landscapes is growing, as the need to locate land uses, such as landfill sites, communication lines, gas utility corridors, aggregate and mineral extraction operations and changes in farming practices, increase.

By separating and identifying the special landscapes, this Plan should slow, if not mitigate, the economic and natural forces pressing on the rural landscapes. This Plan also provides a comprehensive approach for the adaptive reuse of rural landscapes, by structuring a process for valuing and protecting traditional landscapes in which residents continue to work and live, as well as play.

Within the rural landscape of the Planning Area, the following activities will be given special consideration:

- (i) Forestry will continue playing a major role in the local economy. Notwithstanding, planting development and harvesting of the forests will be generally inactive, within the Planning Area, during the planning period, employment within the forest industry will remain high through the need to supply the Englehart mill. International market demand will influence the success of the mill.
- (ii) Agricultural will continue playing a major role in the local economy. Cash-cropping is the most significant activity for agricultural production today. This may change over the life of this Plan, however, the identified primary farm production areas should continue to be protected.
- (iii) Aggregate extraction has had a limited impact on the economy, however, the need for this resource is expected to continue at its current production rates. Mineral exploration and future extraction will continue to be of interest for the economy of the Planning Area. International market demand will dictate the need for exploration and production of minerals;
- (iv) Various natural heritage features and areas and areas of cultural heritage value or interest are found within the Planning Area, such as the varying topography, lakes and rivers and natural habitats will continue to influence economic activities and land use decisions throughout the
- (v) Planning Period. By expanding and renewing these activities, the Planning Area should experience new employment opportunities and higher assessment values. Specific opportunities exist through expanding activities such as recreating, leisure vacations, hunting, fishing, boating

SECTION 2 - FUNDAMENTAL ISSUES OF THE PLAN

and snowmobiling, as the public and private sectors of the economy continue to develop and demand new facilities and activities;

- (vi) All development must recognize the need to be separated from identified significant sensitive features and constraint areas. In some cases, development will be asked as a condition for approval, to protect, maintain and/or improve the sensitive features and constraint areas; and
- (vii) Development must also recognize the presence of the various types of identified hazards or constraints. Development should be planned in harmony with these features so as to mitigate potential harm to the development, arising from the feature. Development will only occur where careful examination of environmental issues and servicing arrangements, which includes water, sewage disposal and storm drainage, is undertaken.

Development proceeding after investigation, shall be coordinated with and facilitate implementation of related servicing strategies, watershed plans, ground water protection objectives and remedial action plans.

(d) FINANCIAL CONTROL:

It shall be the individual Council's responsibility to control municipal expenses by prohibiting development which places a financial burden on themselves. They shall plan and implement municipal service and facility improvements in accordance with the policies of this Plan, as they relate to their financial capabilities and priority ranking.

It shall be an objective to plan for a Planning Area that is socially, economically, environmentally and culturally healthy, particularly within the current combined conditions of slow economic growth and rising costs, together with the expected demographic changes. This may be accomplished through maximizing the efficient use of land and infrastructure, and through improvements and upgrading of public services and facilities, including shared services and facilities between neighbours and community partners. The Planning Board, through the individual municipalities, shall only recommend proposals which they determine provide sufficient revenues from the development to cover any projected expenses associated with the proposal.

(e) POPULATION PROJECTION:

This Plan provides for a population projection for the Planning Area of approximately 2,936 persons by 2026. The individual municipalities are expected to reach targets as follows:

- | | | |
|------|-----------------------------|-------|
| (i) | The Town of Englehart | 1,483 |
| (ii) | The Township of Chamberlain | 278 |

- (iii) The Township of Evanturel 512
- (iv) The Municipality of Charlton and Dack663

The Plan's population projection shall be accommodated primarily in the form of infilling and higher density within the existing serviced areas in the Englehart area and the Municipality of Charlton and Dack as shown on Schedule 'B'. A limited portion of the growth will be directed to the rural portion of the Planning Area, however, development there will be dictated to by the location of land use constraints such as topography, the presence of hazards and servicing limitations, as well as, the location of resources. Development will only occur where servicing can be accommodated to minimize the overall impact of the development on the environment and resources.

(f) PROVINCIAL POLICY STATEMENTS AND OTHER OBJECTIVES:

This Plan recognizes the role and importance of the Provincial Policy Statement in the future development of the Planning Area. Each Municipality shall ensure that all decisions and advice that affect a planning matter are consistent with the Statement and other related Provincial Guidelines in the planning and development of the Planning Area.

Where the Ministry of Municipal Affairs and Housing is the Approval Authority and the policies of this Plan require consultation with government ministries for development applications under the Planning Act, the applicable Municipality and/or the applicant shall consult with the Ministry of Municipal Affairs and Housing, since the Ministry is responsible for the identification of provincial issues and collection of opinions from ministries within the one-window planning system.

Where the Municipality is the approval authority and the Official Plan has been drafted to require an evaluation or other action by one or more provincial ministries, it is a Municipality's responsibility to ensure the final decision is consistent with Provincial policies.

All decisions that affect a planning matter shall be consistent with existing and future Provincial Policy Statements and Provincial Guidelines which develop the principals of the Provincial Policy Statement. Development shall occur where assurance has been given that provincial concerns are recognized and implemented in an orderly manner.

SECTION 3 SERVICE POLICIES

(1) WATER SUPPLY AND SEWAGE DISPOSAL

Where a study identified herein is required for a development application, such study shall be prepared by, and at the expense of, the Applicant, in accordance with the appropriate requirements, for review and approval by the Approval Authority.

(a) PUBLIC PIPED SERVICES:

Full public piped services shall be the preferred choice for servicing development. For areas proposed to contain full public piped services, they shall be provided in accordance with the following policies.

Within the Town of Englehart, there are both an existing public piped water system and an existing public piped sewerage system. All land within the boundary of the Town shall be serviced based upon this pattern.

Within the Township of Evanturel, no public piped services are provided by the Municipality, however, both public piped water and public piped sewerage extends from Englehart to select areas of the Township, and are maintained as private lines. The areas include a portion of the frontage for Highway No. 11, from the river to the Third Street intersection, containing primarily commercial uses, and along Tenth Avenue, containing residential uses.

For parts of this area, individual agreements have been entered into between property owners and Englehart. In recognizing the most developable lands for highway commercial uses in Evanturel, both public piped water and public piped sewerage systems should be provided, subject to a working agreement between the municipalities. The agreement should contain a clause which provides for the assumption of the service lines, by the host municipality.

Although not a preferred means of servicing development, parts of the Municipality of Charlton and Dack, and parts of the Township of Evanturel, outside the highway commercial area, have public piped water only. These residential areas should continue to be served by water only, and infill development shall be encouraged for those areas to obtain the maximum benefit of the system, without the need to extend the main lines.

The townsite of Charlton has an existing public piped water system. In addition, there are eight areas on the boundary of Englehart being extensions of the Englehart public piped water system. Of the eight areas, only the Bradley Subdivision, in Charlton and Dack, is a public system. An agreement is in place for this service line between the municipalities. A second area, the Clarksville Neighbourhood, in Charlton and Dack, and six areas in Evanturel have private water systems. Each of these systems should have an agreement between the municipalities, and contain a clause for assumption of the service

SECTION 3 - SERVICE POLICIES

lines by the host municipality.

(i) The boundaries of the service areas are shown on Schedule B hereto, and for the purposes of this plan, are to be considered settlement areas as per the Provincial Policy Statement. The service area may only be expanded at the time of the 5-Year Review as described in Section 9(4) of this Plan, or by an amendment as described in Section 9(5) of this Plan, which is based on a review of population and growth projections, considers alternative directions for growth, determines how best to accommodate this growth while protecting provincial interests, and considers impacts on neighbouring municipalities. In either case, it must be shown that:

1. Sufficient opportunities for growth are not available through intensification, redevelopment or development within the existing serviced area to accommodate the project needs over the planning horizon;
2. The infrastructure and public services facilities which are planned or available are suitable for the development over the long term and protect public health and safety;
3. In prime agricultural areas, there are no reasonable alternatives which avoid prime agricultural areas and there are no reasonable alternatives on lower priority agricultural lands; and
4. Impacts from new or expanding settlement areas on agricultural operations which are adjacent or close to the settlement are mitigated to the extent feasible.

(ii) Service Area

Within the boundaries of the service areas shown on Schedule B where public piped services are provided each municipal Council shall prepare a By-law in accordance with the Municipal Act 2001, S.O. 2001, as amended, to designate an area where sewage and/or water rates shall apply. Such an area shall be known as the "service area".

For those areas currently provided with a private piped water system, it is anticipated that once a working agreement has been entered into and the assumption of the service lines by the host municipality has been finalized, the designation described above will be completed.

In the interim, for those areas that are within the boundaries of the service area shown on Schedule B but without a working agreement between the municipalities, the following policies shall apply:

1. Development on the basis of the existing private piped services shall be prohibited unless Englehart considers it in the public interest to

SECTION 3 - SERVICE POLICIES

permit new connections for highway commercial uses containing both public piped water and/or public piped sewerage systems through an agreement directly with the property owner.

2. Where one or two new residential lots are proposed to be created, they may proceed on the basis of individual water and sewage services. Conditions of approval and/or zoning will be imposed where feasible to restrict the placement of buildings, structures and septic beds so as to permit the future subdivision of the land and connection to the water and/or sewerage systems when the working agreement comes into effect.
3. Where 3 or more residential lots are proposed to be created, development may proceed on the basis of either individual water and sewage services or communal water and/or sewerage systems, subject to the results of a Servicing Options Study prepared by the Applicant in accordance with the Ministry of the Environment Guideline D-5-3. A maximum of five lots shall be permitted on the basis of individual water and/or sewerage services. Conditions of approval and/or zoning will be imposed where feasible to restrict the placement of buildings, structures and septic beds so as to permit connection to the water and/or sewerage systems when the working agreement comes into effect.

(iii) Service Capacities

The Council of the Town of Englehart shall maintain up-to-date records on the available capacity of its sewage treatment facility and related collection facilities, as well as, their water supply system and related distribution facilities, in accordance with the Calculating and Reporting on Uncommitted Reserve Capacity at Sewage and Water Treatment Plants, from the Ministry of the Environment Guideline D-5-1. The Council of the Municipality of Charlton and Dack, for the townsite of Charlton, shall also maintain up-to-date records on the available capacity of their water supply system and related distribution facilities.

In this regard, it shall be the appropriate Council's responsibility for tracking, reporting and allocating uncommitted reserve capacity of its system(s) for new development.

Once a working agreement has been entered into and the assumption of the water distribution facilities by the host municipality has been finalized for service from Englehart, it will be Englehart's responsibility to share its records with the host municipality for future planning purposes.

(iv) Service Connections

Within a designated service area, the applicable municipal Council shall require all new development to connect to such services.

SECTION 3 - SERVICE POLICIES

Prior to approving a development application within a designated service area, the Approval Authority shall, as a condition of approval, ensure that the developer enters into an agreement to connect to such services.

(v) Servicing Responsibilities

Planning Board should regularly review the capacity records of the municipalities, and anticipate and provide direction for needed sewage treatment and water supply capacities to accommodate the growth and development objectives outlined in this Plan.

It shall be the individual Council's responsibility to introduce conservation methods which increase a service's capacity. This shall be planned and adopted on an ongoing basis. As part of this strategy, Englehart shall, where necessary, separate storm drainage flows from the sewerage collection system.

Englehart Council intends to continue their plan to replace main collection and main distribution facilities. At the same time, they plan to separate the location of collection and distribution lines, subject to funding and appropriate approvals for construction.

Charlton and Dack Council intends to review the costs for replacing the Clarksville Neighbourhood private water distribution line with a new public service, subject to an agreement being reached with Englehart, funding and appropriate approvals for construction.

In the longer term, Evanturel Council intends to review the costs of taking over the six private water distribution services and the private sewerage collection service, and, where necessary, replace the systems with new public services, subject to an agreement being reached with Englehart, funding and appropriate approvals for construction.

(vi) Servicing Standards

Based upon the policies of this Plan, it shall be the responsibility of the applicable Council to plan servicing facilities which maintain or enhance the quality of the natural environment when accommodating growth. It shall be the responsibility of developers to ensure that services are constructed to the standards and specifications set from time to time by Council, in conformity with general engineering practices, fire underwriters' standards and in accordance with applicable Municipal Class Environmental Assessment.

(vii) Water Supply Protection

It shall be the responsibility of all Councils to ensure that land uses which could pose an environmental concern to their water source are prohibited from the immediate area of their water supply sites. A list of activities

SECTION 3 - SERVICE POLICIES

that may be considered a threat to drinking water are included in the Clean Water Act 2006, S.O. 2006, as amended.

A study has not been completed for Charlton and Dack as they draw their water from the Englehart River. Therefore, a wellhead protection zone may not be defined. Notwithstanding the lack of a study and a defined protection area, land uses within the townsite of Charlton should be reviewed similar to Englehart, within known environmental parameters.

The location of the municipal water supply sites and the extent of the wellhead protection zone for Englehart is shown on Schedule B hereto.

Within the wellhead protection zone, proponents of land uses which could pose a threat to drinking water may be required to submit some or all of the following information. The cost of this information and any required peer review would be borne by the application:

1. A description of the proposed activities and operations to be conducted on-site, including the substances and their quantities to be used or stored;
2. A detailed hydrogeological report, prepared using protocols acceptable to the Ministry of the Environment, which predicts the net groundwater quality impacts on the municipal well, and addresses cumulative impacts. This may also include mitigating measures for the design, construction and post-construction monitoring of the proposed uses; and
3. A spill prevention and contingency plan which outlines measures, facilities, and procedures to avoid and mitigate the effects of spillage of any contaminants.

(b) COMMUNAL SERVICES:

Consideration may be given to residential development proposals on the basis of communal water and/or sewage systems as per policy 3(1)(a)(ii) of this Plan.

Consideration shall only be given under special circumstances to non-residential development proposals on communal services, where a Servicing Options Study has been prepared by the Applicant, in accordance with Ministry of the Environment Guideline D-5-3. The Study is to be reviewed by the Planning Board, to ensure compliance with this Plan, and the applicable municipality before any approval is given for a proposed development. Specifically, the applicable Council will need to be satisfied that pressure for public assumption will not result and that the development will not create a problem from an environmental perspective. As part of an approval, and prior to construction of any communal system, the developer shall provide the Municipality with a bond to cover anticipated costs, in case of a default, for a stated period of time.

SECTION 3 - SERVICE POLICIES

All communal services shall be operated and maintained in accordance with Ministry of the Environment Guidelines. The communal water and/or sewage system shall be designed and constructed to a standard acceptable for approval by the Ministry of the Environment. The proponent shall enter into a responsibility agreement with the Municipality whereby the Municipality would assume responsibility for the maintenance and/or assumption of the system in the advent of a default by the property owner. The Municipality may use Ministry of the Environment Guideline D-5-2 in establishing the requirements and terms of a responsibility agreement.

(c) INDIVIDUAL PRIVATE WATER AND SEWERAGE SYSTEMS:

Although, not considered the preferred means in which to service new development, but based on large portions of the Planning Area being rural in nature, individual private water and sewerage systems will be utilized to accommodate a portion of the new development projected for the Planning Area.

For new development applications outside service areas, the Approval Authority may consider individual private services in accordance with the following policies.

To improve environmental conditions within the Planning Area, Councils shall actively encourage the participation of residents in any senior level government programs designed to upgrade or replace stressed or substandard individual water supplies and/or sewerage systems. As well, Councils shall consider the proactive review of all private sewerage systems through special initiatives, in areas under stress, or where substandard systems are identified.

All servicing studies required herein, shall be prepared by, and at the expense of, the Applicant. This Plan requires all development proposing private water and sewage disposal systems be approved by the local Health Unit in accordance with the Ontario Building Code and/or the Ontario Water Resources Act, as amended.

(i) Water Supply Systems

Each proposed water source and supply system shall meet the applicable quality and quantity guidelines of the Ministry of the Environment and the Ontario Drinking Water Standards.

In order to demonstrate sufficient quality and quantity of water for multi-lot development or a large water-user, a Water Supply Assessment shall be prepared in accordance with the Ministry of the Environment Guideline D-5-5. The assessment shall be reviewed and approval by the Approval Authority, prior to an approval being given to the proposed development.

New residential shoreline development, serviced by an individual private water system, requires a minimum lot area of one hectare with 45.0

SECTION 3 - SERVICE POLICIES

metres frontage, in accordance with the local Health Unit standards. Proposed industrial development requiring large quantities of water will require an amendment to this Plan. Appropriate technical studies shall be submitted to the Approval Authority, and once the planning decisions, permitting the land use is in effect, permits for the Taking-of-Water may be issued.

(ii) Sewage Disposal Systems

All development proposing a private sewerage system shall be reviewed by the local Health Unit, in accordance with the Ontario Building Code and/or the Ontario Water Resources Act, as amended, for the purpose of approving the proposed system. A private sewerage system handling more than 10,000 litres per day, shall require the approval of the Ministry of the Environment in accordance with its Guideline B-7, by way of a Certificate of Approval pursuant to the Ontario Water Resources Act, as amended, and confirmation that there is adequate capacity at the receiving sewage treatment facility for this septage.

The need for the installation of new individual sewerage systems shall be reviewed by way of application reviews and site inspections, by the local Health Unit, or where necessary, the Ministry of the Environment.

Where a private sewerage system is proposed, the preferred method shall be a conventional leaching bed system. Other types of sewerage systems may be installed where poor percolation tests are encountered, subject to local Health Unit approval. For all new development, the Approval Authority shall also require the Applicant to provide written verification from a local sewage hauler that he has capacity to remove and dispose of the development's septage waste in accordance with the applicable environmental laws of Ontario.

If, in the opinion of the local Health Unit, or where applicable, the Ministry of the Environment, a site contains unsuitable soil, drainage, or other conditions which could adversely affect the operation of the proposed sewerage system, soil and similar tests by a competent authority shall be prepared by the Applicant, before approval will be given for the proposed system.

Only dry industries, which do not require large amounts of water, generally considered those handling less than 4,500.0 litres per day, for disposal and treatment of domestic waste of employees, but not for the processing, cooling, washing, or manufacturing shall be allowed on an individual private sewerage system. Systems of this size require approval of the local Health Unit.

Where there has been a concentration of development in one area and an Approval Authority anticipates that additional development on an individual, private sewerage system will create a negative, cumulative

impact on an area, new development in that area will be subject to a Hydrogeological Assessment, prepared by a qualified Hydrogeologist, as part of a Water Quality Impact Risk Assessment, in accordance with the Ministry of the Environment Guideline D-5-4.

(iii) Large Developments

For all development proposing five or more lots/units, a Servicing Options Study is required to be prepared by the Applicant, in accordance with the Ministry of the Environment Guideline D-5-3. Notwithstanding the options available, a private communal service shall not be accepted as an option for residential development. This Study will examine the various methods of servicing, and make a recommendation as to the type of servicing to be used. The Study will be prepared for review and approval by the Approval Authority, for the processing of a development application.

Where a large development is approved to proceed on individual, private sewerage service, a Water Supply Assessment Report, Guideline D-5-5, shall be required to be prepared by the Applicant, for approval by the application's Approval Authority. The Report should demonstrate potable ground water quality, adequate groundwater yields and negligible groundwater quality interference in accordance with the D-5-5 Guideline.

As well, it will also be necessary to have prepared by the Applicant, for approval by the Approval Authority, a Groundwater Impact Assessment, as part of a Water Quality Impact Risk Assessment, in accordance with the Ministry of the Environment Guideline D-5-4. This Assessment will be required to determine among other things, the minimum lot size necessary to support a septic system.

For developments proposing an individual, private sewerage system, which handles more than 10,000 litres per day, a Hydrogeological Impact Report shall be required. The Report shall demonstrate soil suitability, including sufficient available area for the effluent treatment and the site's suitability for the development. The Report shall be prepared by the Applicant, and be submitted for review and approval of the Ministry of the Environment in accordance with its Guideline B-7, by way of a Certificate of Approval pursuant to the Ontario Water Resources Act, as amended, prior to construction.

(2) SOLID WASTE DISPOSAL

(a) ACTIVE AND CLOSED SITES:

Each of the municipalities has their own waste disposal site, with only the Township of Chamberlain being located with the Planning Area.

The Chamberlain municipal site is located in part of Lot 2, Concessions III.

SECTION 3 - SERVICE POLICIES

Outside the Planning Area are, the Town of Englehart municipal site, located in the north half of Lot 9, Concession IV, geographic Township of Marter; the Charlton and Dack municipal site, located in the north half of Lots 8 and 9, Concession II, geographic Township of Robillard; and the Evanturel municipal site located in the north half of Lot 9, Concession V, geographic Township of Ingram.

There is, within the Planning Area, an active private waste disposal site located in part of Lot 1, Concession V of the Municipality of Charlton and Dack. As well, there is an unopened private waste disposal site located in part of Lot 12, Concession VI, Township of Evanturel, and a private site east of First Street, just north of the railway lines, which has been inactive for a number of years, but never closed.

There are also two closed, municipal waste disposal sites within the Planning Area. The Charlton and Dack site is located in part of Lot 10, Concession IV. This site was closed in 1974. The Englehart site is located along the Englehart and Evanturel boundary at the north end of the Town, east of First Street. This site was closed in 1976.

(b) OPERATION:

Each Municipality shall continue to use its existing disposal site for domestic, commercial and non-hazardous solid industrial material, while the Englehart site can also be used for spill cleanup material, in accordance with the Environmental Protection Act and Certificate of Approvals issued by the Ministry of the Environment. Waste shall not be disposed of by a Municipality in any other location, until that site has first been approved by the Ministry of the Environment.

Each Municipality shall as a means of extending the life-expectancy of their existing site, review on a regular basis the Operations Plan. This review shall monitor the cost structure and life-expectancy of a site. To assist with the use of a site, each Municipality shall review the Cochrane Timiskaming Waste Management Board Recycling Plan and the recommendations of such Plan shall be implemented in conjunction with the disposal site's Operations Plan.

(c) DEVELOPMENT IN AND AROUND SITES:

In no circumstances, shall development be permitted within 30 metres of the fill area of a site. As well, Council shall require a Land Use on or Near Landfills and Dumps Report, in accordance with the Ministry of the Environment Guideline D-4, to review development applications, or expansion of existing uses, proposed within 500 metres of these sites because of potential hazards. Council shall also undertake such reviews for development applications, or expansion of existing uses, where significant impacts are encountered at, or beyond, 500 metres.

