



TOWN OF BLIND RIVER

Official Plan – As Consolidated and
Approved February 20, 2015



February 20, 2015



OFFICIAL PLAN

Town of Blind River

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1 INTRODUCTION

1.1 PURPOSE OF THE OFFICIAL PLAN

The Official Plan is one of a series of many reports, studies, plans and policies, which direct the actions of local government, and shapes the growth and development of Blind River. The Blind River Official Plan establishes a vision for the future land use structure of the Town. The Plan will serve as the basis for managing change over for the next 20 years. The achievement of this future will, in large part, be dependent on the actions of Council and on the form, location and rate of growth permitted by Council.

1.2 CONTEXT

The policies of this Plan are based on an integrated view of economy, environment and community.

Economy

This Plan establishes several principles to direct planning and development in a manner, which supports the local economy. Guided by this Plan, the Town can influence the local economy by providing and maintaining the Town's roads, transit, water supply and sewage facilities, and ensuring that there is a good supply of serviced land for residential, commercial and industrial development.

This Plan also promotes economic development by promoting an urban structure which is suited to the needs of a variety of businesses based on a concept of allowing a broad range of uses, allowing market forces to shape the commercial structure and minimizing the time involved in obtaining approvals.

Economic development also depends on initiatives for community improvement, the revitalization of brownfield sites in the urban area and the development of the natural resources base for agriculture, minerals, mineral aggregates and forestry in the rural area.

Community

In Blind River, community and quality-of-life is influenced by a wide range of factors. In addition to needs traditionally associated with community, such as schools, hospitals, emergency services, parks, and libraries, this Plan recognizes that a broader range of issues including the local economy, food security, heritage, and the built and natural environment play an important part in forming and sustaining community.

A sustainable community recognizes the necessity for land use decisions which are inclusive to the needs of all residents and which provide for accessibility to public facilities and services. The policy framework of the Plan promotes urban design principles in providing for a safe live/work/play environment, integrated with an active transportation system.

Environment

This Plan is based on the recognition that a healthy natural environment is an important attribute of the community and the local economy. Natural features such as forests and wetlands are important elements of the Town landscape.

While these features are recognized as having recreational and aesthetic value, they are also important as functioning elements of local and regional ecosystems. The Plan recognizes the need for linkages and, where feasible, buffering of these features.

1.3 APPROACH OF THE PLAN

With changes in Provincial responsibilities and the changes to the Town of Blind River's boundary in 2001 to include the Townships of Kamichisitit, Jogues, Julliette, Mack, Scarfe, Timmermans and the remainder of Cobden, the Town is responsible for land use planning of over 950 square kilometers of land.

The Official Plan has been prepared to be consistent with the Provincial Policy Statement (2005) in order to ensure that provincial interests in local municipal planning matters are protected as per the provincial policy environment which existed at the time of the five-year review of the Plan. Changes to the Planning Act and other provincial legislation, as well as to the Provincial Policy Statement may require amendments to this Plan. Nothing in the Provincial Policy Statement is intended to prevent the Town of Blind River from going beyond the Province's minimum standards in the development or policy or when the Town exercises its municipal decision making authority under the Planning Act, unless doing so would conflict with the Provincial Policy Statement or would conflict with the Growth Plan for Northern Ontario. This Plan is intended and is considered to conform with the Growth Plan for Northern Ontario.

The official plan shall be implemented in a manner that is consistent with the recognition and affirmation of Aboriginal and treaty rights in Section 35 of the *Constitution Act, 1982*.

This official plan shall be read in conjunction with any provincial plan in effect and where deemed to conflict with a provincial plan, the provincial plan shall take precedence.

Where land use approvals involve potential approvals under other provincial legislation, the approvals under the affected legislation may be integrated, provided the intent and requirements of all affected Acts are met.

The official plan shall be implemented in a manner that is consistent with the Ontario *Human Rights Code* and the *Canadian Charter of Rights and Freedoms*.