The Report shall be prepared by, and at the expense of, the Applicant, and

SECTION 3 - SERVICE POLICIES

submitted for review and approval by the Ministry of the Environment. The information required may deal with one or more of the following areas of review:

- (i) Ground water quality;
- (ii) Drainage from the waste disposal site;
- (iii) Gas migration potential;
- (iv) Animal pests;
- (v) Noise; and

- (vi) Air quality.

In accordance with the Planning Act, should the applicable Council conclude that the proposed development is subject to any one of the above-noted conditions, the application shall not be approved unless effective remedial measures are available and will be undertaken by, and at the expense of, the Applicant, in accordance with the approval conditions. Where approval is to be given, the applicable Council shall require an amendment to this Plan.

Development on a former disposal site, shall require an approval issued by the Minister of the Environment, in accordance with the Environmental Protection Act, as amended. Sites will be restored, as necessary, prior to any activity on the site associated with the proposed use, such that there will be no adverse effect.

Development on sites within 500 metres of a former disposal site, will be permitted only if a technical assessment, to determine the appropriateness of permitting the proposed use through the identification of potential impacts and identification of any necessary mitigation measures to address those impacts, are approved. a larger influence area may be required, if known data supports the concern that impacts may be evident beyond the accepted 500 metre distance. A larger influence area may be required, if known data supports the concern that impacts may be evident beyond the accepted 500 metre distance.

The actual setback distance shall be determined by the Environmental Impact Assessment Report and set out in the implementing Zoning By-law.

(d) FUTURE SITES

Each of the active municipal disposal sites shall be monitored on a regular basis in accordance with Ministry of the Environment Guidelines. Only the Charlton and Dack, and Ewanturel sites can accommodate wastes throughout the planning period without changes. Chamberlain has a number of years left before it should commence a study to replace the existing site. It is estimated that around 2015, Chamberlain should begin its search for a new or expanded site. Englehart needs to commence studies now to replace or expand its site, which is to expire in 2015.

Should circumstances change which shorten the life-expectancy of the existing site, each Municipality shall, at least five (5) years prior to reaching the approved capacity, undertake studies for expansion of their existing site. Each of the properties owned by a Municipality can accommodate further expansion beyond that which is currently approved.

New operations require approval of the proposed site by the Ministry of the Environment as to the location, characteristics of the operation, buffer planting and screening, etc., in accordance with the Ontario Water Resources Act, as amended, the Environmental Protection Act, as amended, and the Environmental Assessment Act, as amended, and Regulations thereunder.

Municipalities shall require all new sites to be of sufficient size to permit a minimum 30-metre setback from the property line to the fill area of a site.

(3) ROADS

(a) FUNCTION:

Each Council shall work to ensure that their municipal road system meets the needs of the residents for the satisfactory movement of people, goods and through traffic. These road systems shall be developed recognizing the importance of the Provincial highway system being able to function, and the interrelationship of the Provincial system to each Municipality. As well, each Council shall work cooperatively with the other municipalities to provide linkages between the various road systems.

The Provincial and municipal road systems have been reviewed in relation to the projected growth for the Planning Area. The road systems meet the needs of the Planning Area to accommodate the projected growth discussed herein, during the planning period.

Select roadways shall serve various functions within the municipalities. It is intended that identified roadways shall serve the public as both a vehicular driving surface, and a pedestrian walking/cycling surface. Landscape design and signage controls are also part of a roadway's function. Roadways providing these functions shall be referred to as complete streets. The introduction of a pedestrian walking/cycling surface, and landscape design and signage controls to a roadway's function are more than just the addition of a recreational amenity. Complete streets have attracted new businesses, tourists, and home developers in other communities. These functions have improved air and water quality, and they boost the health of a community by encouraging people to get outside and exercise.

(b) JURISDICTION AND RESPONSIBILITY:

It shall be the responsibility of the Province to adequately maintain and improve, where necessary, that portion of Highway No. 11, and Secondary Highway Nos. 560, 569, 573 and 624 within the Planning Area. All other existing roads within the Planning Area, except privately owned roads, shall be the responsibility of the appropriate Council.

Highway No. 11 and the Secondary Highways shall be designed and maintained in accordance with Ministry of Transportation standards, taking into consideration the need for municipal roadways to interconnect with the highways. Municipal roads shall be designed and maintained in accordance with municipal standards and other policies of Council, while taking into consideration the need to connect to Highway No. 11 and the Secondary Highways, following Provincial design standards for such intersections.

Each Council shall protect the continued existence of their road system through the rehabilitation of roadway corridors and by selecting appropriate, compatible land uses adjacent to such roadway corridors.

(c) ACCESS TO DEVELOPMENT:

The development of land shall be permitted only where access to and frontage on a road classified as "improved" is available, or established as a condition of the development approval. An improved road designation means a road open and maintained year-round by a public road authority.

Access to an improved road under Provincial jurisdiction shall be subject to Ministry of Transportation issuing an entrance permit, and for an improved road under municipal jurisdiction, it shall be subject to the applicable Council issuing the permit.

A Council shall refuse approval to applications for development of land requiring access to any road classified as "not improved". The classification, not improved, means such roads are not maintained year-round and/or maintained by a public road authority. It is not intended that these roads will be assumed by the municipality, unless it is clearly in the public interest and meets established policy for standards for assumption. No responsibility for the provision of access, snow removal, maintenance or use by school buses, or emergency vehicles, on a seasonal or year-round basis is acknowledged by Council for a road classified as not improved.

Prospective developers shall consult with the Ministry of Transportation early in the planning stage to ascertain permit requirements and areas of interest to the Ministry.

Where development proposes to locate adjacent to a Provincial Highway, or Secondary Highway, specific permits and/or approvals from the Ministry of

SECTION 3 - SERVICE POLICIES

Transportation, in accordance with the Public Transportation and Highway Improvement Act, as amended, will be required for any buildings and structures or signs to be constructed on land within the Ministry's jurisdiction. These permits and/or approvals must be obtained prior to an access to the highway being established and construction commencing.

For home occupations, home professions and home industries located adjacent to provincial highways, the Ministry may require various approvals and permits. As a condition of these approvals and permits, the Ministry may require the property owner to acknowledge the use of their existing entrance cannot be converted to a commercial entrance in the future, or that additional entrances will be permitted to accommodate the uses. The Ministry does not support a future severance that would result in a separate entrance for the business and one for the retained parcel.

Where an access permit, approved by the Ministry, is in effect, any change of ownership for the subject lands fronting on the highway, requires a new permit agreement.

(d) IMPLEMENTATION:

The location of roads classified as "improved" or "not improved" shall be identified in each of the individual Zoning By-laws. Improved roads shall include Provincial Highway No. 11, Secondary Highways and municipal roads maintained year-round. Other roads shall be classified as not improved.

Where an individual requests the addition to, or extension of, an improved road, or the reclassification of a not improved road to an improved road, such addition or extension, or reclassification shall be justified by a detailed study of the planning, financial and legal implication of the proposal on the applicable Corporation. The Study shall be prepared by, and at the expense of, the Applicant.

Where Council considers it appropriate, in that it is clearly in the public interest and feasible, the road will be assumed by Council and maintained on a year-round basis following incorporation into its road network. No Official Plan Amendment is required, however, an amendment to the applicable comprehensive Zoning By-law is required.

New municipal roads, and roads to be assumed by a Municipality may be subject to an Environmental Assessment in accordance with the Municipal Class Environmental Assessment Guideline set out in the Environmental Assessment Act, as amended.

A Council may impose conditions, through agreements, regarding the standards for development of such roadways based upon the study recommendations for the particular road. All conditions must be met prior to any land use development taking place. In those situations where Council does not wish to assume the road into its network, no development shall take place on a not improved road, except for those circumstances exempted by this Plan.

(e) LAND ACQUISITION FOR ROAD PURPOSES:

Where land is required for road widening, road extensions, rights-of-way, prevention of landlocked parcels, bridge construction, intersection improvements, signage and/or buffering, it shall be obtained for the appropriate agency in the course of approving land severances, plans of subdivision or condominium and development applications.

Neither the Province, nor the Municipality, has designated areas where acquisitions are required for the existing roadway system.

(f) IMPROVEMENTS:

Studies may be required by an Approval Authority, in the process of approving an application for development, to consider the future requirements for a roadway, the built environment, the land use compatibility and general safety of the roadway design. As well, it will be necessary to take into account scenic features and natural attributes of adjacent lands, specifically trees, vistas and scenic areas, which may be on or near a road allowance.

Areas of interest that may need to meet the satisfaction of the Ministry of Transportation prior to the issuance of permits may include, but not necessarily be limited to, geometric and safety requirements, traffic reports, grading and stormwater management, site layout, site servicing, exterior illumination and signage.

In order to maintain a satisfactory road system and to improve the general safety of the system, each Municipality shall pursue programmes to maintain their roads in a good, safe state of repair and undertake intersection, drainage and crossing improvements, when required. Each Council shall prepare a 10-Year Capital Improvement Plan to implement roadway rehabilitation and improvements and pursue government capital improvement projects in accordance with the Plan.

In preparing the Plan, each Council shall consider:

- (i) improvements in the form of improved road alignments, surfaces, roadway widths and the establishment of adequate road allowances;
- (ii) improvements in the form of establishing sight triangles, regulation of turning movements, proper signage and lighting. No development of land shall be approved in close proximity to a scheduled intersection improvement, until the improvement has been sufficiently designed to determine the land required for such improvement;
- (iii) improvements in the form of surface drainage paths for storm drainage runoff, particularly in areas outside the service areas. Local storm out-falls should be constructed as required;

SECTION 3 - SERVICE POLICIES

- (iv) replacement, or where necessary introduction of new road surfacing in conjunction with planned municipal piped services improvements, within Englehart; and
- (v) replacement, or where necessary introduction of sidewalks/pedestrian paths for walking or cycling, street lighting, landscaping, and road signage, particularly where the roadway has been identified as a complete street.

The list of designated complete streets is as follows:

EVANTUREL

- (i) Kap-Kig-Iwan Road from the Boundary to the Provincial Park.

CHARLTON AND DACK

- (i) Lake Shore Avenue from the west end to Station Street;
- (ii) Station Street from Lake Shore Avenue to Rock Street;
- (iii) Rock Street from Station Street to Agnes Street;
- (iv) Agnes Street from Rock Street to Highway No. 573; and
- (v) Highway No. 573 from Agnes Street to Highway No. 560.

ENGLEHART

- (i) First Street from Sixth Avenue to Seventh Avenue;
- (ii) Third Street from Third Avenue to Tenth Avenue;
- (iii) Fifth Street from Third Avenue to Highway No. 11;
- (iv) Third Avenue from Third Street to Fifth Street;
- (v) Fifth Avenue from Third Street to Fifth Street;
- (vi) Sixth Avenue from First Street to Fifth Street;
- (vii) Seventh Avenue from River Road to First Street;
- (viii) Tenth Avenue from River Road to Third Street;
- (ix) Railroad Road from First Street to Third Street;
- (x) River Road from Seventh Avenue to Tenth Avenue; and

- (xi) Kap-Kig-Iwan Road from Highway No. 11 to Boundary.

(4) UTILITIES AND PUBLIC SAFETY

(a) CORRIDOR PLANNING:

The Planning Board shall ensure that residents are aware of any new proposals for utility corridors, in or abutting the Planning Area. For proposed developments, which are in the vicinity of such facilities, the appropriate Council shall ensure the development is designed so as to reduce potential conflicts between the proposed use and existing facilities, through the use of separation distances.

Where land is required for utility easements, such as water and sewerage lines, or telephone, gas and hydro lines; the land shall be obtained as a condition of approval by the Approval Authority, for the requesting agency, as a condition in the course of granting consents for land severances, or approving plans of subdivision or condominium, and other development applications.

(b) REQUIREMENTS FOR DEVELOPMENT:

Before giving its approval to any development proposal, the Approval Authority shall be assured by the specific agency that utilities, fire protection and police protection necessary to serve the proposed development will be provided without placing undue financial obligations on taxpayers. When small-scale development is proposed, such as that resulting from land severance activity or infill development, the proposed development should be located in an area where such services already exist and need not be extended, and are economically feasible to maintain.

(5) SCHOOLS

(a) ACCOMMODATION PLANNING:

Each of the local school boards having jurisdiction in the Planning Area shall determine the size, timing and location of required new educational facilities, additions to existing facilities, or the need to close an existing facility. The result of the findings shall be shared with the Planning Board, since any of these changes will impact the policies of this Plan. When a Board completes a long-range accommodation planning process, the recommendations should implement, through an amendment to this Plan, new policy direction.

(b) REQUIREMENTS FOR DEVELOPMENT:

Before any development generating new residential housing is approved, the appropriate Council shall be assured by the various boards that the necessary

accommodation and required school busing will be provided to serve the proposed development.

Based upon the growth projections for the planning period, to be accommodated within identified growth areas, the various school boards should be able to accommodate the required development within their existing facilities and on their existing bus routes, without further additions.

(6) PARKS AND RECREATION

(a) PARKLAND PLANNING:

The applicable Council shall recommend to the Approval Authority, where appropriate, as a condition of approval for the division of land under Section 51 or Section 53 of the Planning Act, that the owner conveys 2% of such land for park or public recreational purposes in the case of land proposed for commercial or industrial purposes, and 5% in all other cases.

In most cases, a Council will recommend to the Approval Authority, payment of money to the value of the land otherwise required to be conveyed in lieu of such conveyance. The amount of the payment to the value of the land shall be determined in accordance with the provisions of Sections 51 and 53 of the Planning Act. All monies collected by the Corporation shall be used in accordance with Section 42 of the Act.

The basis for open space planning within the Planning Area, is that there needs to be change. For this change, there needs to be recognition of things like climate change and air quality as part of the planning. Collectively, the Planning Board needs to recognize that to stay competitive, it must maintain a high quality of life, and that means investing in parks.

Development of parks within the Planning Area shall take place in accordance with an orderly and managed plan. Due to the rural nature of much of the Planning Area and the topography and constraints on the land, limited land for active parks or public recreation purposes will be required. Each Council shall consider the needs of the residents.

Parkland shall consist of active and passive spaces, including accessory buildings and structures; walkways; landscaped areas around major facilities; scenic areas; and areas with natural interest features. Passive parks may take the form of walking trails, snowmobile trails, riding trails, conservation areas, wilderness areas and similar passive recreational uses. Active parks may take the form of playing fields, active facilities such as the arena, community centre, play fields and playgrounds.

Urban service area parks shall be organized on a neighbourhood planning basis. Each neighbourhood shall be provided with parkland of sufficient size to accommodate a balance between both active and passive spaces for children

SECTION 3 - SERVICE POLICIES

within the specific neighbourhood. Each neighbourhood park site should be linked to a higher order community park area. Where the land is not available to form linear walking paths, the applicable Council shall utilize a roadway, which has been designed to accommodate a walking surface, or bike path, as part of its design.

A system of interconnected open spaces improves air and water quality, reduces the urban heat island effect, conserves energy, restores streams and habitats, and provides outdoor amenities.

Rural areas shall be organized around special features which provide for passive recreation and/or tourism opportunities. Where a landowner wishes to protect and preserve lands considered sensitive, the applicable Council may recommend conveying such land to trusts or conservation organizations, if they are not capable of purchasing or maintaining such land themselves.

Lands having environmental or hazardous problems are generally not acceptable in these situations, however, a Council, on recommendation to the Approval Authority, may accept such land where it protects and preserve a site or area considered sensitive, in accordance with policies of Section 5(2) (a) (ii) of this Plan. Where a watercourse adjoins such lands, adequate space for access to the lands shall be provided for maintenance and operation purposes.

Where any lands identified as parkland is under private ownership, this Plan does not intend that such lands will necessarily remain as such indefinitely. It shall be construed as implying neither that such areas are free and open to the general public nor that such lands will be purchased by the applicable Municipality or other public agency. If the Municipality, or other public agencies, do not wish to acquire these lands at the time when application for their redesignation for other purposes is duly completed and submitted, then such applications may be given due consideration by the Municipality. There is no public obligation, however, either to redesignate or to purchase any land if there is an existing restriction to development.

(b) **PARKLAND REQUIREMENTS:**

Within the urban service areas, two specific sites will form the centre for parks and recreation initiatives. For the Town of Englehart area, the grouping of the major sports fields and recreation facilities in the area of Fifth Street and Highway No. 11 will be the focus area. Neighbourhood parks should connect with this community park. For the townsite of Charlton, the marine dock, municipal beach and boardwalk along the waterfront on Long Lake, from the dam site to the municipal beach, will be the focus area. Major services and facilities will continue to be consolidated within these (higher order) community parks.

For the parks and facilities within the urban service area, the following improvement items shall be considered:

SECTION 3 - SERVICE POLICIES

- (i) Allocating monies to provide for the upgrading and maintenance of the existing parks and recreational facilities. The community park properties may require landscape improvements, including screening and buffering; lighting improvements; drainage upgrading; and equipment replacement or upgrades to improve the safety of the parks and their usability, while some major facility buildings require improvements for safety and cost effectiveness purposes;
- (xii) Both community parks require the development of an active play area for children in the area. For Englehart the park may be developed in conjunction with the abutting school sites as a joint venture, while the Charlton area park may be developed at the municipal beach;
- (xiii) The development of any neighbourhood park, as suggested herein, should begin by serving children in the area, however, as time passes, and as needs change, the park should be flexible for re-established to serve a changing population for that area;
- (xiv) The First Street area north of the railway lines, including both the Town of Englehart and the Township of Evanturel requires land for a neighbourhood park site. The site should be developed for active play of children in the area, as a joint venture between the municipalities;
- (xv) The Brown's Road and Linton Street area south of Highway No. 11, in the Township of Evanturel requires land for a neighbourhood park site. The site should be developed to meet the needs of the population in the area, when required;
- (xvi) The Bryan's Road area north of Highway No. 11, in the Township of Evanturel requires land for a neighbourhood park site. The site should be developed to meet the needs of the population in the area, when required; and
- (xvii) The Clarksville Neighbourhood in the Municipality of Charlton and Dack requires land for a neighbourhood park site. The site may be developed for active play of children in the area, when required.

Should any of these identified areas not be required for an active park site at this time, in the process of approving applications, the Approval Authority, on recommendation of the appropriate Council, shall set aside the land for future use. This could also be completed through the purchase of land as monies become available from developments elsewhere.

Within the townsite of Charlton, no additional neighbourhood park sites need to be established by the Council of the Municipality of Charlton and Dack, however, Council should obtain monies to continue upgrading and maintenance of the existing parks and recreational facilities.

The central focus for the services and facilities in the rural area is Kap-Kig-Iwan Provincial Park, located along the boundary of the Township of Evanturel and

SECTION 3 - SERVICE POLICIES

the Municipality of Charlton and Dack. Other park sites include rest areas along Highway No. 11, operated by the Ministry of Transportation, and the play fields and facilities located next to the municipal building in the Township of Chamberlain. Also, within the Township of Evanturel, there is a walking trail used by residents along a portion of the Englehart River.

For the parks and facilities within the rural area, the following improvement items shall be considered:

- (i) Allocating monies to provide for the upgrading and maintenance of the existing, municipal parks and recreational facilities in the Township of Chamberlain, while working with provincial agencies to improve the functioning of their services and facilities in relation to the overall needs of the Planning Area;
- (ii) Determine the need for the walking trail along the Englehart River, and work in conjunction with the Ministry of Natural Resources for the protection and identification, plus improvements to this area; and
- (iii) Where lands contain sensitive land uses, work in conjunction with provincial agencies to purchase lands sufficient to protect the feature, and where appropriate, incorporate the feature as part of the parkland strategy for the rural portion of the Planning Area.

SECTION 4 LAND DIVISION POLICIES

(1) EXISTING SERVICED AREAS

New residential development shall be directed to the existing serviced areas in the Englehart area and the Municipality of Charlton and Dack as shown on Schedule 'B'. A maximum of ten (10) new residential lots may be permitted annually outside the existing serviced areas. Some types of consents shall not be counted, as described in policy Section 4(2) (b) (vi).

(2) GUIDELINES FOR SUBDIVISION APPROVALS

(a) REQUIREMENTS FOR PLANS OF SUBDIVISION:

With the exception of consents granted for land severances by the Ministry of Municipal Affairs and Housing (where delegation by the Minister has not occurred), or by a Council for the applicable municipality (where delegation has occurred), all other land division in the Planning Area shall take place by registered plan of subdivision. The Ministry of Municipal Affairs and Housing is the Approval Authority for all plans of subdivision within the Planning Area. A plan of subdivision shall conform to this Plan and shall normally be required in the following instances:

- (i) Where more than 3 (i.e. 2 severed and 1 retained) lots are to be created on a land holding, as recorded in the records of the land registry office, as at 14 August 1984. Notwithstanding this, consideration may be given to the severing of additional lots from a service area property, as defined in Section 3(1)(a)(i), provided other requirements listed below are not required;
- (ii) Where the nature or scale of the development necessitates a more comprehensive evaluation through the subdivision process;
- (iii) Where a new road, or an extension to an existing road, is required;
- (iv) Where a design change to a provincial highway is required, to accommodate a private development proposal;
- (v) Where major sewer and/or water extensions are required; or
- (vi) Where it is necessary to ensure that surrounding lands are developed in a proper and orderly fashion.

The Planning Board, and the applicable Council shall recommend to the Approval Authority, draft approval of only those proposed plans of subdivision

SECTION 4 - LAND DIVISION POLICIES

which conform to this Plan. In considering a proposed plan, the Planning Board and applicable Council shall be guided by the relevant objectives and policies of this Plan, and be ensured there is demand for the type and scale of development proposed.

(b) GENERAL SUBDIVISION POLICIES:

(i) Land Use Compatibility

The land use designations and policies of this Plan shall be utilized to ensure compatibility between the type of development proposed for a plan of subdivision, and the land uses, both existing and future, in the surrounding area, in accordance with Section 5(2)(a)(iv) of this Plan.

The Approval Authority may require the Applicant to complete certain studies and analysis in order to justify the suitability of the proposed plan. Any work deemed necessary by the studies and analysis shall form part of the conditions for approval.

(ii) Development Patterns

Except, while a right-of-way is being developed as a condition of the draft approval for a plan of subdivision, all subdivision lot development shall have frontage on and abut an improved roadway, in accordance with Section 3(3) of this Plan. All rights-of-way within a plan of subdivision shall be dedicated as public roadways by the Applicant, through the approval process.

The roadway design for a proposed subdivision shall mesh with the existing grid-pattern on the surrounding lands and the adjacent roadway shall be capable of carrying additional traffic generated by the new subdivision.

Proposed roadway patterns may include unopened rights-of-way for access which ensures undeveloped land, adjacent to a proposed subdivision, will not become landlocked, or have difficulty obtaining access.

(iii) Provision of Services

The applicable Council shall ensure that a proposed subdivision will be provided with all necessary services and amenities in accordance with the relevant policies of Section 3 of this Plan.

(iv) Site Conditions

The applicable Council shall ensure that a proposed subdivision can be developed in accordance with the relevant policies of Sections 5(2) and 5(6) of this Plan. In particular, if any part of a proposed subdivision is

SECTION 4 - LAND DIVISION POLICIES

located where a constraint area, or a cultural heritage site or area, may exist, the Council shall review the proposal in accordance with the policies of Section 5(2)(a) of this Plan.

(v) Zoning

The Approval Authority shall, as a condition of draft approval, require that the plan of subdivision be zoned for its intended use by application to the applicable Council, in accordance with Section 5(2)(b) of this Plan.

(c) SUBDIVISION APPLICATIONS:

All applicants seeking approval of a proposed plan of subdivision shall pre-consult with the Planning Board and applicable Council. As well, it will be necessary for an applicant to consult with the Approval Authority prior to formal submission of an application to the Authority.

(d) SUBDIVISION AGREEMENTS:

The Approval Authority may, as a condition of draft approval, require that the Applicant enter into an agreement with the applicable Corporation, in response to certain conditions of the draft approval, prior to commencing development of the plan. The agreement may cover items such as the provision of services, phasing, financial arrangements and timing. The agreement shall be registered against the land by the Corporation.

(3) GUIDELINES FOR CONSENT APPROVALS

(a) REQUIREMENTS FOR PLANS OF SUBDIVISION:

The Ministry of Municipal Affairs, or a Council, acting as the Approval Authority, shall only recommend approval of those proposed consents for land severances which conform to this Plan. Prior to considering a consent for lot development applications, the Approval Authority shall establish that a plan of subdivision is not necessary in accordance with the requirements of Section 4(1)(a) of this Plan.

(b) GENERAL CONSENT POLICIES:

(i) Land Use Compatibility

The land use designations and policies of this Plan shall be utilized to ensure compatibility between the type of development proposed for the severed and retained portion of the subject land, and the land uses, both existing and future, in the surrounding area, in accordance with Section 5(2)(a)(iv) of this Plan.

The Approval Authority may require the Applicant to complete certain

SECTION 4 - LAND DIVISION POLICIES

studies and analysis in order to justify the suitability of the proposed development. Any work deemed necessary by the studies and analysis shall form part of the conditions for approval.

(ii) Development Patterns

All lot development by consent shall have frontage on and abut an improved roadway, in accordance with Section 3(3) of this Plan. All rights-of-way within a consent development shall be dedicated as a public road by the Applicant, through the approval process.

The roadway design for a consent development shall mesh with the existing grid-pattern on the surrounding lands, and the adjacent roadway shall be capable of carrying additional traffic generated by the consent development.

To avoid the creation of landlocked parcels, no consent for lot development shall be approved which will result in the severed or retained parcel of land being landlocked, unless such landlocked parcel is to be consolidated with an abutting property, which has frontage on and abuts an improved road, in accordance with Section 3(3) of this Plan.

An application shall not be approved which prevents access to undeveloped land adjacent to the proposed site. Rights-of-way shall be required where land would become landlocked or have difficulty obtaining access because of the approval.

Direct access to an improved road under Provincial jurisdiction shall be discouraged where alternative access to an improved road under municipal jurisdiction is available. Where alternative access is not available, the Approval Authority shall ensure that any approval will be conditional upon the issuance of an entrance permit by the Ministry of Transportation.

Where access to an improved road under municipal jurisdiction is required, the Approval Authority shall confirm the applicable Council has identified the road in question is an improved road, and that an entrance permit will be issued as a condition of approval.

The Applicant should pre-consult with the applicable Municipality, or, where required, the Ministry of Transportation, to ensure they are prepared to issue an access permit prior to the Approval Authority granting provisional consent for the application.

(iii) Provision of Services

The applicable Council shall ensure both the severed and retained portions of the subject property will be provided with all necessary services and amenities in accordance with the relevant policies of Section

3 of this Plan.

Prior to approving a consent for lot development on private services, where the property contains an existing building, or where the land to be severed is to be consolidated with an abutting property containing an existing building, the Approval Authority shall require confirmation from the local Health Unit, or where required, the Ministry of the Environment, that the existing sewage disposal facility is functioning properly. Where, in the opinion of the Health Unit, or Ministry, such facility is not properly functioning, the Approval Authority shall, as a condition for approval, require the improvement or replacement of the malfunctioning facility to the satisfaction of the Health Unit, or Ministry.

(iv) Site Conditions

The applicable Council shall ensure that a proposed consents for lot development can be developed in accordance with the relevant policies of this Plan.

In particular, if any part of the development is located in an area where a constraint area, or a cultural heritage site or area, may exist, the Council shall review the proposal in accordance with the policies of Sections 5(2)(a) and 5(6) of this Plan.

(v) Zoning

The Approval Authority shall, as a condition of draft approval, require that a consent for lot development which does not conform to the implementing zoning by-law, be zoned for its intended use and according to its zoning standards, by application to the applicable Council, in accordance with Section 5(2)(b) of this Plan.

(vi) Exceptions

Notwithstanding any other policy herein, a consent for lot development can be granted by the Approval Authority, for the following purposes without affecting the number of consents permitted as a part of this Plan's growth objectives, from a land holding described in Section 4(1)(a):

1. To correct lot boundaries;
2. To clear title;
3. To provide easements or rights-of-way, provided no new building lots are created as a result of the easements;
4. To convey additional land to an adjacent lot, provided the conveyance does not lead to the creation of an undersized, retained parcel of land, or irregularly shaped lots for either the retained

SECTION 4 - LAND DIVISION POLICIES

5. parcel or the parcel to which the land is to be added; and
5. To separate buildings or structures in existence prior to 14 August 1984.

(c) CONSENTS IN RESIDENTIAL, COMMERCIAL AND INDUSTRIAL DESIGNATIONS:

(i) Non-Residential

For lands designated Residential, Commercial or Industrial on Schedule A hereto, preference will be given to non-residential consents for lot development which is in compliance with the permitted uses and general location policies of Sections 6(3)(a) and (c), 6(4)(a) and (b) and 6(5)(a) and (b) of this Plan and the following, if applicable:

1. Would not prejudice the future orderly development of adjacent lands;
2. Ensuring both the severed and retained lands have frontage on a publicly owned and maintained road; and
3. Infills those areas substantially developed, without creating land use conflicts with adjacent properties.

(ii) Residential

For lands designated Residential on Schedule A hereto, preference will be given to residential consents for lot development which is in compliance with the permitted uses and general location policies of Sections 6(3)(a) and (b) and 6(4)(a) and (b) of this Plan and the following, if applicable:

1. Would not prejudice the future orderly development of adjacent lands;
2. Ensuring both the severed and retained lands have frontage on a publicly owned and maintained road;
3. Infills areas substantially developed, without creating land use and 5(6) conflicts with adjacent properties; and
4. Will abut an existing, developed residential lot, subject to Section 6(3) of the Plan, and not extend the present service area.

For lands designated Industrial on Schedule A hereto, no residential consents for lot development shall be permitted.

(d) SEVERANCES IN AGRICULTURE DESIGNATIONS:

(i) Non-Residential

SECTION 4 - LAND DIVISION POLICIES

For lands designated Agriculture on Schedule A hereto, preference will be given to farm-related non-residential consents for lot development which is in compliance with the permitted uses and general location policies of Sections 6(6)(a), (b), (c), (e), and (f) of this Plan and the following, if applicable:

1. For both the severed and retained portions, are to be used for agricultural purposes and, in the opinion of Approval Authority and are of a minimum of 40 ha in size in order to maintain flexibility for future changes in the type and size of agricultural operations;
2. Is required for the operation of agriculture-related uses which means those farm-related commercial or industrial uses that are small in scale and directly related to the farm operation, and required in proximity to the farm operation. The severance shall be permitted provided such developments are:
 - A. Directed to those lands where soils exhibit lower agricultural capabilities, preferably directed to an area designated Rural, or grouped together and not scattered throughout the Agriculture designation;
 - B. An operation with a limited number of employees, servicing the needs of the local population; and
 - C. Kept to a minimum size for the purpose for which it is being used.

(ii) Residential

For lands designated Agriculture on Schedule A hereto, only farm-related residential consents for lot development shall be approved which are in compliance with the permitted uses and general location policies of Sections 6(6)(a) and (d) of this Plan

1. Is from an existing surplus residential unit created by the consolidation of two farms, provided the size of the new lot is kept to a minimum and the retained agricultural lands are zoned to preclude further residential development.

(e) CONSENTS IN RURAL DESIGNATIONS:

(i) Non-Residential

For lands designated Rural on Schedule A hereto, preference will be given to non-residential consents for lot development which is in compliance with the permitted uses and general location policies of Section 6(7)(a), (c), (d), (e), (f) and (g) of this Plan and the following, if applicable:

1. Is kept to a minimum lot size for the purpose of the use proposed;

SECTION 4 - LAND DIVISION POLICIES

2. The approval will not prejudice the future orderly development of adjacent land;
3. For both the severed and retained portions, are to be used for agriculture, particularly where an on-going agricultural operation will be strengthened, or for an agriculturally related uses;
4. Is required for an industrial use provided such development is for an operation servicing the needs of the local population, or economy;
5. Is required for a natural resource related industrial operation, provided such development is directed to where the resource is located; and
6. Is directed to those lands exhibiting low resource potential, when use of the site is not proposed to be resource related.

(ii) Residential

For lands designated Rural on Schedule A hereto, preference will be given to residential consents for lot development which is in compliance with the permitted uses and general location policies of Sections 6(7)(a) and (c) of this Plan and the following, if applicable:

1. Is kept to a minimum lot size for the purpose of the proposed use;
2. Would not prejudice the future orderly development of adjacent land;
3. Would not adversely limit an on-going agricultural operation; and
4. Is directed to those lands exhibiting low resource potential.

(f) CONSENTS IN ENVIRONMENTAL PROTECTION AND SENSITIVE DESIGNATIONS:

(i) Non-Residential

For lands designated Environmental Protection or Sensitive on Schedule A hereto, preference will be given to non-residential consents for lot development which is in compliance with the permitted uses and general location policies of Sections 6(8)(a) and (b) and 6(9)(a) and (b) of this Plan and the following, if applicable:

1. Is proposed for public purposes, and is in accordance with Section 4(2)(b)(iv) of this Plan;
2. Avoids areas of environmental sensitivity or hazardous conditions in order to protect or enhance the natural environment and to protect people and/or property from potential hazards; and

SECTION 4 - LAND DIVISION POLICIES

3. Applies to both the severed and retained portions of the subject property, but need not, in appropriate situations, apply to portions which are to be consolidated with an abutting property, or are to be preserved and/or enhanced as an environmental or conservation area.

(ii) Residential

For lands designated Environmental Protection or Sensitive on Schedule A hereto, no residential consents for lot development shall be permitted.

SECTION 5 GENERAL LAND USE POLICIES

(1) ACCESSORY USES

Wherever a use is permitted in any of the land use designations shown on Schedule A, it is intended that uses, buildings or structures normally incidental, accessory and essential to that use, also be permitted.

(2) AGREEMENTS, STANDARDS and STUDY REQUIREMENTS

A Council shall ensure, through implementing zoning by-laws adopted in accordance with the Planning Act, that adequate zone provision standards are met for all development. The physical condition of buildings, structures and land shall be regulated through the adoption of a Property Standards By-law in accordance with the Building Code Act 1992, S.O. 1992, as amended.

A Municipality shall enter into one or more agreements for the development of land approved by plan of subdivision or plan of condominium, or where necessary, in those situations for land to be developed by consent for lot development. The agreements may reflect the findings of one or more studies, or reports, to be prepared by, and at the expense of, the Applicant and submitted with their application. The applicant may also be responsible for expenses incurred through the review of the studies and/or reports. The findings of the studies and/or reports may result in the refusal of an application.

All areas, in which development is to take place, shall, through one or more agreements, be adequately serviced in accordance with Section 3 of this Plan, for the standards set from time to time by the applicable Council.

(a) SITE CONDITIONS:

(i) Aggregate and Non-Aggregate Mineral Resource Areas

Aggregate and non-aggregate mineral resource areas include all lands which have operating aggregate or mineral sites, or the potential for aggregate or mineral development. These areas 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.

For aggregate operations on Crown lands, the Ministry of Natural Resources may apply the provisions of the Aggregate Resources Act, as amended, or the Crown Forest Sustainability Act 1994, S.O. 1994, as amended, for new pits and quarries. Aggregate operations on private land shall be permitted in accordance with the municipal Pits and

SECTION 5 - GENERAL LAND USE POLICIES

Quarries Control By-law. In addition, processing operations may require a Certificate of Approval from the Ministry of the Environment for any air emissions, noise mitigation or sewage discharge associated with the aggregate processing operation, in accordance with the Environment Protection Act, as amended.

Wayside pits or wayside quarries require the issuance of an Aggregate Permit by the Ministry of Transportation, for both Crown and private lands.

All aggregate operators shall ensure that rehabilitation of their site is carried out to a standard suitable for an acceptable after use and compatible with the adjoining land uses in accordance with the conditions of the lease of Crown lands, or the Pits and Quarries Control By-law for private land. Sequential land use and progressive and alternative rehabilitation, with the active area limited to a minimal practical size, shall form part of the conditions for development.

Within the Municipal By-law, rehabilitation plans are to be submitted and approved by the applicable Council. The plans will be registered on title for the property. Progress to a new phase shall be restricted until rehabilitation on the previous phase is completed. On land leased from the Crown, the Ministry of Natural Resources is encouraged to require rehabilitation plans to be submitted and approved. For wayside pits and wayside quarries, the Ministry of Transportation is encouraged to require rehabilitation plans to be submitted and approved. Where the Province is the approval authority, fees may to be paid to provide for cases of failure to rehabilitate the pit or quarry.

When considering expansions to, and/or new pits and quarries, the applicable Council, in consultation with the appropriate authority, shall require a Technical Report to be prepared by a qualified person, which examines the following criteria:

1. Impact of traffic densities and truck routes to be used;
2. Hours of operation, including notification to adjacent property owners when blasting and/or crushing operations are to be conducted;
3. Proposed buffering/screening and the effect the buffering and screening may have to adjacent land uses;
4. Effect on site or area drainage and the local water table;
5. Proximity to surrounding land uses;
6. The impact of blasting and noise vibrations on surrounding land uses;

SECTION 5 - GENERAL LAND USE POLICIES

7. The impact on significant archaeological resources, built heritage resources and cultural heritage resources;
8. The impact on significant natural heritage features and areas;
9. The proposed use is of a higher priority than extraction in serving the long-term interests of the public;
10. Recommended setbacks from other uses and the effect setbacks may have on the surrounding land uses;
11. The physical characteristics of the site;
12. The availability of sites for the disposal of wastes generated from the site; and
13. Conformity with other legislation and regulations.

In Agriculture designated areas, extraction of aggregates is permitted as an interim use provided that rehabilitation of the site will be carried out whereby substantially the same areas and same average soil quality for agriculture is restored. On these lands, complete agricultural rehabilitation is not required if:

14. There is a substantial quantity of aggregates below the water table warranting extraction, or the depth of the planned extraction in a quarry, makes restoration of pre-extraction agricultural capability unfeasible;
15. There are alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 to 7 soils, resources on lands identified as service areas and resources on designated lands where rehabilitation is feasible; or
16. Agricultural rehabilitation in remaining areas will be maximized.

The Planning Area has been identified as having a high potential for mineral development, however, no operating mines exist today. Non-aggregate mineral areas are currently being researched to determine their potential for mining.

In order to commence the operation of a mine, the applicant must have staked the land and prepare a Closure Plan for the approval of the Ministry of Northern Development, Mines and Forestry, in accordance with the Mining Act, as amended. This Plan shall include direction for the progressive rehabilitation of the site.

As other development is proposed for land identified as a resource area,

SECTION 5 - GENERAL LAND USE POLICIES

the applicable Council shall require an assessment to be prepared by a qualified individual in the form of a Study, answering whether:

17. Extraction would be feasible on the property;
18. Issues of public health, public safety and environmental impact have been evaluated;
19. The proposed use will hinder future extraction; and/or
20. The proposed use is of a higher priority in serving the long term interest of the public.

There is a need to protect aggregate and non-aggregate resources through the use of separation distances from other land uses, thus avoiding conflicts. This shall be done in accordance with the Ministry of the Environment Guideline D-6, Compatibility Between Industrial Facilities and Sensitive Land Uses Report, where the resource site already exists.

For the establishment of any new aggregate or non-aggregate resource area, the site shall be evaluated in relation to the adjacent land uses in accordance with a Land use Compatibility Specific Applications Report of the Ministry of the Environment Guideline D-1-2.

A Council shall give careful consideration to development applications, or expansion of existing uses proposed within 1,000 metres of a quarry and 300 metres of a pit. To reduce these standards, development proposals within either of these influence areas shall be based on technical studies prepared by a qualified person, in accordance with the Guideline, which substantiates the reduction of the actual influence area.

Notwithstanding the above, no new development shall be permitted within 300 metres of a quarry, or 70 metres of a pit, which has not been closed.

Where development is proposed on, or within 1,000 metres of a former mineral mining operation, or abandoned mine hazard, the approval authority will contact the Ministry of Northern Development and Mines. A Geotechnical Study may be required of the Applicant, shall be prepared by a qualified individual to confirm that the site is suitable for the proposed development. Such development will be permitted if the rehabilitation work done on the site is sufficient to protect people and property, or if new or additional rehabilitation occurs to address and/or mitigate known, or suspected hazardous areas. Extraction of minerals in areas designated Agriculture shall be permitted, provided the site is rehabilitated.

Areas have been opened to aggregate extraction and there locations are shown on Schedule B to this Plan. Abandoned mine hazards are shown on

Schedule B to this Plan.

(ii) Constraint Areas

Constraint areas include all lands having soil, topography, water quality, land stability, drainage or similar environmental problems; lands containing waste disposal sites, including land required to buffer the environmental problem site or facility; natural heritage features and areas including significant habitat of endangered and threatened species, and existing and potential cultural heritage resources. These areas may be hazardous to development, or contain features which may be damaged or destroyed by development. The Plan shall identify such an area, or site location, on Schedule A to the Plan in either the Environmental Protection designation or the Sensitive designation, with the intent that new developments are constrained or prohibited in their vicinity so that environmental features may be preserved and hazards avoided.

Further constraint areas may be identified as development or site alterations are proposed, or when a detailed study of a site is undertaken. For these findings, it may be necessary to add to the existing land use designations, or create new designations through an amendment to this Plan to recognize the newly identified areas.

In an identified area, the degree of constraint associated with the site may vary from a low risk situation, which can be overcome through site engineering, to a high risk situation, in which no form of development should be permitted.

For other constraint areas related to natural hazards, Council shall require that a Technical Study be prepared by a qualified person, to ensure the compatibility of a proposed development or site alteration. The Study shall determine the impact of such development and its ability to enhance and, where necessary and possible, conserve or restore the features. Alternatively, the Study shall determine the location and extent of the area of constraint which is to be avoided, or whether the constraint can be removed or treated in order to accommodate the development. The Study shall also determine whether new constraints will be introduced if the proposed development proceeds.

Where the Study identifies that the hazard within a constraint area can be safely addressed, the proposed development and site alterations shall be carried out, in accordance with established standards and procedures.

However, development shall be directed to areas outside of shoreline lands adjacent to river and stream systems which are impacted by flooding hazards and/or erosion hazards, and outside of identified hazardous sites. The flood risk zone for the Englehart River, within the Town of Englehart and the Municipality of Charlton and Dack, has been determined by engineers based on a combination of air photo

SECTION 5 - GENERAL LAND USE POLICIES

interpretation, computed 1:100 Year Flood Flows and field examination. No detailed information has been collected for the remainder of the Englehart River or other rivers within the Planning Area.

As well, a concern has identified relating to soil stability because of possible undercutting of the bank and, in some cases, flooding, along the shoreline of selected creeks and lakes. Therefore, a 30.0 metre reserve from the edge of the water has been established for all development, except in special circumstances. The setback serves to eliminate hazard lands from potential development that may be at risk for public safety and property damage. Low-lying areas have also been identified as areas of concern.

Where development proceeds, a Construction-Mitigation Plan is to be prepared by the Applicant, for approval by the applicable Municipality prior to any construction taking place.

The placing or removal of fill of any kind, whether originating on the site or elsewhere, shall be prohibited in flood plains, or in areas subject to periodic flooding, unless the written consent of the Ministry of Natural Resources and/or the applicable Council have been obtained.

Development and site alteration may not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards or erosion hazards, unless it has been demonstrated that the site has safe access, appropriate for the nature of the development and the natural hazard.

Development and site alterations are permitted in special circumstances, where the development is limited to uses which by their nature must locate within the floodway. These include flood and erosion control works or minor additions, or passive non-structural uses which do not affect flood flows. Within a floodway, regardless of whether the area of inundation contains high points of land, not subject to flooding, no development and/or site alterations shall be permitted.

Development such as an institutional use associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency; an essential emergency service such as that provided by fire, police and ambulance stations and electrical stations; and uses associated with the disposal, manufacture, treatment or storage of hazardous substances, shall not be permitted to locate in constraint areas and on hazardous sites because of potential flooding, failure of floodproofing measures and/or protection works, and/or erosion.

Development and site alteration may be permitted where the effects of risk to public safety are minor so as to be managed or mitigated in

SECTION 5 - GENERAL LAND USE POLICIES

accordance with provincial standards; where development and site alterations are carried out in accordance with flood-proofing standards, protection works standards, and access standards; vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies; new hazards are not created and existing hazards are not aggravated; and where no adverse environmental impacts will result.

A municipality may request an environmental site assessment in advance of development to identify potentially significant natural heritage features and areas that require further evaluation. Where natural heritage features or areas exist, a more detailed assessment will be necessary to determine the location and nature of the feature or area. Reference may be made to the Ministry of Natural Resources Natural Heritage Reference Manual for direction. Development and site alterations shall not be permitted in significant habitat of endangered or threatened species., Development and site alteration shall not be permitted in significant wetlands, significant wildlife habitat and significant areas of natural and scientific interest unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

There are also constraints to development for lands adjacent to natural heritage features and areas, such as significant wildlife habitat and significant areas of natural and scientific interest. Development and site alterations may only be permitted on adjacent lands if it has been demonstrated that there will be no negative impacts on the natural features or the ecological functions for which the area is identified. Adjacent lands are those lands which are contiguous to various natural heritage features or areas, and have limits such as 120.0 metres for fish habitats, 120.0 metres for significant wetlands, 50.0 metres for areas of natural and scientific interest, 120.0 metres for significant wildlife habitat and 120.0 metres for significant portions of the habitat of endangered or threatened species.