When change is proposed, this Plan is intended to provide clear direction to Council, both in general terms related to the long-term vision as well as with specific policies for Council and other users of this Plan to assess the impacts and benefits of change and the degree to which change is in the public interest.

The Plan sets out seven broad land use designations within which appropriate change can occur through the zoning by-law approval process, provided Plan criteria can be met to ensure the minimization of impacts and the benefits.

1.4 CONTENTS OF THE PLAN

The format of the Official Plan is as follows:

Section 1, Introduction, contains the purpose of the Plan and the context in which it was prepared.

Section 2, Vision Statement, provides the conceptual basis for the policies that follow.

Section 3, Official Plan Principles, describes the long-term strategy for planning and development of Blind River.

Section 4, General Development Policies, outlines the policies that apply to all land use designations and provide general guidelines for the consideration of development and planning applications.

Section 5, Land Use Designations, translates the vision and principles into a development pattern and land use structure for Blind River.

Section 6, Overlay Designations, provides additional site specific policies to govern areas of significance or with unique attributes. The uses permitted on the lands affected by these overlay designations are established by the underlying land use designation, subject to the policies of the overlay designation.

Section 7, Infrastructure, describes the priorities of Council relative to hard servicing, transportation, trail and pedestrian systems, and future public works.

Section 8, Design Guidelines, are a set of directions to ensure that the built form and design of Blind River continues to reinforce the Town's character and functional and efficient amenities.

Section 9, Implementation and Interpretation, establishes the way in which the policies of the Plan will be achieved and, represents a general statement regarding the contents of the Plan, the standards used, and the meanings of some of the expressions and phrases employed by the Plan.

2 VISION STATEMENT

The primary purpose of the Official Plan is to provide the basis for managing the change and growth that will capitalize on Blind River's unique character, strong community identity and natural heritage features. The Plan also establishes a land use context to foster continued economic vitality for the community and the people who live and work here.

In 1992 the Town prepared a Strategic Plan entitled "Our Town: Our Future". Updated in 1996, the Mission Statement for the Town was confirmed as follows:

Blind River is a uniquely located, friendly, multicultural community, committed to developing its regional role through progressive and responsible management.

To achieve this mission the Town will:

- Pursue well planned, moderate growth in cooperation with neighbouring municipalities and other governments.*
- Create a climate which promotes investment and provide local employment opportunities.*
- Promote its natural beauty and clean environment while ensuring their protection.*
- Responsibly manage its municipal infrastructure.*
- Foster a welcoming sense of community.*
- Manage its resources in a fiscally responsible and effective manner.*
- Embrace the principles of the Growth Plan for Northern Ontario through economic development initiatives and other measures which will sustain a healthy and prosperous community.*
- Recognize Aboriginal interests in land use planning and coordinate planning matters wherever appropriate*

The vision for Blind River sees a unique community located midway between Sudbury and Sault Ste. Marie which capitalizes on its geographic location on the north shore of Lake Huron and its pristine natural areas. The Town is proud of its small Town atmosphere and the ability of its French, English, and Aboriginal peoples to live and work together. This Plan intends to protect these strengths and also build on the Town's role as a regional centre for shopping, educational, health, social, and recreational activities. In addition, the Town sees itself as the centre for arts and cultural development, services and facilities in the area. The Town will build on its partnerships with local arts and cultural organizations and individuals and the Mississauga First Nation to become the artistic and cultural destination for the north shore of Lake Huron and beyond.

The waterfront on Lake Huron and the Blind River, and the many smaller lakes and Provincial Parks within the Town, are amenities to be enjoyed by residents and visitors to the municipality. Trail systems within the Town and connecting to the Town provide major recreational opportunities for Blind River. This Official Plan will ensure that Blind River's waterfront and open spaces are maintained and developed as important and strategic community assets.

Policies related to design are an important component to this Plan. Blind River has been interested in developing and maintaining a consistent theme to the entrances to the Town, its parks and trail systems, and its commercial areas for some time. This Plan recognizes the importance of design issues and design control.