For development proposed on a shoreline, studies will be required prior to any approval to determine the development's impact on water quality, cultural or natural heritage features, fish and wildlife habitat and/or the existing vegetation, in accordance with Section 5(2)(a)(vii) and (viii) and Section 5(6) of this Plan.

Investigations shall be required in the form of an assessment of the impact on the environment and shall generally be required for all major or significant development projects including new roads, utilities and transmission lines, and commercial, industrial and recreational developments which may be expected to have a significant or cumulative impact. In determining what is a major or significant development, regard shall be had for the relationship to the surrounding area, the possible effects on water quality, the resultant impact of change that

SECTION 5 - GENERAL LAND USE POLICIES

may be created and the need to preserve the general amenities of the area.

Where Council requires a separate report on a proposed development, not subject to proceedings under the Environmental Assessment Act, as amended, the Report shall include:

1. A description of the environment assessed and affected;
2. An analysis of the cumulative effects of the development;
3. A description of the actions necessary to prevent or mitigate the adverse effects upon the environment;
4. Consideration of alternatives to the project;
5. Monitoring once the project is implemented; and
6. An evaluation of the advantages and disadvantages of the undertakings in terms of the environment.

These investigative reports shall be prepared by the Applicant prior to the proposed development's approval, a copy of the report shall be submitted to the applicable Council and/or the Approval Authority, as well as, all other parties who can justify an interest in the matter for their review and comment.

Where a Report reveals the development does not protect natural heritage features and areas, the project may be:

7. Rejected; or
8. Altered or reduced in scope so that harmful effects are avoided.

(iii) Density

The maximum density for various land uses shall be controlled by implementing zoning by-laws. The development of individual lots shall be controlled by the building area provision as set out in implementing zoning by-laws.

(iv) Land Use Compatibility

Where development is proposed, the applicable Council shall verify that the proposed use complies with the relevant land use designation and policies of this Plan, which set out environmental objectives for development to ensure satisfactory compatibility between proposed land uses and the existing land uses in the surrounding areas.

SECTION 5 - GENERAL LAND USE POLICIES

Each development shall be evaluated in relation to information from the Ministry of Culture, the Ministry of Northern Development and Mines, the Ministry of Natural Resources, or studies conducted by the Applicant, as to the need to protect the resource value of the land, and to constrain or prohibit development so that environmental and natural heritage features may be preserved and hazards avoided. It will be necessary to ensure appropriate separation distances are established between such resources, or environmental features, and the development.

Where development is proposed in the vicinity of a highway or railway line, or where any stationary noise exceeds usual ambient background levels, information available from the Ministry of the Environment, the Ministry of Transportation, or studies conducted by the Applicant, will be utilized to examine how potential impact of noise, will be handled.

Where development is proposed in the vicinity of a waterbody, information available from the Ministry of Tourism and Culture, Ministry of Natural Resources, the Ministry of the Environment, or studies, such as archaeological assessments, conducted by the Applicant, will be utilized to determine the waterbody's ability to support the development, and how environmentally sensitive issues arising from the proposed development, will be handled.

Specifically, each proposed development shall be evaluated in relation to, but not limited to, minimum separation distances contained in the Ministry of the Environment Noise Assessment Criteria in Land Use Planning, Guideline LU-131, as well as, the Ministry's Guidelines D-1, D-2, D-3, D-4 and D-6, for aggregate and non-aggregate resources; sensitive land uses; highways and railways; industrial facilities; waste disposal sites; and sewage treatment facilities.

(v) Lot Size and Shape

Any lot to be developed shall be of a size and shape which is suitable to:

1. Accommodate the proposed use in accordance with the relevant lot area and lot frontage provisions of implementing zoning by-laws;
2. Permit the siting of any buildings, structures and other on-site amenities (including landscaping areas, buffering, entrances, parking and open space) in accordance with the relevant provisions of implementing zoning by-laws; and
3. Permit the installation of water supply and sewerage disposal facilities which meet the requirements of the Ministry of the Environment and/or the local Health Unit, or the applicable Council.

(vi) Site Decommissioning

Where a change in land use is proposed and the present or previous use caused environmental contamination of the land, site remediation may be required. An applicant shall undertake early consultation with the Approval Authority to ensure the proposed land use would be appropriate, prior to commencing remediation. Where development is to proceed, a Record of Site Condition may be made a conditions of receiving municipal approval for the new use. Site remediation shall follow the Ministry of the Environment's, Guideline for Use at Contaminated Sites and Ontario Regulation 153/04, Requirement for Completing and Filing Records of Site Conditions for Brownfield Sites.

In order to ensure that there will be no adverse effects from any proposed development or redevelopment, environmental site assessments and remediation of contaminated sites may be required by this Plan prior to any activity or development occurring on the site that is known, or suspected, to be contaminated. The applicable Municipality will require the Applicant to determine the nature and extent of contamination and the necessary remediation measures, in accordance with the policies below:

1. The Municipality will require all applications for development in areas known or suspected of former land use activities that may lead to soil contamination be supported by a Phase I Environmental Site Assessment;
2. Where a Phase I Assessment reveals that a site may be contaminated, a Phase II Assessment will be required. A Phase I or II Assessment is an assessment of the property conducted in accordance with Part XV.1 of the Environmental Protection Act, as amended, and Ontario Regulation 153/04, by a qualified person, to determine the location and concentration of one or more contaminants on the site proposed for development; and
3. Where information reveals that the site may be or is contaminated, the Applicant will provide a Record of Site Condition in accordance with Part XV.1 of the Environmental Protection Act, as amended, and Ontario Regulation 153/04 as a condition of final approval or as the basis for removing a holding provision by-law. The Record, which details requirements relating to site assessment and clean-up, must be acknowledged by the Ministry of the Environment and recorded in the Electronic Brownfields Registry, confirming that the site has been made suitable for the proposed use. The Record, and Ministry acknowledgement, will be provided to the applicable Municipality.

(vii) Vegetation Clearance Near Waterbodies

In order to minimize harmful nutrients from entering lakes and streams, and in order to avoid soil erosion problems, a Municipality shall encourage only selective clearing of vegetation above and below the high water mark fronting any property. For this purpose, the applicable Council shall require the Applicant to consult with them, and to utilize the best practices contained in the Ministry of the Environment's Lakeshore Capacity Assessment Handbook, prior to any work commencing along a shoreline.

All forest harvesting on patent lands, in the area of waterbodies, should be conducted in such a way that the forestry surrounding the particular waterbody appears untouched and the resultant effect of harvesting is invisible to the users and residents of the waterbody. This should not prevent logging undertaken to perpetuate desirable species, encourage regeneration, or to reduce fire hazards.

A Municipality may through a by-law, passed in accordance with the Municipal Act 2001, S.O. 2001, as amended, require the Applicant to obtain a permit prior to any clearing of trees commencing along a shoreline. The applicable Municipality shall have regard to good forestry practices as defined in the Forestry Act, as amended, when setting out conditions for a permit under such by-law.

Any work on shore lands and/or below the high water mark of any body of water, shall require prior consultation with the Ministry of Natural Resources in order to protect fish habitats, and determine the need for appropriate permits, to be issued by the Ministry.

(viii) Waterbodies, Soil and Drainage

With the exception of marinas, boathouses and similar water-orientated uses, all buildings shall be located outside of the flood plain in accordance with implementing zoning by-laws. A Council shall utilize the Ministry of Natural Resources and the Ministry of the Environment guidelines for developing land adjacent to a waterbody. In order to protect the areas of archaeological potential and aquatic and terrestrial environment, Council may require that the Applicant demonstrate that there will be no negative impacts on natural heritage features such as provincially significant wetlands, fish habitat, significant wildlife habitat and archaeological sites.

Development should only be permitted on land where soil and drainage conditions are, or can be made suitable, to permit the proper siting and development of the proposed use. In addition, development should not pose an adverse effect on the soil or drainage of an adjoining property.

SECTION 5 - GENERAL LAND USE POLICIES

Development in proximity to a waterbody has the potential to negatively affect water quantity and quality. Development may require an assessment of such potential impacts as those resulting from any water taking, discharge of seepage and stormwater runoff. Such an assessment should be undertaken by a qualified professional in accordance with provincial water quality objectives relating to the level of protection required for a waterbody and to the satisfaction of the applicable Council.

In order to avoid direct discharges of stormwater drainage to open natural watercourses, the applicable Council will use infiltration and other best practices for stormwater drainage systems.

The Council may require the preparation of a Stormwater Control and Management Plan to be prepared by the Applicant, in accordance with the Ministry of the Environment Stormwater Management Planning and Design Manual. The Plan shall appropriately address the protection and enhancement of pre-development hydrological and water quality regimes. The objective of the Plan shall be to prevent the loss of life, minimize community disruption and property damage due to soil erosion and flooding, and in maintaining and enhancing surface and groundwater resources sufficient for aquatic life, recreation and other uses.

Where a Stormwater Control and Management Plan is approved and development proceeds, Construction-Mitigation Plans shall be prepared by the Applicant. These Plans shall outline the intent of the development within the objectives of Ministry of the Environment Guidelines, Ministry of Natural Resources objectives and the policies of the applicable Municipality for the protection of water quality and fish and wildlife habitats.

Construction-Mitigation Plans should generally:

1. Be a short term plan implemented prior to, and during, construction in order to mitigate the impact of removal of vegetation and/or movement of soil;
2. Show how it is intended to initially secure and stabilize a site, as well as provide for appropriate phasing of site alterations;
3. Define measures for the rehabilitation of a site after construction, and include a contingency component; and
4. Prevent siltation and the resultant impact on watercourses and municipal infrastructure during site alteration.

Approved Construction-Mitigation Plans should be implemented through development approvals.

The Ministry of Transportation requires, in accordance with their policies

SECTION 5 - GENERAL LAND USE POLICIES

and guidelines, a Stormwater Management Plan for all development that abuts or impacts upon Highway No. 11, and Secondary Highway Nos. 560, 569, 573, and 624, prior to any development and/or grading taking place. The Ministry must be consulted regarding the requirements of the Study.

(b) BUILDING REQUIREMENTS AND SITE AMENITIES:

(i) Aesthetic Control

A major element in providing quality development is the appropriate organization of land use, with the design of a development being equally important.

Good design is difficult to dictate through planning policy. Nevertheless, this Plan promotes superior quality of design by setting out general principles to be followed. In addition to the policies of this Section, the development approval process should address the potential, resultant effects of a proposed development to the continuing or improved aesthetic appearance of a Municipality, particularly along Provincial Highway No. 11, Secondary Highway Nos. 560, 569, 573 and 624 and in the service areas.

(ii) Air Quality, Noise and Vibration

Residential areas, and other similar sensitive land uses will be protected from situations of undesirable air quality and excessive noise/vibration. Applicants may be required to prepare noise and/or vibration assessments and determine control mitigation measures, which are satisfactory to an applicable Council and meets the Ministry of the Environment standards in accordance with their Noise Assessment Criteria in Land Use Planning, LU-131 Guideline and the Environmental Protection Act, as amended.

Proposed residential and sensitive land use developments, which are within 50 metres of a Provincial highway right-of-way, 100 metres of a main rail line right-of-way, or 50 metres of a secondary rail line right-of-way, shall have prepared by the Applicant, a Noise Feasibility Study to determine if it is possible to reduce noise levels to the standard set out in the Ministry of the Environment Noise Guideline.

New residential development and other similar sensitive land use which are proposed within 250 metres of a highway right-of-way, 100 metres of other roadway rights-of-way, 500 metres of a main rail line right-of-way, 250 metres from a secondary main rail line right-of-way, or 100 metres of other rail line rights-of-way and, where required have an approved Noise Feasibility Study, will only be permitted in accordance with the Ministry of the Environment Noise Guideline. A Detailed Noise Impact (Acoustical) Study will be prepared by the Applicant to determine the impact of the rail line operation or highway, and may result in attenuation and safety measures such as setbacks, fencing and/or berms being a condition for approval of a development. In addition, an Offer of Purchase and

SECTION 5 - GENERAL LAND USE POLICIES

Sale/Lease Agreement shall include a warning clause for providing notice regarding the potential for noise.

The public responsibility for improving the environment and reducing pollution has now been recognized. Continuing reduction in existing levels of pollution and control of new sources of pollution will generally be regulated by statutory control, liaison with Provincial and other authorities and by engineering practices, as may be appropriate.

The area of influence around certain facilities or land uses, which is subject to emission of a nuisance nature, should be recognized through the use of increased separation distances and/or environmental control measures to supplement practical emission controls, where exposed to sensitive land uses. Compliance shall be to Ministry of the Environment Guidelines, D-1, D-2, D-4 and D-6 in regards to these situations.

(iii) Buffering

A Council may require a developer to provide buffering as a condition of approval for the development of any non-residential use which may detract from the enjoyment and functioning of adjoining residential or public uses, in implementing zoning by-laws. As well, this condition may be required for the development of a residential use, to be located near a non-residential use. Such buffering should be sufficient to minimize, as far as possible, any mutual ill effects and be appropriate to the particular conditions encountered. Buffering should be considered in conjunction with the following additional requirements along that side of a lot which adjoins a non-compatible use:

1. The provision of increased building setbacks;
2. The provision for planting of trees, hedges and/or shrubs, and/or other complimentary methods such as fencing and berms; and
3. The limitations on location of parking areas and open storage.

The area required for, and the location of, buffering, shall be established by implementing zoning by-laws.

(iv) Driveways

The location of driveways should not create traffic hazards because of concealment by curves, grades or other visual obstructions. Driveways should be limited in number by implementing zoning by-laws and designed so as to minimize the dangers to vehicular and pedestrian traffic in the vicinity. Further requirements for the location, width and surface treatment for driveways on each lot may be established by implementing zoning by-laws. As well, access to Municipal and Provincial roadways shall be in accordance with Section 3(3) (c).

(v) Home Occupations, Home Professions and Home Industries

Home occupations, home professions and home industries shall be defined in the comprehensive Zoning By-law, however, in general, these uses shall be small in size, with limited employment, and shall not change the character of the main residential use. They shall be permitted only if such use is secondary to the main residential use of the land. These uses will be strictly regulated to ensure their compatibility with the residential use.

Home occupation and home professions shall be restricted to the main residential dwelling, while home industries may be permitted in accessory buildings. When these uses are located adjacent to provincial highways they shall comply with Section 3(3) (c) of this Plan.

They shall be located on lots of sufficient size so as not to be obtrusive to neighbouring areas, or to alter the residential character and amenity of the area. Advertising devices and lighting shall be strictly limited in implementing zoning by-laws.

(vi) Landscaping Areas

The minimum area required to be set aside on each lot for landscaping purposes shall be established by implementing zoning by-laws in order to provide for on site stormwater drainage management.

(vii) Maintenance and Occupancy Standards

The maintenance and occupancy of property has become an important control to improve the condition of lands. A Council may approve such standards in accordance with the Building Code Act 1992, S.O. 1992, as amended, to provide for:

1. The physical condition of buildings and structures;
2. The physical condition of lands; and
3. The adequacy of sanitation.

The By-law may provide for the maintenance and occupancy of property, or the prohibition of occupancy of property; require substandard properties be repaired and maintained to comply with the standards; prohibit the use of substandard property; and require the demolition and/or clearing of such buildings, structures, debris or refuse from such property, and for the property to be left in a graded and levelled condition. The By-law may prohibit the removal of any sign, notice or placard placed on a premise in accordance with the By-law. The By-law may also include provisions to deal with heritage sites and buildings to

SECTION 5 - GENERAL LAND USE POLICIES

ensure their continued existence.

(viii) Maximum Building Area

The portion of any lot permitted to be covered by buildings and structures shall be established by implementing zoning by-laws.

(ix) Maximum Heights

The maximum height of buildings, structures and other facilities shall be provided in accordance with implementing zoning by-laws to provide a safe environment for persons utilizing the property.

(x) Minimum Separations

The separation of buildings, structures and other facilities from each other shall be established by implementing zoning by-laws to provide a safe environment for persons utilizing the property.

(xi) Minimum Setbacks around Agricultural Operations

New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the Minimum Distance Separation Formulae established by the Province in order to minimize odour conflicts between livestock facilities and development, as amended from time to time. Separation distance calculations shall be required by, and put into effect through implemented zoning by-laws.

(xii) Minimum Setbacks from Pipelines

The setback of all buildings, structures and other facilities from the limits of TransCanada Pipeline's right-of-way, which is shown on Schedules A and B, shall be established by implementing zoning by-laws.

Early consultation with TransCanada Pipeline shall be required for all development within 200 metres of the pipeline right-of-way. Developments shall be reviewed for the purpose of ensuring the pipeline's safety and integrity. Greater setbacks and other conditions for development may be required by the National Energy Board on a site specific basis, in accordance with the National Energy Board Act, R.S.C. 1985, as amended, and the Regulations thereunder. This includes approval of activities on or within 30.0 metres of the right-of-way.

(xiii) Minimum Setbacks from Property Lines

The setback of buildings, structures and other facilities from property lines shall be established by implementing zoning by-laws to provide privacy and to enhance compatibility with neighbouring land uses.

(xiv) Minimum Setbacks from Roads

The setback of buildings, structures and other facilities from roads shall be established by implementing zoning by-laws. Such setbacks should be sufficient to allow appropriate landscaping, where required, and to permit the parking and movement of vehicles clear of any road allowance.

The siting of buildings, structures, major traffic generators and other facilities which abut Highway No. 11, or Secondary Highway Nos. 560, 569, 573 and 624, requires approval of the Ministry of Transportation, in accordance with Section 3(3) (c) of this Plan. The Ministry standards for the setback of residential and commercial land uses shall be in accordance with the standards set out for the highway. These setbacks may be in excess of the setbacks from municipal roads. The Ministry standards for setbacks from Highway No. 11 shall be incorporated in implementing zoning by-laws.

(xv) Minimum Setbacks from Waterbodies

With the exception of boathouses and similar water-oriented uses, all buildings, structures and other facilities shall be set back from waterbodies in accordance with implementing zoning by-laws.

(xvi) Open Storage and Loading Spaces

Open storage and loading spaces associated with commercial and industrial land uses will be appropriately located and screened so as not to detract from the visual enjoyment of the travelling public. Open storage areas and loading spaces on a lot shall be controlled by implementing zoning by-laws.

(xvii) Parking

Off-street parking areas shall be provided for the applicable uses as required by implementing zoning by-laws.

(xviii) Waterfront Docking and Storage Facilities

The following shall be applied where docking and storage facilities are proposed:

1. No sewerage facilities shall be located in association with buildings or structures used for the purpose of a waterfront dock or storage facility;
2. No sleeping accommodations are permitted to be constructed with permitted waterfront docking and storage facilities;

SECTION 5 - GENERAL LAND USE POLICIES

3. Uses shall be developed on appropriate soils;
4. Facilities should be located so as not to interfere with navigation and aids to navigation, and be prohibited from developing on potential beach areas;
5. Facilities shall be located so as to be protected from potentially damaging storms and high water conditions;
6. Facilities shall be located so as not to adversely affect fish or wildlife habitats;
7. The developers of such facilities shall not rely on filling or dredging, and floating structures will be encouraged, where feasible;
8. Facilities constructed shall not be larger in dimensions than is necessary to carry on the proposed activity;
9. Facilities shall be located in front of the applicant's lot and within the boundaries of the projected side lot lines so as not to interfere with the adjacent landowner's property;
10. Setbacks from property lines will be established in implementing zoning by-laws;
11. Tree planting and berms shall be required to enhance the waterfront environment;
12. No work shall occur on shore lands without approval of the Department of Fisheries and Oceans, especially regarding the provisions of the Fisheries Act, R.S.C. 1985, as amended;
13. For the use of Crown land, including that which is under water, appropriate approval and land tenure shall be obtained from the Ministry of Natural Resources, according to the provisions of the Public Lands Act, as amended, prior to commencing construction; and
14. New commercial marinas shall be required to comply with Ontario Regulation 351/90 under the Environmental Protection Act, as amended.

(3) COMMUNITY IMPROVEMENT

A Council may designate Community Improvement Project Areas and prepare Community Improvement Plans under Section 28 of the Planning Act, and may make full use of municipal authority granted in the Planning Act, the Municipal Act 2001, S.O. 2001, as amended, and other provincial and federal legislation to prepare and carry out community improvement programmes.

A Council may utilize improvement programmes in conjunction with other public and/or private sector initiatives which encourage maintenance, rehabilitation, redevelopment, improvement and renewal to the existing built form, the redevelopment of brownfield sites, the distribution and quality of parks, social and recreational facilities and municipal services, as well as to promote new commercial and industrial development.

Such programmes and initiatives are intended to strengthen the character and the efficient function and economic viability of a Municipality. Programmes and initiatives shall also improve the general appearance of designated community improvement areas through the provision of public amenities and support services to a sufficient level for the productive operation of existing and future development.

(a) COMMUNITY IMPROVEMENT AREAS:

The entire Planning Area shall be considered a Community Improvement Area, since improvements could apply to both urban and rural areas. The Area is based on criteria outlined below and delineated to show where a Council shall direct its efforts. Additions and deletions to an Area may be made by amendment to this Plan only. However, when developing a Community Improvement Plan, minor extensions to the area may be permitted in specific by-laws designating a Community Improvement Project Area, without an amendment to this Plan.

A Council shall coordinate its planning and approvals within designated Community Improvement Project Areas to promote new opportunity for commercial and industrial development, and to improve the physical and social infrastructure in an effort to sustain and optimize the use of existing services and facilities.

It may not be financially, or administratively, feasible for a Municipality to undertake all improvements identified for an area at the same time. A Council may then phase the implementation of improvement projects in the most economical way, in accordance with local needs and demands and municipal priorities and financial resources available, all in an effort to optimize the results for the time, effort and money expended on project implementation.

(b) AREA SELECTION CRITERIA:

Community Improvement Project Areas shall be selected on the basis of one or more of the following criteria:

- (i) The need to improve the financial resources of a Municipality through support for, and assistance to, new commercial and industrial development;
- (ii) The need for improved municipal services such as water and sewerage systems, roads, drainage, sidewalks, street lighting, etc., particularly

SECTION 5 - GENERAL LAND USE POLICIES

where the opportunity to coordinate improvements with funding by senior levels of government becomes available, or to coordinate improvements with other planned municipal capital works;

- (iii) The need for improvement due to the presence or impact of incompatible land uses, through buffering, relocation, etc.;
- (iv) The need to improve the aesthetic appearance of an area, and for energy conservation purposes;
- (v) The need for beautification of public spaces, and to improve parks and social and recreational facilities; and
- (vi) The need for rehabilitation of residential and non-residential building stock to stabilize the community and ensure an adequate supply of housing including housing which is affordable, is available.

(c) IMPLEMENTATION:

The following methods of implementation may be used for the purposes of achieving community improvement within selected Areas:

- (i) A Council may pass by-laws providing for the cancellation of all or a portion of the taxes for municipal or school purposes levied on one or more specific eligible property, on such conditions as the Council may determine in accordance with the Municipal Act 2001, S. O. 2001, as amended;
- (ii) A Council may provide grants or loans for commercial and industrial properties for eligible costs associated with the implementation of an Improvement Plan. This includes costs related to environmental site assessments, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes, or for the provision of energy efficient uses. The total of the grants and loans made in respect of particular lands and buildings and the tax assistance, as defined in Section 365.1 of the Municipal Act 2001, S. O. 2001, as amended, that is provided in respect of the lands and buildings, shall not exceed the cost of rehabilitation the lands and buildings
- (iii) A Council may provide grants or loans for property rehabilitation and facade improvements where a By-law has been passed in accordance with the Building Code Act 1992, S. O. 1992, as amended
- (iv) A Council may develop policy to reduce development costs for new commercial and industrial business by providing for the fast tracking of the approval process, reducing approval fees, or through designating of, and zoning of sites for development;

- (v) A Council may select and enact by-laws to designate community improvement project areas in advance of a specific need.
- (vi) A Council may prepare community improvement plans to detail the improvements and financial agreements with designated community improvement project areas, once an area has been identified. Should it be necessary to acquire land as part of the implementation, then details of the acquisition shall be provided in the Plan;
- (vii) A Council shall encourage adequate standards of maintenance on all properties through the enforcement of a Maintenance and Occupancy By-law.
- (viii) Complimentary to a Maintenance and Occupancy By-law, a Council may enact a by-law for the purpose of demolition control;
- (ix) A Council may acquire, hold and/or clear land to implement improvements, or to relieve land use compatibility problems;
- (x) A Council shall assist, where appropriate, private redevelopment, through the provision of adequate levels of public works and services in support of private improvement initiatives;
- (xi) A Council shall encourage the relocation of incompatible land uses; and
- (xii) A Council shall encourage the utilization of public funding through various municipal, provincial and federal programmes.

(4) CONVERSION OF USES

All requests to convert from one permitted land use type to another within the same designation on Schedule A to this Plan will be carefully evaluated by the applicable Council. Such conversions will only be permitted when the conversion is in compliance with the policies of this Plan.

If the proposed use for a conversion conforms to the policies of this Plan, or where it does not conform to the policies of this Plan, but existed prior to 14 August 1984, and in either case, does not conform to the implementing zoning by-law, a by-law amendment to permit such use may be passed by the applicable Council and approved in accordance with Section 34 of the Planning Act, prior to the actual conversion taking place.

(5) CROWN LANDS

The policies of this Plan are not binding on undertakings carried out on Crown lands by the Crown, or its agents. However, the Planning Board and Councils encourage senior

levels of government to comply with the policies of this Plan, wherever possible, and to consider the Planning Board and the applicable Council as a partner in planning for the wider area, as well as to notify the Planning Board and the applicable Municipality of any new proposed use on Crown Lands, within the boundaries of the Planning Area.

Land uses shall be considered in terms of possible effects on the surrounding land and appropriate measures undertaken to mitigate adverse impacts. The use of Crown land in the Planning Area will generally be in accordance with the Land Use Guideline for the District of Kirkland Lake and other plans as constituted from time to time by the Ministry of Natural Resources.

Where development is proposed on Crown land by land use permit, the permit to be issued by the Ministry of Natural Resources shall be in conformity with the Crown Land Use Policy Atlas and other studies and reports, as constituted from time to time, by the Ministry of Natural Resources.

Where development is proposed on Crown land to be disposed of in fee simple, an amendment to this Plan will be required prior to the disposing of the land unless the intended use is already permitted under the applicable land use designation for the site. Where the applicant is the prospective owner, authorization for the prospective owner to proceed will be required from the Ministry of Natural Resources as part of any application.

(6) CULTURAL HERITAGE CONSERVATION

A Council shall ensure when cultural heritage resources, which include sites that are considered to have archaeological potential, existing archaeological sites, cemeteries and burial grounds, buildings and structures of cultural heritage value or interest, or architectural significance including districts and landscapes of historic, cultural and scenic interest, are identified, that they are managed in a manner which perpetuates their functional use while maintaining their heritage value and benefit to the Municipality, in accordance with the Ontario Heritage Act, as amended.

Specifically, all new development permitted by the policies of this Plan shall have regard for the cultural heritage resources which represent, or reflect, the patterns of settlement or use of the landscape over a long period of time. The issues around identified cultural heritage resources shall be incorporated into plans or designs that may be prepared for new development for review and comment by the Ministry of Tourism and Culture.

Areas of archaeological potential are determined through the use of provincial screening criteria, or criteria developed based on known archaeological records of the Municipality, developed by a licensed archaeologist. Such criteria include features such a proximity to water, including current and ancient shorelines, rolling topography, unusual landforms, and any known significant heritage such as portage routes, or other places of past human settlement.

As a condition of any development proposal, which affects an area containing an

SECTION 5 - GENERAL LAND USE POLICIES

identified archaeological site, or where an area is considered to have archaeological potential, a Council shall require archaeological assessments to be undertaken by archaeologists, licensed pursuant to the Ontario Heritage Act, as amended. This is to ensure the preservation, rescue excavation and conservation of significant archaeological resources. All assessment reports are to be in compliance with Ministry of Tourism and Culture requirements as referenced under the Act. Any alteration to known archaeological sites shall only be performed by licensed archaeologists in accordance with the Act.

A Council may require a marine archaeological assessment to be conducted by a licensed marine archaeologist pursuant to the Ontario Heritage Act if partially or fully submerged marine features such as ships, boats, vessels, artifacts from the contents of boats, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft and other items of cultural heritage value are identified and impacted by shoreline and waterfront developments.

Archaeological preservation in situ is the preferred method of ensuring that the integrity of the resource is maintained. However, it is recognized there may be a need for rescue excavation of significant archaeological resources as a result of development proposals and this will be considered only when it is demonstrated that in situ preservation is not possible.

A Council shall conserve, protect and enhance identified cultural heritage resources through designation of sites, properties, heritage areas and conservation districts in accordance with the Act. Where necessary, a Council shall prepare plans and studies to identify resources in recognition of the importance and heritage significance of such cultural heritage resources to the Municipality, including archaeological potential areas.

Where heritage conservation districts are to be designed by Council, in accordance with the Act, a Council shall ensure and protect the districts by:

- (a) Passing a by-law defining the area to be examined for future designation as a heritage conservation district;
- (b) Preparing a study for the area to determine the feasibility of designation, the delineation of the district boundary, an evaluation of the area's heritage character, and guidelines for future conservation planning; and
- (c) A heritage district may include a street, a block, or an identified area such as a downtown or area of similar residential construction where the historical or architectural theme is to be preserved.

Where individual sites are to be designated by a Council, in accordance with the Act, a Council shall conserve and protect these sites by:

- (d) Preventing the demolition or inappropriate alteration of heritage resources;
- (e) Requiring the preparation of a Heritage Impact Assessment when development

proposals may affect a cultural heritage resource, or are within 250 metres of a site;

- (f) Encouraging development adjacent to cultural heritage resources to be of an appropriate scale and character;
- (g) Encouraging and fostering public awareness, participation and involvement in the conservation of cultural heritage resources;
- (h) Creating an information base for the cultural heritage of the Municipality and identify methods for its conservation; and
- (i) Evaluating development proposed on adjacent lands to protected heritage property to determine how the heritage attributes of the protected heritage property will be conserved.

The Council may conserve the integrity of archaeological resources by adopting zoning by-laws in accordance with the Planning Act to prohibit, or restrict, land use activities on a site containing a significant archaeological heritage resource. A Council shall consult appropriate government agencies, including the Ministry of Tourism and Culture and the Ministry of Consumer and Business Services for those cases where identified human cemeteries for marked or unmarked human burial is affected by land development. The provisions of the Ontario Heritage Act, as amended, and the Cemeteries Act, as amended, shall apply.

A Council shall provide leadership through the restoring, rehabilitating, enhancing and maintaining of municipally owned cultural heritage resources through appropriate heritage stewardship practices. Where necessary, a Council shall provide by-laws, introduce programmes and undertake public works in conformity with the heritage objectives and policies of this Plan.

A Council shall consider methods by which it may acquire or cooperate in the acquisition of cultural heritage resources in conjunction with other governments, agencies and groups. Appropriate Federal or Provincial Ministries, Departments and agencies shall be encouraged to preserve features within a Municipality over which they have jurisdiction, as well as, provide advice and support to local committees and groups.

(7) ENERGY CONSERVATION

When considering a development application, a Council shall deal with the land use issues in a way which is sensitive to energy conservation in order to give the public both certainty and encouragement to propose energy conservation measures. A Council shall support development proposals which incorporate energy conservation measures such as, the solar orientation of streets, lots, and buildings and landscape buffering to reduce space heating/cooling loads, and encourage innovative structural designs, while complying with the relevant provisions of Section 3 of this Plan.

In order to encourage more efficient proposal designs for new buildings, or for the retrofitting of existing buildings, a Council shall support site specific zoning amendments or minor variances in order to accommodate energy conservation measures, where such measures are not exempt from the provisions of the Zoning By-law.

This Plan balances the future needs of a Municipality to meet growth projections, through promoting of a compact community based on growth boundaries, and encouraging community development less dependent on fossil fuel consumption. A Council shall also take the lead in reviewing and making alterations, through retrofits of municipal buildings and equipment, thus reducing its dependence on fossil fuel consumption. This may include the purchase of hybrid vehicles for the works department, solar or wind power energy to power recreation facilities and treatment plants.

In addition to the planning and design of a Municipality, a Council shall promote and encourage development for alternative energy production and for the development of activities which reduces residents' dependence on conventional travel methods. This may include attracting industrial development relating to energy production (wind power, solar power, and bio-fuel production), the development of complete streets which incorporate walking and cycling pathways, and the development of community gardens for the growing of local food supplies, thus eliminating the need to travel outside the community to purchase food supplies.

(8) EXISTING LOTS

Existing lots of record, established prior to 14 August 1984, may be used for the purpose for which they were created, provided they meet all other requirements of this Plan.

(9) GROUP HOMES

Group homes may be permitted in dwelling houses throughout the Planning Area. Group homes, where three to ten residents (excluding staff or the receiving household) live as a household under responsible supervision consistent with the requirements of the residents, must be licensed or approved under Provincial or Federal statutes and be in compliance with applicable municipal by-laws.

(10) NON-CONFORMING USES

Any land use in a Municipality which existed prior to 14 August 1984, but which does not conform to its land use designation as shown on Schedule A to this Plan, should cease to exist in the long term. In special instances, it may be acceptable to permit the extension or enlargement of such use in order to avoid unnecessary hardship. It is the intention of this Plan that such extensions or enlargements shall be dealt with

through the use of Section 34, or Section 45 of the Planning Act.

(a) SECTION 34(10) OF THE PLANNING ACT:

In accordance with Section 34(10) of the Planning Act, any application for the extension or enlargement of any land, building or structure used for any purpose not permitted by the implementing zoning by-law, (hereinafter called a "non-conforming use"), shall be dealt with in the following manner:

(i) Feasibility of Acquisition

The applicable Council shall determine the feasibility of acquiring the property concerned at the time of application, or possibly at some future date, and of holding, selling, leasing or redeveloping the property in accordance with the provisions of the Act. At the same time, consideration shall be given to the possibility of relocating the use under consideration to

a designated and zoned location, where it could function and produce under improved conditions in accordance with the policies of this Plan.

(ii) No Amendment to Official Plan

If, after investigation, municipal acquisition of the property does not appear to be feasible, but the special merits of the individual case make it desirable to grant permission for the extension or enlargement of the non-conforming use, the applicable Council may consider passing a zoning by-law amendment pursuant to Section 34(10) of the Act. Such zoning by-law amendment may then be passed without amending this Plan, provided it complies with the policies of Section 5(10) (a) (iii) of this Plan.

(iii) Report and Requirements

Prior to making any decision on an application and, in particular, before passing a zoning by-law amendment, the Council will obtain a report on various aspects of the proposal and be satisfied that those of the following requirements which are relevant to the specific application for the extension or enlargement of the non-conforming use are, or will be, fulfilled in order to safeguard the wider interest of the general public:

1. The proposed extension or enlargement of the established non-conforming use shall not unduly aggravate the situation created by the existence of the use, especially in regard to the policies of this Plan and the requirements of any zoning by-law applying to the area;
2. The proposed extension or enlargement shall be in appropriate proportion to the size of the non-conforming use;
3. An application, which would affect the boundary areas of different

SECTION 5 - GENERAL LAND USE POLICIES

land use designations on Schedule A, will only be processed under these policies if it can be considered as a "minor deviation" permitted under the flexibility of Section 8(1) hereof without the need for an amendment to this Plan;

4. The characteristics of the existing non-conforming use and the proposed extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odours, lighting and traffic-generating capacity. No zoning by-law amendment shall be passed if one or more of such nuisance factors will be created or increased so as to add essentially to the incompatibility of the use with the surrounding area;
5. The neighbouring conforming uses will be protected where necessary, by the provision of: areas for landscaping, buffering or screening; appropriate setbacks for buildings and structures; devices and measures to reduce nuisances; and by regulations for alleviating adverse effects caused by outside storage, lighting or advertising signs. The above measures shall be applied to the proposed extension or enlargement, and wherever feasible, shall also be applied to the established use in order to improve its compatibility with the surrounding area;
6. Traffic generation and parking conditions in the vicinity will not be adversely affected by the application and traffic hazards will be kept to a minimum by appropriately designed ingress and egress points to and from the site and by the improvement of sight line conditions, especially in proximity to intersections, so as to provide maximum safety for pedestrian and vehicular traffic;
7. Adequate provisions have been or will be made for off-street parking; and
8. Applicable services such as water supply, sewage disposal, storm drainage and roads are adequate, or can be made adequate.

(iv) Notification of Ratepayers

For those cases where a zoning by-law amendment is not required, Council shall, prior to a final decision on the matter, notify all property owners within 120 metres of the site affected by each application for an extension or enlargement of a non-conforming use, in order to obtain their views.

Where a zoning by-law amendment is required, notification shall be in accordance with the provisions of the Planning Act.

(v) Council Decision

The Council will not pass a zoning by-law amendment pursuant to Section 34(10) of the Act, or approve new development which does not require a zoning amendment before being satisfied as to the policies contained in Section 5(10)(a)(iii) hereof.

(b) SECTION 45 OF THE PLANNING ACT:

A Council may, under Section 44(1) of the Planning Act, constitute and appoint a Committee of Adjustment to hear and make decisions under Section 45 of the Act for authorizing minor variances from the provisions of an implementing zoning by-law; to permit enlargements or extensions of non-conforming uses; and to permit the change of a non-conforming use to another use if, in the opinion of the Committee, the proposed use is similar to or more compatible than the existing use, and provided the general intent and purpose of this Plan and implementing zoning by-laws are maintained.

Where a Council has established a Committee, it shall, under Section 45(3) of the Act, empower the Committee to grant minor variances from the provisions of any or all by-laws of the Corporation passed under the provisions of the Planning Act, that implements this Plan, or from such special by-laws of the Corporation as are specified and that also implements this Plan.

Where the Committee receives an application for the enlargement or extension of a non-conforming use, it shall evaluate it based upon the applicable provisions of Section 5(10) (a) hereof.

(11) PROVINCIAL POLICY STATEMENT

A Council shall require that decisions affecting planning matters be consistent with policy statements issued under the Planning Act. The contents of this Plan follow the intent of the Statement, however, where a variance is identified, the Statement shall take priority.

(12) PUBLIC USES

Except as provided specifically elsewhere in this Plan, it shall be the policy of this Plan that road rights-of-way and local utilities such as gas lines, pipelines, electrical and telephone lines, and public amenities are permitted in all land use designations shown on Schedule A to this Plan, provided that the location of such rights-of-way, facilities and amenities are approved by the applicable Council; it is necessary in the area; it can be made compatible with its surroundings; and adequate measures are taken to ensure this compatibility.

Notwithstanding the above, all existing electric power facilities and the development

of new electric power facilities operating at 50 kilovolts and above, or facilities that transforms from above 50 kilovolts to less than 50 kilovolts, including all works as defined in the Power Corporation Act, as amended, shall be permitted in all land use designations shown on Schedule A to this Plan and shall be considered to conform to the policies of this Plan, provided that such development satisfies the provisions of the Environmental Assessment Act and Regulations thereunder. This Plan requires all companies providing hydro power or service to consult with the applicable Council regarding the location of new electric power facilities.

(13) SECOND UNITS

A second residential unit is permitted in association with a single detached or semi-detached dwelling or townhouse, or in a building or structure ancillary to a single detached or semi-detached dwelling or townhouse, provided that not more than one second unit is permitted in association with each principal dwelling on the same lot.

SECTION 6 LAND USE POLICIES

(1) LAND USE PLAN

The land resources of the Planning Area shall be developed in accordance with the Land Use Plan shown on Schedule A hereto and the policies contained in this Plan. Schedule A establishes the general pattern of development by dividing the Planning Area into the following land use designations:

Residential
Commercial
Industrial
Agriculture
Rural
Environmental Protection
Sensitive

(2) IDENTIFIED AREAS PLAN

The areas identified on Schedule B hereto are generally the result of legislative actions taken by a Council, or by senior levels of government to implement specific policies, now included in this Plan. The purpose of Schedule B is to ensure that, as development takes place in accordance with the land use designations shown on Schedule A and the policies of this Plan, the identified areas are not developed without taking into consideration the particular feature identified.

(3) RESIDENTIAL

The policies for areas designated "RESIDENTIAL" on Schedule A are as follows:

(a) GENERAL POLICIES FOR RESIDENTIAL DESIGNATIONS:

(i) Development Patterns

Development shall proceed in a controlled and progressive manner to meet present and expected needs, within the population projections provided for the Planning Area. Areas designated Residential are within areas provided with full municipal piped services, or partial municipal piped services.

The Areas contain most community services and have the highest concentration of development within the Planning Area.

A variety of housing types and prices shall be provided to encourage the provision of accommodations for all segments of the population, ranging

SECTION 6 - LAND USE POLICIES

from single detached dwellings, which is considered low density housing, to medium density housing in the form of low-rise apartments and townhouses. Housing prices shall be varied based upon house size and location within the various housing types.

Low density, residential development shall generally take place on existing lots of record, or by infilling of vacant areas, to complete gaps in the development pattern, during the course of this Plan. In partial municipal piped service areas, development may well take the form of new lot creation, to infill areas along both sides of the municipal roadways in a single tier of development.

Home occupations and home professions shall be permitted as accessory to a residential use, provided they are located on lots of sufficient size to be unobtrusive to neighbouring areas, or to alter the predominantly residential character and amenity of the area.

Medium density uses are encouraged to locate in, and on the edge of, the Downtown Commercial Area, in the Town of Englehart. Where medium density development locates on vacant land parcels as infill projects within full municipal piped service areas, they should be in close proximity and accessible to community services and commercial shopping establishments.

Medium density residential should, through the height and orientation of the buildings, be located so as to reduce energy consumption. The lots should be landscaped to provide protection from cold winds and high temperatures, and minimize the amount of hard surface coverage around the buildings. The buildings should also protect the walkability of the downtown area for pedestrians. Building should promote pedestrian areas through the provision of wide walking surfaces, sitting areas within the sidewalk structure, and reduce the shadowing effect of buildings on the level of sunlight reaching the street. As well, access to development should be controlled, to minimize adverse impact on existing or proposed, adjoining residential areas, especially areas of low density development.

The Council of the Town of Englehart, with the support of the other municipalities, should work with the District Housing Authority to promote and develop affordable housing, and where necessary, in support of this housing, consider alternative development standards that facilitate compact development in the preferred areas. This may include stakeholder consultations related to the development of Local Housing and Homelessness Plans, implementation of those plans, and on-going monitoring. Councils may seek opportunities to participate in future Federal and Provincial affordable housing programs for low to moderate income household.

The Council shall obtain rights-of-way at appropriate intervals along existing roadways to provide eventual access to future lots behind

SECTION 6 - LAND USE POLICIES

existing development, within full municipal piped service areas. This shall be accomplished in the course of approving consents, plans of subdivisions or condominiums and other development applications. In approving such developments, Council shall give consideration to a proposal's compatibility with adjacent, existing and future uses.

Non-residential uses, such as institutional and open space uses shall also be permitted within the Residential designation.

Institutional uses, such as health and wellness services and facilities shall continue to be grouped together in a clearly identifiable, but separate area, in close proximity to Highway No. 11, for ease in access. Other institutional uses, like places of worship, historically designated buildings and museums, will be intermixed within the residential designation so as not to create identifiable areas.

Open space areas, such as major services and facilities, which includes playing fields and recreation facilities and community halls, shall be grouped together in identifiable, but separate area in close proximity to the Downtown Commercial area. This allows for maximum access from medium density, residential areas, where walking can be accommodated.

Because of the overall small size of the various service areas, passive open space areas, including landscaped areas, as well as, scenic areas and areas with natural interest features, have not been accounted for. However, as new lot creation is planned in the form of residential infill development on vacant lands, the opportunity for the establishment of new passive open space areas is available on separate sites, intermixed within the residential designated areas. In the Town of Englehart and the townsite of Charlton, the Council should consider additions to the existing, major identifiable open space areas for the provision of new passive open space.

The location of institutional and open space areas shall be oriented so as to minimize adverse effects on adjacent residential uses. Buildings shall be set back from adjacent roads at a distance which will allow adequate landscaping and permit the movement of vehicles clear of any roadway.

A minor Highway-Commercial area may develop around the intersection of Secondary Highway Nos. 560 and 573, without amendment to this Plan, but subject to a zoning change. The proposed uses should include uses that require large properties. The uses permitted may include tourist type commercial and local service commercial.

(ii) Development Requirements

To ensure adequate and economical provision of services and proper development of each site in the Residential designation, development shall comply with the relevant policies of Sections 3 and 5 of this Plan.

SECTION 6 - LAND USE POLICIES

Land division shall be in accordance with Section 4 of this Plan.