The Official Plan assumes that the high quality of life now enjoyed by the Town's residents can be maintained and enhanced if Blind River's existing strengths and attributes can be promoted and developed. It is the intent of this Plan to provide Council with a set of policies to manage future growth and change while protecting Blind River's unique character, natural heritage features and ensuring its continued economic vitality.

3 OFFICIAL PLAN PRINCIPLES

The principles in this Section of the Plan build on the Vision Statement and form the basis of the policies contained within this Plan. There are three principles established by this Plan that are intended to guide the Town in the achievement of the Vision and are based on the Town's Strategic Plan, "Our Town: Our Future". They are:

3.1 PRINCIPLE # 1 - Manage Growth in a Responsible and Efficient Manner

3.1.1 In order to accommodate change, growth, and economic activity, land must be developed or re-developed for new housing, employment, institutional and recreation facilities. The Town of Blind River will take the necessary steps to ensure that future growth occurs in a responsible and efficient manner that is complementary to the community's existing character. The Town will ensure that an adequate supply of land is available for future growth and development which is supported through existing or planned infrastructure.

3.1.2 The majority of new growth will be directed to the full serviced Settlement Area where the community can support additional growth and to encourage the efficient use of land in this area.

- 3.1.3 Compact forms of development that make more efficient use of existing developed or vacant lands, housing stock and municipal services will be encouraged.
- 3.1.4 All new development and redevelopment should be designed to be consistent with the heritage, style and context of the existing community.
- 3.1.5 Re-development and infilling should foster a pedestrian environment which promotes social interaction, active transportation and accessibility to community amenities.
- 3.1.6 Restricting the amount of new development in the Rural Area, and prohibiting development which would impede the orderly expansion of the Settlement Area in the future.
- 3.1.7 Planning for an inclusive community that is sensitive to the needs of persons with disabilities.
- 3.1.8 Ensuring that the heritage resources of the community are conserved for future generations.
- 3.1.9 To recognize Aboriginal interests in land use planning.

3.2 PRINCIPLE # 2 - Promote a Strong and Diverse Employment Base

- 3.2.1 Economic development will be encouraged to achieve sustainable economic prosperity for Blind River on the basis of competitiveness, a positive business environment and diversified economic base for Blind River to continue to act as a regional service centre.
- 3.2.2 Current supplies of adequately serviced employment lands will be maintained and enhanced. Council will continue to assess the potential for future demands for fully serviced employment lands through the five year review of this Plan.
- 3.2.3 The tourist potential of the waterfront and Downtown district, the Provincial Parks and Wilderness areas, and the all season trail systems will be enhanced by providing for waterfront and tourism related facilities and development.
- 3.2.4 The Town will undertake economic development initiatives which support the goals and objectives of the Growth Plan for Northern Ontario.
- 3.2.5 The Town will provide for the wise use and management of the natural resource base as an integral component of its economic development strategy.

3.3 PRINCIPLE # 3 - Ensure the Sustainability and Integrity of the Environment

- 3.3.1** The protection and enhancement of natural heritage features and environmental resources is a priority.
- 3.3.2** All potential environmental impacts will be considered in reviewing development applications.
- 3.3.3** The conservation and management of public open space areas, shorelines and water bodies within the Town's boundaries form a key element of the Town's natural heritage system.
- 3.3.4** To conserve biodiversity and encourage the ecological benefits provided by nature.
- 3.3.5** To support energy conservation, green energy infrastructure and initiatives and plan for the reduction of greenhouse gasses and the impacts of climate change.

4 GENERAL DEVELOPMENT POLICIES

The following "General Development Policies" apply to all land use designations in this Plan, unless otherwise noted. The "General Development Policies" provide policy guidance with respect to the submission of development applications to the Town, special land uses or developments, and inter-jurisdictional policy areas.

4.1 GENERAL POLICIES

- 4.1.1** It shall be a policy of the Town to ensure that all development occurs in accordance with the land use designations shown on the attached schedules and with the policies of this Plan. No zoning by-law shall be approved and no public works shall be undertaken which do not comply with the provisions of this Plan without an Official Plan amendment.
- 4.1.2** The Town will ensure that it consults with the Mississauga First Nation Reserve with respect to any proposals within the Town that may have an impact on the Reserve and will cooperate with the Band Council in exploring joint economic development activities that are mutually beneficial.
- 4.1.3** The Town may request any party proposing a development to assess the financial impact of the proposal on the Municipality and may require said party to enter into an agreement with the Municipality to alleviate any adverse financial implications.
- 4.1.4** The Town will ensure through the adoption of zoning by-laws under the Planning Act, that adequate standards are required for all development relating to off-street parking and loading requirements and other similar criteria, including adequate buffering, and controls regulating the height, bulk, location, size, floor area, spacing, density, character and use of buildings and structures. Zoning may also be used to regulate contaminated lands, sensitive or vulnerable areas, natural features and areas and significant archaeological resources.
- 4.1.5** Where, under the policies of this Plan a land use is permitted, such use or uses normally accessory to the principal use or uses are also permitted.
- 4.1.6** Prior to development occurring, and before any land division or consent for a land severance is permitted, or any amendment to a zoning by-law is made, it shall be established to the satisfaction of the Town and all other bodies having jurisdiction, that:
- 1.** Soil and drainage conditions are suitable to permit the proper siting of buildings;

2. Suitable arrangements have been made for water supply, sewage disposal, storm drainage and all other necessary public services (see **Section 7.2**);
3. No traffic hazards will ensue because of excess traffic generation, or limited sight lines on curves or grades;
4. The land fronts on an improved public road, on a road which is maintained by the Municipality and which meets municipal standards, or in the case of the construction of residential dwellings which do not require applications made under the Planning Act on existing lots on a private road in accordance with the relevant policies of this Plan (see **Sections 5.3.4** and **7.3.6**);
5. The potential impact of all adjacent land uses upon the proposed use has been adequately investigated;
6. Appropriate action is taken to minimize any adverse effects of the use on adjacent lands and/or to afford protection from any such effects and an adequate buffer distance is provided between the use and adjacent uses in accordance with the policies of the Plan (see **Section 4.2**);
7. Council recognizes the need for wayside pits and quarries to provide sand, gravel and other mineral aggregates for road construction, maintenance and other municipal projects. Council also supports the need for portable asphalt and concrete plants for road projects. As such, it is a policy of this Plan to permit wayside pits and quarries and portable asphalt and concrete plants to locate in all land use designations delineated on Schedule A and B, without the need for an amendment to this Plan or the Zoning By-law with the exceptions of lands within the Environmental Protection designation or lands in other land use designations which have been determined to be environmentally sensitive and incompatible with extraction and associated activities, as well as within existing built-up areas.

- 4.1.7** In the course of considering a development proposal, Council may undertake, or direct to be undertaken, planning studies to ensure that the objectives and policies of this Plan are met. Such studies may include the ecological, social and economic impacts on the Municipality and its residents. Council may refuse developments, which would have significant adverse impacts or may require agreements or remedial works to offset such impacts. Where this Plan requires that any studies or technical reports or materials be completed in support of any development

proposal, those reports shall be completed by a qualified professional approved by the Municipality. The Municipality may choose to refuse an application or deem the application to be incomplete where the required studies, technical reports or materials are not submitted in support of the application. The Municipality may retain independent experts to review technical reports submitted in support of any application. The costs of the expert reports and any peer review shall be paid by the developer (see also **Sections 4.14 and 9.6**).