(b) POLICIES FOR RESIDENTIAL USES IN RESIDENTIAL DESIGNATIONS:

(i) Uses Permitted

The residential uses permitted in the Residential designation may include single-detached dwellings, converted dwellings, two unit dwellings, low-rise apartments, townhouses and apartment units in, or above, non-residential buildings. Within residential designated areas with partial municipal piped services, low-rise apartments and townhouses shall not be permitted.

Home occupation and home profession uses shall be permitted in residential areas. These uses shall only be permitted where such uses are secondary to the main residential use of the lands. Uses shall include dressmaking, clothing repair or alterations, hairdressing, moulding, sculpting, weaving, instruction in arts, crafts, dancing or music. It shall also include the offices of professionals such as accountants, doctors, dentists, lawyers, engineers, surveyors, realtors, town planners, etc.

(ii) Zoning

Areas which permit low density, residential dwellings, and home occupations and home professions, as well as, areas containing existing medium density, residential dwellings may be placed in one or more residential zones by implementing zoning by-laws. Heritage designated dwellings may be placed in special residential zones by implementing zoning by-laws. Dwelling units in, or above, non-residential buildings may be placed in institutional or commercial zones.

Some vacant lots within the township of Charlton, and a large parcel of vacant land in the north west corner of the Town of Englehart will be zoned in a development, or holding zone, until such time as municipal services are provided, and the lot is available for development. Prior to the zoning change, an agreement will be required, which sets out the negotiated conditions of development with the land owner. Where possible, such agreement shall be in the form of a consent to sever, subdivision/condominium agreement, or development agreement. Sites for future medium density residential development shall not normally be zoned for such use until the necessary agreement with the land owner has been negotiated.

The Planning Board shall regularly review with the appropriate Council, the available land supply for the purpose of ensuring sufficient land is ready to accommodate new growth. Planning Board, with direction from the appropriate Council, shall ensure the available numbers do not drop below the requirement of fifteen lots, which is considered sufficient for a five-year period of development.

(c) POLICIES FOR INSTITUTIONAL AND OPEN SPACE USES IN RESIDENTIAL DESIGNATIONS:

(i) Uses Permitted

The institutional and open space uses permitted in the Residential designation shall consist of a wide variety of land uses. Institutional land uses may include clinics, daycare facilities, fire halls, hospitals, libraries, museums, places of worship and schools. Open space areas may include cemeteries, community centres, conservation areas, active and passive parks with accessory buildings and facilities, which are made up of community and neighbourhood parks, as well as, linear parks which connect one parkland to another, and public display areas.

(ii) Zoning

Institutional uses may be placed in an institutional zone, while open space uses may be placed in an open space zone by implementing zoning by-laws.

(d) POLICIES FOR HIGHWAY COMMERCIAL USES IN RESIDENTIAL DESIGNATIONS:

(i) Uses Permitted

The commercial uses permitted in the Residential designation may include business and home improvement displays and sales operations, fast food outlets, hardware outlets, parts and other distribution centres, restaurants, tourist establishments such as motels, and warehousing relating to the resource industry.

(ii) Zoning

Commercial uses may be placed in one or more commercial zones in implementing zoning by-laws.

(4) COMMERCIAL

The policies for areas designated "COMMERCIAL" on Schedule A are as follows:

(a) GENERAL POLICIES FOR COMMERCIAL DESIGNATIONS:

(i) Development Patterns

Commercial development shall be encouraged to locate within one of two commercial areas. The Downtown Commercial Area and the Highway Commercial Area are two distinct and separate types of commercial areas which contain differing types of land uses.

SECTION 6 - LAND USE POLICIES

It is envisioned that the Downtown Commercial Area should be a compact, and not allowed to infiltrate unnecessarily into surrounding residential areas. The range of commercial land uses shall be primarily related to retail sales and services; however, it will also include office development, government services and facilities, medium density residential uses and residential dwellings in, and above, non-residential buildings, as well as, transportation services.

Development shall generally take place by converting existing buildings, or by infill on vacant lots. These initiatives may be helped through the encouraging of community improvements within the downtown to provide an attractive, people-orientated setting for the business community.

The renovation and redevelopment of commercial buildings will be encouraged, especially where multiple residential uses are proposed above the ground floor, provided it does not detract from the commercial viability of the area. Conversion of residential buildings to non-residential uses shall be regulated to ensure that such conversions improve the appearance of the Downtown Commercial Area.

Where medium density residential development or redevelopment proposals are proposed in the Downtown Commercial Area, the mixing of land uses shall be designed so that the new development will be harmonious with the existing uses in the general vicinity. Generally, the conversion of non-residential buildings to residential uses shall take place on the edge of the downtown, where larger lots are available.

New development in the Downtown Commercial Area shall continue the past trends of development that being two to three storey buildings, with ample window display areas on the ground floor for commercial businesses, and the style of architecture common in the architectural history of the downtown. Buildings should continue to be developed at the street line, and with little or no setback from adjacent buildings. Parking should be provided in the rear of the commercial buildings.

The Highway Commercial Area should centre on those properties fronting on Highway No. 11, as described in Section 2(1)(a) of this Plan. Access should continue to be provided from Highway No. 11 for the existing development; however, new development will be required to have access via a service road providing for the development. No second tier commercial development shall be permitted, and no individual development should interrupt the continuation of the intended road pattern.

The Highway Commercial Area shall be serviced in accordance with Section 3(1) (a) of this Plan.

The proposed uses for this commercial area should include uses requiring large properties. The uses permitted may include a range of tourist

SECTION 6 - LAND USE POLICIES

service commercial uses, local service commercial uses and resource based industrial businesses.

Some land uses shall require environment studies for water supply protection, in accordance with Section 3(1) (a) (vi) of this Plan.

Development may take place in the form of individual buildings located on separate sites, however, on separate sites, plazas containing a number of permitted uses shall also be encouraged. Some redevelopment of existing sites will take place during the planning period, however, most highway commercial development will be by the creation of new lots on vacant land.

Similar to the downtown commercial development, this area should be well designed and contain property landscaping to improve the attractiveness of the area. Properties shall be landscaped with vegetation being used to reduce the continuous hard surfacing of areas, particularly parking lots.

(ii) Development Requirements

To ensure adequate and economical provision of services and proper development of each site in the Commercial designation, development shall comply with the relevant policies of Sections 3 and 5 of this Plan. Land division shall be in accordance with Section 4 of this Plan.

(b) POLICIES FOR DOWNTOWN COMMERCIAL USES IN COMMERCIAL DESIGNATIONS:

(i) Uses Permitted

The commercial uses permitted in the downtown portion of the Commercial designation may include business and professional offices; a club or service organization hall; convenience stores; entertainment centres; food stores such as bakeries, candy stores, and supermarkets; financial institutions such as banks and investments businesses; government offices such as postal services; hotels; laundromats; medical and wellness clinics; museums; personal service shops; places of worship; policing services; restaurants; retail stores such as department stores and secondhand stores; service repair shops; theatres; and transportation services such as bus and rail services, and taxi services.

Also permitted in the downtown portion shall be residential units in the form of apartment buildings or apartment units in, or above, non-residential buildings. The permitted uses may include parks, public presentation areas such as a cenotaph or a public square, and areas for activities such as a farmer's market.

(ii) Zoning

Commercial uses may be placed in one or more commercial zones in implementing zoning by-laws, while residential uses may be placed in one or more mixed commercial / residential zones. Open space areas may be placed in one or more open space zones by implementing zoning by-laws.

(c) POLICIES FOR HIGHWAY COMMERCIAL USES IN COMMERCIAL DESIGNATIONS:

(i) Uses Permitted

The commercial uses permitted in the highway portion of the Commercial designation may include building contracting offices without outside storage, business and home improvement displays and sales operations, fast food outlets, hardware outlets, parts and other distribution centres, policing services, restaurants, tourist establishments such as motels, and warehousing relating to the resource industry.

Existing fuel services, road maintenance yards, and vehicle repairs and sales, including car washes shall be permitted to continue, however, new developments shall only be permitted in accordance with Section 3(1) of this Plan.

Industrial uses associated with commercial uses should be permitted as per the policies of Section 6(5).

(ii) Zoning

Commercial uses may be placed in one or more commercial zones in implementing zoning by-laws, while special permit uses shall be placed in one or more special commercial zones, identifying the hazard potential of the development.

(5) INDUSTRIAL

The policies for areas designated "INDUSTRIAL" on Schedule A are as follows:

(a) GENERAL POLICIES FOR INDUSTRIAL DESIGNATIONS:

(i) Development Patterns

Two areas have been identified for industrial development within the Planning Area. The first area is north of the rail lines and west of First Street in the Town of Englehart, which is partially developed with industrial activities. Infill development is anticipated in this area with the provision of full municipal piped services, subject to the policies for water supply protection in Section 3(1)(a)(vi) of this Plan.

SECTION 6 - LAND USE POLICIES

The second area is along Highway No. 11 at the border between the Municipality of Charlton and Dack and the Township of Chamberlain and is vacant land. This area could be developed through consent for land severance as part of a municipally-owned industrial park. This area could be developed on private services, because it is outside the Englehart wellhead protection area in accordance with Section 3(1) of this Plan.

Only dry industrial uses are being permitted in accordance with Section 3(1)(c)(ii) of this Plan.

Development shall generally take place as individual sites and should be grouped with other existing industrial sites, preferably, easily accessible to major roads and/or rail lines. Traffic generated by industrial development should be oriented to traffic routes that minimize the use of local streets and residential neighbourhoods.

Wherever possible, buildings shall be grouped together and set back from adjacent roads a distance sufficient to allow for adequate landscaping and permit parking and movement of vehicles clear of any road allowance. Buffering may include landscaped strips, setback, use of natural topography, or vegetation, etc.

The Englehart industrial area should be developed utilizing the existing road pattern already established, however, expansion of the pattern could be accommodated. The industrial uses shall be evaluated and restrictions in place to ensure minimal adverse effects on surrounding land uses and the environment. Development should, therefore, be pushed to the north and west, should expansion be required.

The Chamberlain, and Charlton and Dack industrial area should be developed with an internal road pattern and no direct access permitted to Highway No. 11. New lot development will be created on a need basis.

The industrial uses proposed for these areas include a range of uses such as assembly plants, processing plants, small manufacturing plants, railroad uses, transportation facilities and warehouses. The existing bulk storage facilities in the Englehart industrial area may continue to operate, but no expansion at this location shall be permitted because of the Englehart wellhead protection area requirements.

Secondary uses such as offices and the open storage of goods and materials shall be permitted. Municipal service uses shall also be included as permitted uses.

Vehicle repairs and sales, car washes, commercial garages, maintenance garages, and fuel storage and sales are not encouraged in the Englehart industrial area unless full municipal piped services are available and appropriate environmental studies have been completed, but may be permitted in the Chamberlain, and Charlton and Dack industrial area

without the studies.

Industrial development should be well designed and contain property landscaping to improve its appearance to the traveling public, and to improve the environment.

(ii) Development Requirements

To ensure adequate and economical provision of services and proper development of each site in the Industrial designation, development shall comply with the relevant policies of Sections 3 and 5 of this Plan. Land division shall be in accordance with Section 4 of this Plan.

(b) POLICIES FOR INDUSTRIAL USES IN INDUSTRIAL DESIGNATIONS:

(i) Uses Permitted

The industrial uses proposed for these areas include a range of uses such as assembly plants, building contractor's yards, communications tower, equipment storage areas, factory outlets, processing plants, small manufacturing plants, railroad uses, service and/or repair shops, telephone switching stations, transportation facilities and warehouses. Offices relating to any of the permitted uses shall also be permitted as secondary uses. Further bulk storage facilities in the Englehart industrial area are not encouraged. The open storage of goods and materials shall be permitted with the uses included herein.

Municipal work's garages and municipal sewage treatment ponds shall also be included as permitted uses.

Vehicle repairs and sales, car washes, commercial garages, maintenance garages, and fuel storage and sales are permitted in accordance with subject Section 3(1)(a) of this Plan.

(ii) Zoning

Industrial uses may be placed in one or more industrial zones in implementing zoning by-laws.

(6) MIXED USE BUSINESS PARK

Uses permitted in the business park designation may include Down Town commercial uses or Highway Commercial uses permitted in the Commercial designation or the uses permitted in the industrial designation. If a Highway commercial or down town commercial use proposed, the policies for areas designated Commercial shall apply. If an industrial use is proposed, the policies for areas designated industrial shall apply.

(7) AGRICULTURE

The policies for areas designated AGRICULTURE on Schedule A hereto are as follows:

(a) GENERAL POLICIES FOR AGRICULTURE DESIGNATIONS:

(i) Development Patterns

The development pattern should be directed so as to protect prime agricultural land for agricultural purposes on a long-term basis. Prime agricultural lands shall be generally defined as large, continuous parcels of lands predominately comprising Class 2 and 3 soils, as defined by the Canada Land Inventory mapping for agriculture, which are accessible from the existing road pattern.

Some areas where farms exhibit characteristics of ongoing viable agriculture due to improvements in drainage, but have not been classified as Class 2 and 3 soil capability for agriculture, may be added.

The primary uses on lands designated Agriculture may include agricultural uses and accessory buildings and structures, and farm-related single-detached dwellings accommodating the owner, or farm operator. A farmer may have additional dwellings for individuals working on the farm.

Also permitted on lands designated Agriculture are uses which are common within the rural area. These will include conservation, forestry and recreational uses; non-farm residential uses; agricultural related uses; and aggregate and mineral development.

Uses that do not conform to the Health Protection and Promotion Act, the Mining Act, the Environmental Protection Act and/or the Ontario Water Resources Act and any Regulations thereunder, shall be prohibited.

(ii) Development Requirements

To ensure the adequate and economical provision of services and the proper development of each site in Agriculture designations, all development shall comply with the relevant policies of Sections 3 and 5 of this Plan. Land division shall be in accordance with Section 4 of this Plan.

All farm and non-farm related development shall comply with the Minimum Distance Separation Formulae of the Ministry of Agriculture, Food and Rural Affairs, as amended from time to time. Aggregate and mineral development shall be rehabilitated in accordance with Section 5(2)(a)(i) of this Plan.

(b) POLICIES FOR AGRICULTURAL USES IN AGRICULTURE DESIGNATIONS:

(i) Uses Permitted

The agricultural uses permitted in Agriculture designations may include the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including full-time farm labour when the size and nature of the operation requires additional employment. In addition, rural home occupations may be permitted in relation to a farm operation.

Residential dwellings may be permitted on a farm. As well, additional dwellings, either permanent or temporary, may be permitted for individuals working on the farm full-time, with the approval of Council. Home occupations, home professions and home industries may be permitted as secondary uses to residential dwellings.

(ii) Zoning

Agricultural uses will be placed in an agriculture zone by implementing zoning by-laws. The Council may, where necessary, consider establishing special agriculture zones for agricultural uses which do not require as large an area as conventional farming operations.

(c) POLICIES FOR CONSERVATION, FORESTRY AND RECREATIONAL USES IN AGRICULTURE DESIGNATIONS:

(i) Uses Permitted

The conservation, forestry and passive recreational uses permitted in Agriculture designations may include conservation areas, woodlots, snowmobile trails and riding trails, and similar passive recreational uses which leave the land in parcels suitable for agriculture, and which do not require buildings, or other structures, or the altering of the soil and/or topography adversely.

(ii) Zoning

Conservation, forestry and passive recreational uses may be placed in an agriculture zone by implementing zoning by-laws.

(d) POLICIES FOR NON-FARM RESIDENTIAL USES IN AGRICULTURE DESIGNATIONS:

(i) Uses Permitted

The non-farm residential uses permitted in Agriculture designations may include existing single detached dwellings, or farm related single

SECTION 6 - LAND USE POLICIES

detached dwellings declared surplus through farm amalgamation, which are to be severed by consent and the remnant agricultural lands are zoned to preclude any further residential dwelling. Home occupations, home professions and home industries may be permitted as secondary uses to detached dwellings.

(ii) Zoning

Non-farm related single detached dwellings, home occupations, home professions and home industries may be placed in an agriculture zone, or special agriculture zones by implementing zoning by-laws.

(e) POLICIES FOR COMMERCIAL AND INDUSTRIAL USES IN AGRICULTURE DESIGNATIONS:

(i) Uses Permitted

The farm-related commercial and industrial uses permitted in Agriculture designations may include, only in special circumstances, those agriculture-related uses which are small-scale uses directly related to agriculture and necessary in proximity to farm operations. These uses may include such uses as livestock assembly points, grain drying, storage for fresh produce, uses that produce value-added agricultural products and any other similar uses deemed by Council as necessary and appropriate in Agriculture designations.

(ii) Zoning

Commercial and industrial uses may be placed in special agriculture zones by implementing zoning by-laws.

(f) POLICIES FOR MINERAL EXPLORATION AND EXTRACTIVE USES IN AGRICULTURE DESIGNATIONS:

(i) Uses Permitted

The extractive operations permitted in Agriculture designations may include pits and quarries for the extraction of sand, gravel and other mineral aggregates as interim uses, in accordance with Section 5(2)(a)(i) of this Plan. Pits and quarries approved by the Ministry of Transportation for public road construction may also be permitted. Secondary facilities may be provided for crushing, screening, aggregate storage, portable asphalt plants and equipment maintenance, relating to the operation of a pit or quarry.

SECTION 6 - LAND USE POLICIES

Processing operations, including concrete batching and asphalt-making, may be permitted, provided that these operations are compatible with surrounding land uses and will, in no way, retard the rehabilitation of the pit, or quarry, for other future use.

Exploration, extraction and processing of minerals, operating as part of a mine, may also be permitted on Agriculture designated lands.

(ii) Zoning

Pit, quarry and mine uses shall be placed in an industrial zone which permits extractive operations by implementing zoning by-laws.

The permitted processing operations may be placed in one or more special extractive industrial zones by implementing zoning by-laws.

Any site, where new pit, quarry or mine uses are proposed, or a major expansion to an existing site is proposed, will require a zoning by-law amendment. No license or permit shall be issued, in accordance with Section 7(4)(e), until appropriate zoning has been obtained.

Notwithstanding any other policy herein, wayside pits and quarries, portable concrete plants and portable asphalt plants, which are to be used for public authority contracts, may be placed in agriculture zones by implementing zoning by-laws so as to preclude the necessity of a zoning change for new wayside pits and wayside quarry uses, or portable concrete and asphalt plants.

(8) RURAL

The policies for areas designated "RURAL" on Schedule A are as follows:

(a) GENERAL POLICIES FOR RURAL DESIGNATIONS:

(i) Development Patterns

The development pattern within the Rural designation shall be established by directing permitted land uses to those rural areas of the Planning Area, not designated as Agriculture. Lands designated Rural are lands which have not been designated as having a high capability for agriculture, as defined by the Canada Land Inventory mapping for agriculture.

The development pattern shall include those uses normally associated with a rural environment. This may include a mixture of: limited non-farm residential dwellings; limited industrial and commercial uses where such uses are related to the management or use of resources, resource-based recreational activities or which are more appropriately located in the rural setting; a mixture of private, limited-use conservation uses and a range of outdoor recreational areas and trails; areas where existing farm operations exhibit characteristics of on-going viable agriculture; areas designated for the planting and harvesting of the forest resource, areas of high resource potential for aggregate and non-aggregate mineral resource extraction; and areas for peat harvesting.

New non-farm residential land uses shall have frontage on and abut an improved road (public maintained, year-round roadways). New residential development will be limited in the Rural designation as most of the Planning Area's projected growth is being directed to the service areas. No new road construction for new non-farm residential land use is permitted.

Seasonal dwelling development has been extremely limited within the Planning Area. Most existing seasonal dwellings do not have access to year-round, publicly maintained roadways. New lot creation without access to a publicly maintained road is not permitted.

Conservation uses shall generally be located in the more remote areas of the Municipality, and in many cases, will not be accessible by a publicly maintained, year-round roadway. Conservation uses within the Rural designation shall generally be developed through private initiatives within individual, large parcel holdings. These areas will depend upon the interest of land owners to protect the quality of the environment. In particular, stream and wetland preservation will help the Planning Area with purifying drinking water and reducing erosion on river banks.

SECTION 6 - LAND USE POLICIES

Recreational uses will generally be related to outdoor activities such as trail developed specifically for snowmobiling and canoeing. Canoeing routes are generally established by the Ministry of Natural Resources and reflect a provincial interest. Regulated snowmobiling routes are generally designated by the local snowmobile club and interconnect with provincial routes. These routes depend upon private land owners for access across their property. In general, the location of trails will not be in relation to the existing roadway network.

Although the area designated Rural has low capability for agriculture, on-going, viable farms do operate throughout the Planning Area on these lands. Much of the land used for agriculture within the Rural designation have implemented drainage improvements to improve the quality of the farmland. Existing farms and future farm expansions will have access to public maintained year-round roadways.

With the exception of woodlots, operated as part of an agricultural operation, all forest activities, including planting and harvesting, shall be in accordance with a Forestry Plan, developed for a specific site. These Plans shall review the land uses within an area and separate out areas for conservation from those to be harvested. Within the Planning Area, the Timiskaming Forest Alliance is responsible for the operation and harvest of forestry resources. These activities will generally be limited in number and size because of the minimal crown land use ownership within the Planning Area. Forestry activities may not be in relation to the existing roadway network, but be dependent on resource road development.

On private property, consideration needs to be given to the practice of afforestation aimed to enhance and diversify ailing ecosystems so that natural areas will sustain growing human populations and be resilient in the face of climate change. Afforestation involves strategic tree planting to aid threatened ecosystems through the linking of isolated woodlots and by providing safe corridors for local migrating wildlife. Fragmented landscapes are known to be inherently susceptible to major changes, which is being highlighted as we enter the realm of global climate change. Afforestation could form part of a broader strategy for conserving natural heritage systems, which are networks of natural features such as wetlands, forests, river corridors and meadows. The benefit to the Planning Area would include maintaining air quality, safeguarding groundwater, providing habitat for native species and new recreational opportunities for people.

Mining claims have been staked within the Rural designation. Notwithstanding the lack of productive mining at present, detailed studies have indicated possible site locations. These locations may not be in relation to the existing roadway network, but be dependent upon the development of new resource roads to serve a particular site.

Few aggregate operations exist within the Planning Area, however, as

SECTION 6 - LAND USE POLICIES

demand increases, new sites will be developed, in close proximity to Highway No. 11, most likely, in Chamberlain Township. These areas are the most accessible, thus they are economical to retrieve. The development of new aggregate and non-aggregate mineral resource extraction shall be in accordance with Section 5(2) (a) (i) of this Plan.

Public uses shall be located as required by the municipalities. Public uses include administrative offices, work yards and the storage of materials used in construction projects. Generally, these uses shall be grouped together in one location within a municipality.