4.1.8 Minimum Distance Separation (MDS) Formulae

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

1. The MDS I shall not apply to the following:
 - A. An existing non-farm residential use which is destroyed by catastrophic event provided the replacement building is not built any closer to the livestock facility than before the event.
 - B. The expansion of an existing residential dwelling.
 - C. Accessory structures to a dwelling (i.e., decks, garages, garden sheds, gazebos, patios, pools or similar buildings and structures).
 - D. An existing vacant lot of record zoned to permit a residential use.
 - E. Where there are four or more existing non-farm uses closer to a livestock facility and in immediate proximity to a proposed new lot for a residential use provided the location of the proposed lot is not located closer to the livestock facility than the four or more existing non-farm uses.
2. MDS II shall not apply to the following:
 - A. Any existing livestock facility which is destroyed by a catastrophic event provided the replacement building is not

built any closer to the residential use than before the event and if the reconstruction does not result in a higher value for odour, nutrient units or manure or material.

- B.** To the portions of a livestock facility where livestock are not normally present for a long enough time for substantial amounts of manure to accumulate (i.e. feed bins, feed preparation areas, field shade shelters, livestock assembly areas, livestock loading chutes, machinery sheds, milking centres, offices, riding arenas or washrooms.

- 3.** For the purposes of applying MDS in this Plan:
 - A.** A cemetery shall be classified as a Type B land use where it is closed or receives low levels of visitation (applies to MDS II only); otherwise a cemetery is shall be classed as a Type A land use.

 - B.** MDS I and II shall apply to any development and/or expanding livestock facility in or adjacent to the urban settlement area.

4.2 LAND USE CHANGE AND LAND USE COMPATIBILITY

Incompatible land uses are to be protected from one another. While buffers between incompatible land uses may be used to prevent or minimize adverse effects, distance is often the only effective buffer, and therefore adequate separation distance, based on a major facility's potential or actual influence area, is the preferred method of mitigating adverse effects. The separation distance should be sufficient to permit the functioning of the incompatible land uses without adverse effects occurring. Separation of incompatible land uses should not result in the sterilization of intervening land usage.

4.2.1 Establishing Influence Areas for Industrial Land Uses

In the absence of establishing actual areas of influence for industrial land uses, the following separation distances based on potential influence areas between industrial and sensitive land uses should be used:

- 1.** 1000 metres between Class 3 industrial uses and sensitive land uses;
- 2.** 300 metres between Class 2 industrial uses and sensitive land uses;
- 3.** 70 metres between Class 1 industrial uses and sensitive land uses.

Where new industrial uses are proposed to be located in proximity to existing sensitive land uses, or where new sensitive land uses are

proposed to be located in proximity to existing industrial land uses at distances less than those prescribed above, technical studies will first need to be produced to establish the actual influence area of the industrial use.

At no time will the actual influence area of the industrial land use or facility be less than the following minimum separation distance:

1. 300 metres for Class 3 industrial land uses and facilities;
2. 70 metres for Class 2 industrial land uses and facilities;
3. 20 metres for Class 1 industrial land uses and facilities.

The actual influence area of a particular class of industrial land use will be established through technical studies by qualified professionals, prepared in keeping with the Ministry of Environment's D-Series Guidelines on Land Use Compatibility, which also include criteria on the definition of the three classes of industrial land use.

4.2.2 Incompatibility Between Sensitive Uses and Other Land Uses

Ministry of Environment's Guidelines on land use compatibility also contain more detailed direction on the requirement for technical studies for Establishing Influence Areas for Mineral Aggregate Resource Extraction Land Uses; Development in Proximity to Operation or Closed Waste Disposal Sites; Development in Proximity to Provincial Highways and Rail Lines; and, Development in Proximity to Other Stationary Noise Sources.

Potential noise and vibration impacts shall be evaluated and addressed when new sensitive land uses are proposed adjacent to existing railway lines, highways, sewage treatment facilities, waste management facilities, industries, other than Class One industries, or any other stationary or line noise sources where noise and vibration are being, or may be, generated. An evaluation will also be required where new generators of noise and vibration are proposed adjacent to existing sensitive uses or lands zoned to permit sensitive land uses. Development proponents will engage a qualified consultant to either confirm a study is not required or to undertake a noise and/or vibration study to assess the impact on existing or proposed sensitive land uses within the minimum distances identified in Ministry of Environment (MOE) guidelines, including NPC-300, Environmental Noise Guideline – Stationary and Transportation Sources- Approval and Planning Publication (NPC-300) or any replacement standard, as required and shall demonstrate that impacts will be reduced or can be mitigated to acceptable levels.

Consistent with NPC-300, detailed noise studies may be required for new sensitive development within:

1. 500 m of a 400 series highway, 250 m from a highway or 100 m from other arterial roads;
2. 500 m of a principal railway line, 250 m from a secondary railway line or 100 m from other railway line;

These distances are guidelines and may vary depending on individual structures and site topography.

Stationary noise sources include equipment and extended facilities associated with industrial uses and aggregate extraction uses, sewage treatment, ancillary transportation and commercial facilities. Feasibility and detailed noise studies are generally required for new development proposed within the influence area of a stationary noise source. The influence area will be determined on a case-by-case basis depending on factors such as the type and scale of the stationary noise source, the intervening topography and other land uses.

4.2.3 Actual Influence Areas and Mitigation Measures

Once the actual influence area is known, and mitigation techniques have been identified, a development proposal may proceed where deemed to be compatible, subject to its appropriateness as demonstrated by the technical studies, and subject to the implementation of the findings of the technical studies through the planning process.

Where technical studies identify irreconcilable incompatibilities where impacts from discharges and other compatibility problems cannot be reasonably mitigated, the proposed development shall not proceed.

4.3 EXPANSION OF SETTLEMENT AREA

This Plan, through its land use Schedules and policies, establishes a Settlement Area that is intended to accommodate the forecast and projected growth for the Town for its planning period to 2023 and beyond. It is not anticipated that an expansion to the existing Settlement Area will be required during the planning period of the Official Plan, as there is a sufficient land supply designated to accommodate projected growth and lands which have been set aside for the future needs of the community beyond the 20 year planning period of this Plan which have historically been considered as part of the Settlement Area.

Any application to expand or extend the Settlement Area will not be considered until a Growth and Settlement study and/or justification study has been completed. This study will, as a first priority, assess the availability and viability of lands currently designated FUTURE GROWTH POLICY AREA within the

Settlement Area. The justification study shall be based on a review of population and growth projections, consideration of alternative directions for growth, utilizing opportunities to accommodate projected growth through intensification and redevelopment, be integrated with planning for infrastructure and public service facilities, and shall consider cross-jurisdictional issues. In addition to these and other considerations, should the expansion of the Settlement Area then be considered necessary and justified, the expansion shall:

- 4.3.1 Conform to the results of the required Growth and Settlement Study;
- 4.3.2 Consider the agricultural and aggregate resources of the Town and conform with the Minimum Distance Separation formulae;
- 4.3.3 Consider the impact of any proposed Settlement Area expansion on lands within the Environmental Protection designation and other areas of environmental sensitivity;
- 4.3.4 Be accompanied by detailed environmental studies as required by this Plan; and,
- 4.3.5 Be appropriately serviced in accordance with **Section 7** of this Plan.

4.4 CROWN LANDS

The total area of all Crown lands in Town, including Matinenda, North Shore Channel Inshore Waterway, Blind River, and Little White River Provincial Parks and the Mississagi Delta Provincial Reserve, represents almost 70% of the entire municipal land area. The Crown lands are located throughout the Town, although principally in the six northern geographic Townships. The future use and development of these Crown lands will therefore have a major impact on the character of the Town and the ability of this Plan to achieve its Vision and goals for the municipality.

While the Province is not bound by the policies or land use designations of this Plan with respect to the use and development of Crown lands, it is a goal of this Plan that the Town will work in close cooperation with the Province to determine the future use and development of the Crown lands and Provincial Parks. The Town encourages the Province and its resource Ministries to consult with the Council of the Town when making land use decisions concerning Crown lands, particularly with respect to the impact of any mineral aggregate operation or mineral mining operation on municipal infrastructure and compatibility with nearby land uses (see **Section 4.2.2 Incompatibility Between Sensitive Land Uses and Other Land Uses**).