(ii) Development Requirements

To ensure the adequate and economical provision of services and the proper development of each site in the Rural designation, all development shall comply with the relevant policies of Sections 3 and 5 of this Plan. Land division shall be in accordance with Section 4 of this Plan.

All farm and non-farm related development shall comply with the Minimum Distance Separation Formulae of the province, as amended from time to time.

(b) POLICIES FOR NON-FARM RESIDENTIAL USES IN RURAL DESIGNATIONS:

(i) Uses Permitted

The residential uses permitted in Rural designations may include single detached dwellings and seasonal dwellings used on a part-time basis, not requiring year-round municipal services. For single detached dwellings, home occupations, home professions and home industries that are incidental to the main residential use, may also be permitted.

Residential uses shall be restricted so that:

1. Development shall not take place in close proximity to any existing farming operations unless in accordance with Section 5(2) (b) (xi) of this Plan;
2. Development shall not take place in close proximity to any identified forest operation;
3. Development shall not take place in close proximity to any aggregate or non-aggregate mineral resource operation unless in accordance with Section 5(2) (a) (i) of this Plan;
4. Development shall not take place adjacent to or in close proximity to the service areas defined in Section 3(1) (a) (i) of this Plan; and
5. Scenic areas and habitats for natural wildlife and woodlands shall

not be disturbed.

(ii) Zoning

Residential uses, home occupations and home professions may be placed in a rural zone by implementing zoning by-laws. New home industries will require a zoning by-law amendment to recognize the use proposed and be placed in a rural special zone by implementing zoning by-laws.

(c) POLICIES FOR CONSERVATION AND RECREATIONAL USES IN RURAL DESIGNATIONS:

(i) Uses Permitted

The conservation and recreational uses permitted in Rural designations may include private initiatives where land has been set aside as conservation areas, wilderness management areas, or as forest reserves. Also permitted are walking trails, snowmobile trails, riding trails, and similar passive recreational uses, plus municipal parks and highway park settings. Land uses considered to be appropriate by the Ministry of Natural Resources, only insofar as those uses shall apply to Crown properties, such as remote hunting camps, shall also be permitted.

(ii) Zoning

Conservation and recreational uses may be placed in a rural zone by implementing zoning by-laws. Remote hunting camp uses may be placed in a rural special zone by implementing zoning by-laws.

(d) POLICIES FOR AGRICULTURAL USES IN RURAL DESIGNATIONS:

(i) Uses Permitted

The agricultural uses permitted in Rural designations may include the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including full-time farm labour when the size and nature of the operation require additional employment. In addition, rural home occupations may be permitted in relation to a farm operation.

Agriculture-related uses are also permitted and may include those farm-related commercial and farm-related industrial uses that are small scale and directly related to farm operations and are required in close proximity to farm operations.

Residential dwellings may be permitted on a farm. As well, additional dwellings, either permanent or temporary, may be permitted for individuals working on the farm full-time, with the approval of Council.

SECTION 6 - LAND USE POLICIES

Home occupations, home professions and home industries may be permitted as secondary uses to residential dwellings.

(ii) Zoning

Agricultural uses will be placed in an agriculture zone by implementing zoning by-laws. The Council may, where necessary, consider establishing special agriculture zones for agricultural uses which do not require as large an area as conventional farming operations. Commercial and industrial uses, plus home industries may be placed in rural special zones by implementing zoning by-laws.

(e) POLICIES FOR FORESTRY USES IN RURAL DESIGNATIONS:

(i) Uses Permitted

The forestry uses permitted in Rural designations may include all operations relating to the planting and harvesting of timber resources. This may include the establishment of forestry-related operations such as sawmills. Several timber resource sites within the Planning Area are projected to be utilized in the immediate future.

(ii) Zoning

Forestry uses will be placed in a rural zone by implementing zoning by-laws. Sawmills and other forestry-related operations may be placed in an industrial zone by implementing zoning by-laws.

(f) POLICIES FOR MINERAL EXPLORATION AND EXTRACTIVE USES IN RURAL DESIGNATIONS:

(i) Uses Permitted

The extractive operations permitted in Rural designations may include quarrying and the extraction of sand, gravel and other mineral aggregates.

Pits and quarries approved by the Ministry of Transportation for public road construction may also be permitted. Secondary facilities may be provided for crushing, screening, aggregate storage, portable concrete plants, portable asphalt plants and equipment maintenance, relating to the operation of a pit or quarry.

Processing operations, including concrete batching and asphalt-making, may be permitted, provided that these operations are compatible with surrounding land uses and will, in no way, retard the rehabilitation of the pit, or quarry, for other future use.

Exploration, extraction and processing of minerals, operating as part of a

mine, may also be permitted on Rural designated lands.

(ii) Zoning

Pit, quarry and mine uses shall be placed in an industrial zone which permits extractive operations by implementing zoning by-laws.

The permitted processing operations may be placed in one or more special extractive industrial zones by implementing zoning by-laws.

Any site, where new pit, quarry or mine uses are proposed, or a major expansion to an existing site is proposed, will require a zoning by-law amendment. No license or permit shall be issued, in accordance with Section 7(4) (e), until appropriate zoning has been obtained.

Notwithstanding any other policy herein, wayside pits and quarries and portable concrete and asphalt plants, which are to be used for public authority contracts, may be placed in rural zones by implementing zoning by-laws so as to preclude the necessity of a zoning change for new wayside pits and wayside quarry uses, or portable concrete and asphalt plants.

(g) POLICIES FOR PUBLIC USES IN RURAL DESIGNATIONS:

(i) Uses Permitted

The public uses permitted in Rural designations may include administrative offices, works yards and storage of material for construction. Park settings may form part of a public centre.

(ii) Zoning

Public uses shall be placed in a rural zone by implementing zoning by-laws.

(h) POLICIES FOR RURAL COMMERCIAL DESIGNATIONS:

(i) Uses Permitted

Permitted uses shall include commercial uses which are dependent on the traveling public or substantial traffic flows or which are important to tourism or resource-related recreational activities. Examples include automotive uses (auto and recreational vehicle sales and services), accommodation, eateries, convenience and small scale retail stores, gift shops, antique stores and tourist commercial uses. Residential uses may be permitted as accessory uses.

SECTION 6 - LAND USE POLICIES

(ii) Development Requirements

Commercial uses should be directed to the Highway 11 corridor where they meet the provincial highway or Township access policies of this Plan or in other locations where justified by a business or marketing plan. The following list of sites shall also be recognized:

1. Parcels 1777SST, 1171SST, and 2831SST, geographic township of Evanturel, Roll No. 17100 24100.
2. Part of Parcel 22251 SST, Reference Plan 54R-2738, Part 1, being Part of the South Part of Lot 9, Concession 5, geographic township of Evanturel, Roll No. 23201. The described property may be used for uses including an automobile service station, a garage, the repair and maintenance of trucks, machines and equipment used in forestry operations, a truck or bus storage terminal, a welding and steel fabricating operation and an accessory dwelling unit except no dwelling shall be permitted as accessory to a garage.
3. Part of Parcel 5039 NND, being Part of the South Part of Lot 8, Concession 5, geographic township of Evanturel and lying south of the Ontario Northland Railway. The described property may be used for a dwelling unit accessory to one or more of the non-residential uses except a garage, an automobile service station, a fast food outlet, a garage, a motel, a neighbourhood convenience store, the repair and maintenance of trucks, machines and equipment used in forestry operations, a restaurant, a retail outlet, a truck or bus storage terminal, a welding and steel fabricating operation.

(iii) Zoning and Site Plan Control

Development may occur by placing commercial uses in a commercial zone in an implementing zoning by-law, or through an amendment. All commercial development will be subject to site plan control.

(i) POLICIES FOR RURAL INDUSTRIAL USES:

(i) Permitted Uses

Light industrial uses may be permitted which are related to the management or use of resources and which are classified as dry industries (i.e. do not consume large quantities of water in processing) or which are more appropriately located in a rural setting.

(ii) Development Requirements

New industrial development may be permitted by amendment to the zoning by-law where the proposed development complies with policies for land use compatibility, servicing, access and environmental management.

Zoning and Site Plan Control.

Development may occur by placing industrial uses in an industrial zone in an implementing zoning by-law, or through an amendment. All industrial development will be subject to site plan control.

(j) POLICIES FOR PEAT RESOURCES IN RURAL DESIGNATIONS

(i) Uses Permitted

Peat resources exist within the Planning Area. It is the intent of the Plan to recognize the potential for peat harvesting for a variety of uses. Peat resource extraction will be permitted within the **Rural Area** of the Planning Area. Ancillary activities are permitted including, but not limited to stock piling, screening, mixing, handling, processing, weighing, shipping and accessory buildings or structures. Where peat extraction occurs in *significant wetlands*, the policies of **Section 6(9)** shall apply.

(ii) Zoning

Peat resource extraction and ancillary activities shall be placed in a rural zone by implementing zoning by-laws.

(9) ENVIRONMENTAL PROTECTION

The policies for areas designated "ENVIRONMENTAL PROTECTION" on Schedule A are as follows:

(a) GENERAL POLICIES FOR ENVIRONMENTAL PROTECTION DESIGNATIONS:

(i) Development Patterns

The development pattern should be directed so that, lands, which if developed, would result in property damage or the loss of life, as well as, features and sites that may be hazardous to human activities or land uses, are identified and separated from other land uses.

Such features or sites, may include areas of potential erosion or slope stability; flood plains which may include water control and/or hydro production facilities; waste management systems; sewerage treatment areas; or former aggregate and mining sites which have not been rehabilitated to mitigate known or suspected hazards. This designation may also include buffer areas provided for any identified features or sites.

Where the environmental concern of a site is in question, Council shall require an inspection to be prepared in accordance with Section

SECTION 6 - LAND USE POLICIES

5(2)(a)(ii) and/or Sections 3(1) and (2), and shall utilize the results of the inspection in determining the appropriate land use for the site.

For lands designated Environmental Protection, development is prohibited:

1. Along the shoreline of rivers within the Planning Area. A concern has been identified as to the soil stability because of possible undercutting of the bank and, in some cases, flooding. The Englehart River from the Township of Robillard and Municipality of Charlton and Dack boundary to the northern boundary between the Town of Englehart and the Township of Ewanturel has been reviewed and an engineered line set. The remainder of the river and the Blanche River have not been reviewed, therefore, a minimum 30.0 metre reserve from the edge of the water has been established for all development, except in special circumstances. This setback serves to eliminate hazard lands from potential development that may be at risk for public safety and property damage;
2. On land used for active and closed waste management systems to ensure there is no environmental problems and/or health concerns from the effects of waste material being stored there;
3. On land used for a sewerage treatment facility to ensure no environmental problem and/or health concerns may arise from a problem with the operation of the treatment facility; and
4. On land affected by mine hazards, or former mineral mining operations or mineral aggregate operations where rehabilitation measures to address and mitigate hazards have not been completed.

No building of a permanent nature shall be permitted in the designation without the approval of Council, in consultation with the Ministry of Municipal Affairs and Housing. Where any form of development is proposed on land designated Environmental Protection, reports shall be prepared in accordance with the requirements of Section 5(2)(a)(ii) or Sections 3(1) and (2) of this Plan. The exception to this policy is where such buildings and/or structures are intended for flood or erosion control, or are normally associated with watercourse protection works or bank stabilization projects, and approved by Council. Buildings that are rebuilt in a flood controlled area shall be flood-proofed.

Where any land within the Environmental Protection designation is under private ownership, this Plan does not intend that such land will necessarily remain under the Environmental Protection designation indefinitely. It shall be construed as implying neither that such areas are free and open to the general public, nor that such lands will be purchased by a public agency.

SECTION 6 - LAND USE POLICIES

If a public agency does not wish to acquire these lands at the time an application is duly completed and submitted for their redesignation for other purposes, then such application may be given due consideration by Council. Applications shall include an engineering report in accordance with Section 5(2)(a)(ii) or Sections 3(1) and (2) of this Plan.

There is no public obligation either to redesignate or to purchase any land if there is an existing restriction to development. The inventory of environmental features is an ongoing programme and new sites may be identified from time to time requiring this Plan to be amended accordingly.

Notwithstanding Section 5(10) of this Plan, enlargement or extension of non-conforming uses shall be discouraged within the Environmental Protection designation.

(ii) Development Requirements

To ensure the adequate and economical provision of services and the proper development of each site in the Environmental Protection designation, development shall comply with the relevant policies of Sections 3 and 5 of this Plan. Land division shall be in accordance with Section 4 of this Plan.

(b) POLICIES FOR ENVIRONMENTAL USES IN ENVIRONMENTAL PROTECTION DESIGNATIONS:

(i) Uses Permitted

The environmental uses permitted in the Environmental Protection designation may include identified areas of potential erosion or slope stability along the major rivers of the Planning Area. As part of this concern, flood plains which may include water control and/or hydro production facilities are included. Waste management systems are permitted and include landfill sites, recycling facilities, transfer stations processing sites and hazardous waste depots, while sewerage treatment areas include sewerage treatment plants and waste stabilization ponds. Also permitted within this designation are former aggregate and mining sites which have not been rehabilitated to mitigate known or suspected hazards. This designation may also include buffer areas provided for any identified features or sites.

Mineral exploration and forestry may be permitted where approved by Provincial Authorities. Agriculture, provided no buildings or structures are constructed, may also be permitted.

(ii) Zoning

Areas designated Environmental Protection shall be placed in an environmental protection zone by implementing zoning by-laws, except waste disposal sites and the sewerage treatment site which shall be placed in a disposal industrial zone by implementing zoning by-laws. Such by-laws may contain general and specific provisions to regulate development in and adjacent to areas containing environmental features or sites.

Existing uses, in slope stability or flood control areas, will be recognized as permitted uses and placed in environmental protection special zones in implementing zoning by-laws. Renovations to existing uses, as well as, reconstruction or strengthening of existing uses that are damaged or destroyed will be regulated by implementing zoning by-laws, where no changes in use, except to a permitted use, is proposed.

(10) SENSITIVE

The policies for areas designated "SENSITIVE" on Schedule A are as follows:

(a) GENERAL POLICIES FOR SENSITIVE DESIGNATIONS:

(i) Development Patterns

The development pattern should be directed so that those areas containing features or resource of intrinsic value should be entirely prohibited or discouraged unless appropriate measures are taken to protect both the feature and resource, and the development, from being damaged or destroyed by human activity.

Such features or resources may include natural heritage features or areas, cultural heritage landscapes, archaeological resources and areas of archaeological potential, plus built heritage resources. This designation may also include adjacent lands provided for any identified feature, area or resource.

For lands designated Sensitive, development is prohibited where a significant habitat of endangered and threatened species have been identified. Where the sensitive nature of other features, areas or resources are in question, Council shall require a report to be prepared in accordance with Sections 5(2)(a) and 5(6), and shall utilize the results of the inspection in determining the appropriate land use and setbacks for the site and its adjacent lands.

Where any land within the Sensitive designation is under private ownership, this Plan does not intend that such land will necessarily remain under the Sensitive designation indefinitely. It shall be construed

SECTION 6 - LAND USE POLICIES

as implying neither that such areas are free and open to the general public, nor that such lands will be purchased by a public agency. If a public agency does not wish to acquire these lands at the time an application is duly completed and submitted for their redesignation for other purposes, then such application may be given due consideration by Council. Applications shall include an engineering report in accordance with Section 5(2)(a) herein.

There is no public obligation either to redesignate or to purchase any land if there is an existing restriction to development. The inventory of sensitive features is an ongoing programme and new sites may be identified from time to time requiring this Plan to be amended accordingly.

Notwithstanding Section 5(10) of this Plan, enlargement or extension of non-conforming uses shall be discouraged within the Sensitive designation.

(ii) Development Requirements

To ensure the adequate and economical provision of services and the proper development of each site in the Sensitive designations, development shall comply with the relevant policies of Sections 3 and 5 of this Plan. Land division shall be in accordance with Section 4 of this Plan.

(b) POLICIES FOR SENSITIVE USES IN SENSITIVE DESIGNATIONS:

(i) Uses Permitted

The main land uses permitted in Sensitive designations may include any land use determined by the Province to be features or areas of endangered or threatened habitats; significant wildlife and fish habitats; significant woodlands; significant wetlands; and areas of natural or scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area. Also permitted are cultural heritage landscapes of significant biological, geological, historical and/or cultural interest, such as, archaeological sites, heritage sites, heritage districts or landscape areas.

Conservation uses permitted in this designation may include wilderness management areas, forest reserve areas, trails and similar passive recreational uses.

Also permitted shall be display or interpretation areas developed to exhibit or explain a particular feature or resource.

(ii) Zoning

Areas designated Sensitive shall be placed in a sensitive zone by

SECTION 6 - LAND USE POLICIES

implementing zoning by-laws. Such by-laws may contain general and specific provisions to regulate development in and adjacent to areas containing sensitive features.

SECTION 7

IMPLEMENTATION

(1) GENERAL

This Plan shall be implemented by means of the powers conferred upon a Council and other public agencies by the Planning Act, the Building Code Act 1992, S.O. 1992, as amended, the Public Lands Act, as amended, the Municipal Act 2001, S.O. 2001, as amended, and such other statutes, as may be applicable.

(2) APPLICATION PROCESSING FEE BY-LAW

Each Council shall prescribe by by-law, pursuant to the Planning Act, a tariff of fees schedule to be charged to applicants for the processing of applications made in respect to planning matters for which the Council is the Approval Authority, or required to conduct a review, or provide preliminary consultations. In particular, each Council shall adopt and make available to applicants, applications for:

- Preliminary (Development) Plan Reviews;
- Preliminary Plan of Subdivision Applications;
- Amendment to Official Plan and/or Zoning By-law Applications;
- Consent Applications;
- other planning matters, as required.

Each Council shall continually monitor its by-law to ensure that the fees reflect the cost of processing each application or function, and when necessary, amend the by-law.

(3) DEVELOPMENT CHARGES BY-LAW

Each Council may pass a by-law in accordance with the Development Charges Act 1997, S.O. 1997, as amended, to impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development. These development charges may be levied in the processing of approving plans of condominium according to Section 9 of the Condominium Act 1998, S.O. 1998, as amended; plans of subdivision according to Section 51, consents according to Section 53, conveyance of land according to Section 50, zoning by-law amendments according to Section 34, minor variances according to Section 45, all of the Planning Act, and building permits according to Section 8 of the Building Code Act 1992, S.O. 1992, as amended.

The Council may designate the area in which such a By-law applies, and may establish land uses to which the By-law applies, except where exempt by the Act.

(4) LAND USE CONTROLS

(a) ZONING BY-LAWS:

A comprehensive zoning by-law update, passed pursuant to Section 34 of the Planning Act, shall be brought into effect by each Council following adoption of this Plan. Such by-laws shall zone land in accordance with the proposals contained in this Plan and establish regulations to control the use of land and the character, location and use of buildings and structures.

(i) Zoning of Conforming Land Uses

Land uses existing on the date of approval of this Plan, which conform to the land use designations shown on Schedule A hereto, shall be zoned in accordance with the zoning policies of this Plan, which pertains to the appropriate land use designations.

(ii) Zoning of Non-Conforming Land Uses

Land uses existing on the date of approval of this Plan, which do not conform to the land use designations shown on Schedule A hereto, may be recognized for their present use and standards in implementing zoning by-laws, but the zoning on such lands shall not be further amended except in conformity with Section 5(10) of this Plan.

(iii) Zoning of Undeveloped Lands

It shall not be the intention of a Council to zone all lands immediately to conform to the land use designations shown on Schedule A hereto.

For undeveloped lands whereon a commitment to development has been made, zoning may be undertaken in accordance with the zoning policies of this Plan, pertaining to the appropriate land use designation, once a commitment, normally in the form of an approved land severance and/or a signed subdivision, condominium or development agreement, has been given.

Also, some undeveloped lands may be zoned to permit infilling or minor extensions of existing development patterns before development has been proposed.

(iv) Zoning of Waterbodies

Although all waterbodies have not been designated by this Plan, it is intended that they be zoned environmental protection. Where a specific land use exists, it will be zoned accordingly.

SECTION 7 - IMPLEMENTATION

(v) Zoning for Change

Zoning may be used, through alternative provisions or standards, to assist with the improved supply of access to affordable housing, provide additional low-cost transportation options, preserve community character, and protect the local environment.

(vi) Zoning Amendments

When a Council receives an application for a development which it considers at that time to be desirable, not premature and in conformity with the policies and designations of this Plan, the Council may pass a by-law amending the zoning by-law. The Council may, as a condition of development, require the owner of the land to enter into one or more agreements with the Corporation dealing with the provision, maintenance and use of certain facilities and matters, as set forth in the Planning Act.

All applications for zoning amendments must be accompanied by the appropriate Council's "APPLICATION FOR AMENDMENT TO OFFICIAL PLAN AND/OR ZONING BY-LAW" and comply with the conditions and procedures thereof.

(vii) Notification

Comprehensive zoning by-laws, site specific amending zoning by-laws and amending zoning by-laws which implement official plan amendments shall be subject to the provisions of the Planning Act and Regulations thereunder regarding the period for advanced notice of a public meeting; the means of notification of the public meeting; the persons to be notified regarding the intention to pass a by-law; and the notification for subsequent meetings should major changes be made to the proposed by-law.

Amending zoning by-laws to correct typographical errors or omissions, section numbering errors and by-law consolidation or corrections to permit proper consolidation shall be subject to the Act and the Regulations thereunder, except that public notice may be provided by advertising in the local newspaper one (1) week in advance of the meeting date.

(b) COMMITTEE OF ADJUSTMENT:

(i) Minor Variances

A Council may constitute and appoint a Committee of Adjustment in accordance with Section 44(1) of the Planning Act to grant minor variances from the provisions of any by-law of the Corporation in effect under Sections 34 or 38 of the Planning Act. A Council may authorize the Committee by by-law, to grant minor variances from other by-laws of the

SECTION 7 - IMPLEMENTATION

Corporation which implement the Official Plan. The by-law shall be enacted in accordance with Section 45(3) of the Planning Act and specify the by-laws to be dealt with therein.

The Committee may grant minor variances in accordance with Section 45 of the Planning Act and any regulations thereunder.

(ii) Consents

A Council, once delegated authority by the Minister of Municipal Affairs and Housing, under Section 50(1.4) of the Planning Act, shall grant consents subject to any conditions determined by the Council on review of an application. A Council shall grant a consent in accordance with Section 53 of the Planning Act and Ontario Regulation 197/96, as amended, and in accordance with the policies of this Plan. If Council appoints a Committee of Adjustment in accordance with Section 7(4)(b)(i) of this Plan, authority to grant consents shall be delegated to the Committee.

(c) CULTURAL HERITAGE CONSERVATION:

When required, a Council shall enact a by-law in accordance with Section 28 of the Ontario Heritage Act, as amended, to establish a Municipal Heritage Committee to advise and assist on matters related to the Act. A Council may add other responsibilities on matters of cultural heritage conservation to the responsibility of the Committee.

The Committee shall recommend that the Council, by by-law, designate properties to be of cultural historical and/or architectural value or interest and define areas to be examined for future designation as a Heritage Conservation District. The Committee may prepare policy guidelines which provide direction for Council in the approval of applications for new development and alternations to properties within a Heritage Conservation District.

A Council shall use the provisions of the Act to implement the heritage policies of this Plan. In accordance with Section 27 of the Act, a municipal clerk shall maintain a register of all property designated under Part IV and Part V of the Act. This register may also contain properties that have heritage conservation easements placed upon them and properties that are not designated, but which are considered by Council to be of cultural heritage value or interest.

(d) PARKLAND CONVEYANCE BY-LAWS:

A Council shall develop a by-law to require land to be conveyed, or money to the value of the land otherwise to be conveyed, in lieu of such conveyance, in accordance with Section 42(1) and 42(6) of the Planning Act. The monies shall be used for parks or other public recreational purposes, in accordance with the policies of Section 3(6) of this Plan.

SECTION 7 - IMPLEMENTATION

(e) PITS AND QUARRIES CONTROL BY-LAW:

A Council shall develop a by-law to regulate pits and quarries in accordance with the appropriate provisions of the Municipal Act 2001, S.O. 2001, as amended, for patent lands only. The By-law shall contain provisions for the development of sites, matters pertaining to the operation and rehabilitation procedures, the process for the development of a proposed site and for the administration and enforcement of the By-law.

The By-law shall also provide for the entering into of an agreement regarding the particular site, and such agreement shall be registered on title.

(f) TEMPORARY USE BY-LAWS (SECTION 39, PLANNING ACT)

In certain circumstances, it may be desirable to pass a Temporary Use By-law to implement the policies of this Plan or to implement measures for economic growth and prosperity (e.g. it may be desirable to locate certain uses in vacant commercial or institutional buildings or on lands zoned for institutional uses on a temporary basis despite the fact the uses are not permitted under the provisions of the Official Plan). It may also be beneficial to temporarily zone lands for industrial or commercial uses as an incubator or temporary location for a use which does not conform to the Plan.

A Temporary Use By-law may also be passed to permit a garden suite. Council may, therefore, in a by-law passed under Section 39 of the *Planning Act*, authorize a temporary use of existing structures for any purpose set out therein. The period of time for a temporary use may be for a period as set out in the *Planning Act*. Notice of a Temporary Use By-law shall be given in the same manner as that of a zoning by-law under Section 34 of the *Planning Act*.

As a condition of the passing of a Temporary Use By-law for a garden suite, Council may require the owner of the suite or any other persons to enter into an agreement with the Municipality under the *Municipal Act*.

Any use introduced under such a Temporary Use By-law does not acquire the status of a legal non-conforming use at the expiration of the by-law(s) and at that time must therefore cease.

It is not the intent of the Official Plan that Temporary Use By-laws be used to permit a new use while an amendment to the Official Plan and/or zoning by-law is being processed to permit the use on a permanent basis. However, once a temporary use is established and it becomes apparent to Council that the use should be permitted on a permanent basis, the use may continue under a Temporary Use By-law while any required amendments are passed.

(g) SITE PLAN CONTROL - (SECTION 41, PLANNING ACT)

Under the authority of Section 41 of the *Planning Act*, Council may by by-law designate specific areas or land uses within the municipality which shall be

SECTION 7 - IMPLEMENTATION

known as site plan control areas. For the purposes of this Plan, the following land use designations and land uses shall be subject to Site Plan Control:

1. Any industrial, commercial or institutional use.
2. Any multiple residential use consisting of six (6) or more dwelling units.
3. Any lands abutting a lake, water body or natural heritage feature or area.
4. All conversions and redevelopment within any of the above categories.

Council may by by-law designate one or more areas as Site Plan Control Areas. Council may require the submission of plans and drawings for all development proposals within the Site Plan Control area.

Council may, as a condition of site plan approval, require the dedication of land for the widening of any street. The conveyance to the municipality shall not exceed more than one-half of the deficiency of the width or 5 m [16.4 ft] whichever is the lesser. The conveyance shall apply to the full frontage of the property wherever the deficiency exists.

Council shall require each applicant submitting such a development proposal to enter into an agreement with the Municipality as a condition to the approval of the development proposal. Where a development proposal is of a minor nature, some or all of the points listed below may be waived in the agreement. The agreement may include conditions on the following facilities and matters:

5. The construction or reconstruction of the access or egress onto all major roads or highways and any upgrading of the roads, that will be necessary as a result of the increased traffic caused by the development;
6. The number and location of all off-street loading areas and parking areas to be provided within each development, and the surfacing of such areas and driveways;
7. The number, location and construction of all walkways and walkway ramps and pedestrian access points to be provided in the development and how these will eventually be connected to adjacent areas;
8. The location, number and power of any facilities for lighting, including floodlighting of the site or any buildings or structures (such as signs) thereon;
9. All grading required to be done on the property and how storm, surface and waste waters will be disposed of in order to prevent erosion including the period during construction of the project. Plans will show the location and connections for all services to municipal services including elevations and inverts;

SECTION 7 - IMPLEMENTATION

10. The techniques that are to be used on the site for landscaping of the property for the protection of adjoining lands, water bodies or natural heritage features, including the type of vegetation and techniques to be used, the existing (native) vegetation which is to be preserved, and any structures such as walls, fences or barriers that are to be used;
11. The location, height, number and size of all residential units to be erected on the site and the method by which the development will be staged;
12. The location, height, and type of all other buildings located in the proposal;
13. Illustration of the contours and final elevations of the site on a contour interval of 1 m [3.3 ft] or less;
14. The location and type of any facilities and enclosures for the storage of garbage and other waste materials;
15. The location and extent of any easements or other covenants on the land to be conveyed to the municipality or a local board for public utilities;
16. The installation or application of sustainable design elements such as vegetation materials, street furniture, waste and recycling and bicycle parking; and
17. Facilities designed to have regard for access for persons with disabilities.

In the review of Site Plan Applications, Council may circulate to municipal departments and outside agencies that are considered to have a vested interest for their comments prior to the approval of any site plan or site plan agreement.

Agreements entered into under the authority of Section 41 of the *Planning Act* may be for the provision of any or all of the facilities, works or matters as provided for in the *Act* and the maintenance thereof and for the registration of such agreements against title to the land to which they apply.

(h) Holding Zone By-law

In order to show a future zoning designation while retaining control of the timing of development, a "holding" designation may be used, in the form of a symbol "h" as a suffix to the zone designation.

1. Rationale for the Use of Holding By-Laws

Holding by-laws may be used where the principle of development has been established through scrutiny under the Planning Act. A Holding By-

SECTION 7 - IMPLEMENTATION

Law may be used under the following circumstances:

- A. To hold land from development until water and sewage services are provided, or, studies have been undertaken to prove that servicing is possible on the site and the servicing has been included in the Municipal budget or provided for through a Subdivision Agreement or other acceptable means with a developer;
- B. To hold land that is designated in the Official Plan, but, as yet is undeveloped until a proposal is submitted to develop the land for the use/uses intended in the Official Plan;
- C. To hold land from development until other environmental or physical improvements to the site are made. For example, road improvements or infill on a site may be required prior to development of the site;
- D. To prevent or limit the use of land in order to achieve orderly phased development;
- E. To ensure that all conditions of development including the satisfactory completion of technical studies, financial requirements and agreements in accordance with the provisions of this Plan and/or the Planning Act, have been complied with;
- F. To identify contaminated sites and hazardous sites which may require clean-up or rehabilitation before development

2. Restricted Land Uses

Lands shown in a Holding (H) category in the implementing Zoning By-law:

- A. Should be restricted to existing uses; and
- B. New development proposed on such lands shall not be permitted until Council deems it appropriate to remove the Holding symbol through a by-law enacted under Section 36 of the Planning Act, and in accordance with Subsection (c) below.

3. Conditions to be Met for Removal of the Holding Symbol

The Holding "h" may be removed by by-law when the above circumstances have been satisfied and the following conditions met:

- (i) Approval of servicing the site /area is given or servicing of adequate standards is provided on the site;
- (ii) A proposal is submitted for a site that conforms to the policies of the Official Plan;

- (iii) A phasing plan is submitted;
- (iv) Technical studies have been satisfactorily completed to provide justification for the proposed development of the lands;
- (v) Architectural or design drawings and studies, where applicable, are submitted showing the required features;
- (vi) Financial securities have been submitted (e.g. bond or letter of credit);
- (vii) With respect to contaminated sites, the “h” may be removed upon the receipt of a technical report satisfactory to Council that the appropriate level of remediation, demonstrated by a Ministry of Environment acknowledged Record of Site Condition has been achieved. With respect to hazardous sites, the “h” may be removed upon receipt of a technical report satisfactory to Council that the site has been restored or rehabilitated and is safe for development.

(5) COMMUNITY IMPROVEMENT

(a) COMMUNITY IMPROVEMENT PLANS AND AMENDMENTS

Prior to adoption of a community improvement plan or any amendment thereto, Council shall undertake the necessary work in accordance with Section 28 of the Planning Act.

A Council shall ensure that in the course of the preparation of a plan, or an amendment thereto, it holds a public meeting in accordance with Section 28(4) of the Planning Act, and any person attending the meeting shall be afforded an opportunity to make representation in respect of the proposed plan or amendment thereto.

(b) MAINTENANCE AND OCCUPANCY BY-LAWS:

Where necessary, a Council may pass a Maintenance and Occupancy By-law in accordance with Section 15.1 of the Building Code Act 1992, S.O. 1992, as amended, to establish minimum standards for maintenance. Where a By-law is in effect, the Council shall undertake a review and update of its Maintenance and Occupancy By-law for the purpose of enforcement.

The Chief Building Official, and such inspectors, as are necessary, shall be responsible for administering and enforcing the by-law. A Property Standards Committee shall be established, in accordance with Section 15.6 of the Building Code Act 1992, S.O. 1992, as amended, for the purpose of hearing appeals against an order issued by the Chief Building Official, or Inspector.

The general measures to be used in achieving a property maintenance

SECTION 7 - IMPLEMENTATION

programme would include, an education and public relations programme. These would be designed to show residents the benefits of continued property maintenance, together with information showing that improvements can be made without increasing the property's assessed value.

Complimentary to the enforcement of property standards on private properties, each Corporation shall undertake to keep in a well-maintained condition all municipally-owned properties and structures, and to provide, or maintain, in good repair, such municipal services as roads and parks, and all municipal buildings.

(c) **DEMOLITION CONTROL AREA BY-LAWS:**

Where a Maintenance and Occupancy By-law is in effect, a Council may enact a by-law designating any area within the Municipality to which the standards of maintenance and occupancy apply, to control the demolition of the whole or any part of any residential property within that area in accordance with Section 33 of the Planning Act. This By-law shall include provisions for the evaluating of heritage buildings and structures to ensure their continued existence.

(d) **GRANTS OR LOANS TO REPAIR PROPERTY:**

Where a Maintenance and Occupancy By-law is in effect, a Council may enact a by-law for providing grants or loans to the registered owner, or assessed owners, of land, in respect of which a notice has been sent, to help to pay for the whole or any part of the cost of repairs to be done, or the clearing, grading and levelling of the lands, on such terms and conditions as may be prescribed by the Council, in accordance with Section 32 of the Planning Act, or Section 365.1 of the Municipal Act 2001, S.O. 2001, as amended.

(6) GENERAL CONTROLS

(a) **BUILDING BY-LAWS:**

Each Council shall undertake a review and update of its Building By-law pursuant to the provisions of the Building Code Act 1992, S.O. 1992, as amended. Each Council shall also ensure that its Building By-law properly implements the policies of this Plan as reflected in implementing zoning by-laws.

(b) **BY-LAW ENFORCEMENT:**

Each Council shall review its needs and staffing requirements, and consider the employment of a By-law Enforcement Officer who will be directed by By-law to enforce the provisions of this Plan and any By-law implementing this Plan. This shall include the enforcement of the Building By-law.

SECTION 7 - IMPLEMENTATION

(c) ENVIRONMENTAL IMPACT ASSESSMENT:

Nothing in this Plan shall allow an undertaking, subject to the Environmental Assessment Act, as amended, to proceed except in compliance with the Act. A Council shall not issue any permit, approval or consent that may allow an undertaking, subject to the Act, to proceed without an approval under the Act.

Since the overall intent of this Plan is to protect public health and safety; ensure orderly growth and development; protect the environment, and natural and heritage resources or features, plus a Municipality's amenities and resources, each Council, or the Approval Authority, may require separate investigations as to the effects of significant, proposed development to ensure the implementation of this Plan.

Notwithstanding the above, no such investigations shall be required for any undertaking subject to an environmental impact assessment pursuant to the Environmental Assessment Act, as amended. Where the Act is applied, the Report shall follow the form required in the Act.

(d) SERVICE AREA BY-LAWS:

Each Council shall enact a new Service Area By-law for areas provided with piped municipal water and sewerage services, or piped municipal water service only, in accordance with Section 326 of the Municipal Act 2001, S.O. 2001, as amended, to ensure that development within the area specified in the By-law connects to existing and/or proposed municipal services.

(e) SIGN BY-LAWS:

Each Council shall enact a Sign By-law, in accordance with Section 99 of the Municipal Act 2001, S.O. 2001, as amended, to regulate signs and other advertising devices, or any class thereof, and for posting of notices on buildings or vacant lots, or on land abutting a highway. The Council shall ensure sufficient flexibility in the By-law to provide for municipal signage related to public facilities and services.

(f) PUBLIC WORKS CONSTRUCTION AND LAND ACQUISITIONS:

It is intended that the construction of public works and the public acquisition of land within a Municipality shall be carried out in accordance with the policies of this Plan. Implementation policies contained in this Plan involve the provision of municipal and community facilities, together with other programmes which require public financing. The Plan outlines the nature and scope of these projects, directly or by implication, and would include, for example, development of parks and facilities, trails, road improvements, drainage control and construction and improvements to the municipal water supply and piped distribution system and the municipal sewerage treatment and piped collection systems.

SECTION 7 - IMPLEMENTATION

Insofar as these municipal and community facilities are to be provided by a Municipal Corporation, a list shall be compiled for all capital and environmental improvement projects, with cost estimates where possible, relating to land acquisition, and its development and maintenance. The list should be contained in a 10-year Capital Improvement Programme and used in developing annual municipal budgets.

The preparation of the programme will involve the ranking of projects according to priorities. Decisions should address how a project addresses energy use, community health and well-being, and local food production. The general criterion for weighing and ranking proposals, in order of importance, is shown below:

- (a) Protection of life and maintenance of public health;
- (b) Ability to support a clean and sustainable environment;
- (c) Level of support encouraging the principles of smart growth, which include sustainability, viable travel choices and reduced greenhouse gas emissions;
- (d) Compliance to the standards for the development of complete streets, which not only involves adequate road capacity and acceptable levels of service, but the ability to accommodate pedestrians and other travel means, such as bicyclists;
- (e) Provision of public facilities and services supporting infill or redevelopment in and around the central core of the Town of Englehart, which reflect compact growth patterns with a broader mix and variety of housing types to meet changing needs of the community;
- (f) Provision of public facilities and services supporting development within the municipal piped water service area of the townsite of Charlton, which reflect compact growth patterns of mixed use development with a variety of housing types, in order to form a self-contained community;
- (g) Resolution of the ownership of various piped water distribution systems;
- (h) Reduction in operating costs, where possible, for all public facilities and services, using such means as green building standards, water conservation methods, and reduction of pollution and waste;
- (i) Supports public convenience and comfort, through the introduction of attractions and events, and comfortable seating areas within a well-designed streetscape, improving the overall walkability of the core area in the Town of Englehart, thus making it a gathering place;
- (j) Conservation of resources such as the protection for valley and stream corridors, wetlands, protection of natural and agricultural lands,

SECTION 7 - IMPLEMENTATION

provisions of lands for food production to be used for local consumption, and the promotion of the importance of the countryside as a Planning Area asset;

- (k) Overall improvement to recreation, social and cultural services through the grouping together of these services in close proximity of each other, and within walking distance of the core area of the Town of Englehart;
- (l) Overall improvements to the aesthetic value within the community, through improvements to the appearance of municipal buildings and facilities and to municipal public spaces, plus the upgrading of parks and green spaces through landscape design plans; and
- (m) Relative value with respect to other services.

(g) OTHER POLICIES, BY-LAWS AND PROCEDURES:

Each Council shall review its existing policies, by-laws and procedures pursuant to the Municipal Act 2001, S.O. 2001, and other relevant Provincial statutes and update, revise or introduce new policies, by-laws and procedures, where necessary. These documents may govern such uses as waste disposal sites, salvage yards and business licensing to ensure proper regulation and control.

SECTION 8 INTERPRETATION

(1) LAND USE BOUNDARIES AND ROADS

It is intended that the boundaries of the land use designations shown on Schedule A and the identified areas shown on Schedule B are considered as approximate, and absolute only where bounded by roads, railways, waterbodies or other obvious geographical barriers. It is also intended that the location of roads, as indicated on Schedules A and B, is considered as approximate, and not absolute. Therefore, amendments to this Plan will not be required in order to make minor adjustments to the approximate land use boundaries, identified areas or to the locations of roads, provided the general intent of this Plan is preserved. Such minor deviations will not be reflected on Schedule A or Schedule B.

(2) QUANTITIES

It is intended that all figures and quantities herein shall be considered approximate, not absolute, so as to eliminate any requirement to amend this Plan to permit any minor variance from any of the proposed figures or quantities stated herein, provided the general intent of this Plan is preserved.

(3) METRIC UNITS

All measurements used in this Plan are expressed in metric terms.

(4) AGENCY NAMES AND RESPONSIBILITIES

From time to time, the names of various government agencies may change. In addition, responsibilities may shift from agency to agency. The names of the various agencies responsible for the many programmes, regulations and approvals are given in this Plan as of the date of adoption of this Plan. It is not intended that this Plan be amended each time a name change, or function shifts occur. Rather, this Plan shall be interpreted so as to refer to those agencies named, or to their successors, as conditions dictate.

(5) LEGISLATION

From time to time, legislation may be replaced by new legislation, sometimes bearing a new name, or amended and the sections become renumbered. It is not intended to amend this Plan each time an Act is replaced by new legislation, or when amended. Rather, this Plan shall be interpreted so as to refer to those Acts of the Legislature

SECTION 8 - INTERPRETATION

named, or to their successors, as conditions dictate.

The names and sections of the various Provincial Acts used in this Plan, except where noted otherwise, are in accordance with the Revised Statutes of Ontario, 1990 (R.S.O. 1990). With the exception of the Planning Act, all other provincial acts are noted when amended, as of the date of adoption of this Plan.

All Federal legislation is properly identified.

SECTION 9 ADMINISTRATION

(1) PLAN INFORMATION

Following approval of this Plan, Planning Board will arrange to have this Plan reproduced and made available in order to further inform the general public of the policies and proposals contained herein.

(2) EARLY CONSULTATION PLANNING

Applicants shall be encouraged to consult with the appropriate municipality prior to submitting a development application to determine their interest in the proposal, and who the Approval Authority is with respect to the type of planning application being submitted. Each municipality should provide proponents with information on the materials, which might be required, for a complete application. This may include provincial and municipal interests relating to the project, a list of information/study needs and work to resolution potential disputes.

For those applications where the Ministry of Municipal Affairs and Housing is the Approval Authority, further consultation shall be with the Ministry. This will provide proponents with information on the materials which might be required for a complete application.

The early consultation process should work in the favour of the Applicant to reduce the time required to finalize applications and in some cases reduce expenses incurred by the Applicant.

(3) MUNICIPAL PLAN REVIEW / ONE WINDOW

Notwithstanding other policies herein, if the policies of this Plan require consultation with government agencies for development applications under the Planning Act, the responsible Municipality and /or Applicant shall consult with the Ministry of Municipal Affairs and Housing, in those cases where the Ministry is the Approval Authority.

Where the policies of this Plan require an evaluation, demonstration or other action by an Applicant, in accordance with the standards and requirements of one or more government agency, the Plan should generally be interpreted to mean that it is the affected municipality's responsibility to make land use decisions that are consistent with the Provincial Policy Statement 2005.

(4) PLAN REVIEW

(a) CONTINUING REVIEW:

It is intended that this Plan will be subject to continuing review by Planning Board, using the advice of the individual Councils. Should the basis or objectives of this Plan or other economic, social or technical conditions be significantly altered, the Plan will be amended to reflect the altered conditions.

(b) 5-YEAR REVIEW:

Not less frequently than every five (5) years following the approval of this Plan, Planning Board shall hold a special meeting, open to the public and including the individual municipalities, for the purpose of determining the need for revision of this Plan, its policies and schedule.

Prior to this review meeting, notice shall be given in accordance with Section 26(2) of the Planning Act. In undertaking such a review, Planning Board shall establish which specific policies and issues require special attention because of changing circumstances, or problems experienced in the Plan's implementation over time.

(5) PLAN AMENDMENTS

(a) CONDITIONS FOR AMENDMENTS:

When development, which would require an amendment to this Plan, is proposed, such amendment shall only be considered if it is supported by substantial evidence to justify the change. Applicants must complete the applicable Council's "APPLICATION FOR AMENDMENT TO OFFICIAL PLAN AND/OR ZONING BY-LAW" and comply with the conditions and procedures thereof, in accordance with the provisions of the Planning Act, and Regulations 543/06 and/or 545/06.

(b) PUBLIC MEETING AND NOTIFICATION PROCEDURES:

Official Plan amendments shall be subject to the provisions of the Planning Act and Regulation 543/06 regarding the period for advanced notice of a public meeting; the means of notification for the public meeting; the persons to be notified regarding the intention to amend the Official Plan and the notification for subsequent meetings should major changes be made to the proposed amendment.

After consultation with Planning Board, the applicable Council shall hold the public meeting.

SECTION 9 - ADMINISTRATION

Notwithstanding the above, Official Plan Amendments to:

- (i) Create a consolidated Official Plan, provided that only existing approved amendments and Minister's Modifications are added to the Plan;
- (ii) Renumber sections in the Plan; and
- (iii) Correct typographical errors or omissions, provided that they do not result in changes in policy shall be subject to the Act and its Regulation, except that the Public Notice may be provided by advertising in the local newspaper one (1) week in advance of the meeting date.