It is a policy of this Plan that its policies and designations shall be binding on any lands that cease to be Crown lands and that are sold or transferred into private

ownership and that the use and development of those lands shall require an amendment to this Plan.

4.5 PUBLIC SERVICE USES

Except as may be otherwise specifically stated in this Plan, it shall be a policy of this Plan to permit the use of any land or the use of any building or structure, for the purposes of public service uses by this Municipality, any telephone or communications company, any natural gas company, any conservation authority established by the Government of Ontario or any Department or Ministry of the Government of Ontario or of Canada or authorized contractors/agents of the Ministry or Agency. All public service uses shall have regard to the specific Official Plan policies and zoning regulations for the designation and zone within which they are located. Such public service uses shall not be deemed to include infrastructure such as waste management facilities, waste disposal operations or other similar uses.

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

4.6 GROUP HOMES

It shall be a policy of Council to permit the establishment of group homes within the corporate limits of the Town in accordance with the following policies and all other relevant policies of this Plan.

For the purpose of this section, a group home shall mean a dwelling in which people receive specialized or sheltered residential care and accommodation by virtue of their physical, mental, emotional or social status and which is approved or licensed in accordance with any Act of the Parliament of Canada or Ontario.

Council shall permit group homes via the implementing zoning by-law in all residential zones. A municipal by-law may regulate on-site matters related to the health and safety of residents.

4.7 HOME OCCUPATIONS AND INDUSTRIES

- 4.7.1** Home occupations may be permitted in all land designations where residential uses are a permitted use subject to the policies of this Plan and the provisions of the Zoning By-law. Where the use is proposed to access a provincial highway, Council shall consult with the Ministry of Transportation. The conversion of a home occupation or home industry with frontage on a provincial highway shall not be permitted where the effect is to create a change in an entrance from a residential or farmstead entrance to a commercial or industrial entrance or to create a new or separate entrance. A severance that would result in a separate entrance to a business will also not be permitted.
- 4.7.2** Bed and breakfast establishments are permitted as a home occupation in single detached dwellings where listed as a permitted use in the land use designations in this Plan, subject to meeting the requirements of the Zoning By-law. A bed and breakfast with more than three guest suites shall require a re-zoning. Council shall be satisfied that the following criteria can be met when considering such a re-zoning:
- 4.7.3** The use shall not have a negative impact on the enjoyment and privacy of neighbouring properties;
- 4.7.4** The use is clearly secondary to the primary use of the dwelling as a residence;
- 4.7.5** The bed and breakfast establishment must be the principal residence of the owner and operator;
- 4.7.6** The character of the dwelling as a private residence is preserved;
- 4.7.7** Adequate parking facilities are available on the lot for the proposed use;
- 4.7.8** The use will not create a traffic hazard. Where the use is proposed to access a provincial highway, Council shall consult with the Ministry of Transportation.
- 4.7.9** Home Industries may be permitted in the Rural and Resource Area designation subject to all policies of this Plan in either a dwelling or an accessory building or structure provided the total floor area of the accessory structure does not exceed 93 sq. metres. In all other designations, home occupations shall be permitted only within a dwelling. Up to two home occupations or home industries may be conducted from the same property.
- 4.7.10** Home industries shall be limited to uses which are small-scale operations which are self-contained, do not result in a land-use conflict

due to environmental concerns such as noise, dust, vibrations, impact on water quality or quantity odour or excessive vehicle traffic.

- 4.7.11 The implementing zoning by-law shall include more detailed regulations with regard to home occupations and home industries.

4.8 CULTURAL HERITAGE, HERITAGE LANDSCAPES AND ARCHAEOLOGICAL RESOURCES

4.8.1 General Policies

The intent of this Plan is to conserve "built heritage resources, cultural heritage landscapes and archaeological resources" as defined in the most current Provincial Policy Statement. It is a policy of Council to consider cultural heritage and archaeological resource conservation in all land-use planning decisions. For the purposes of this Plan, cultural heritage resources will be divided into built heritage resources (i.e., buildings) and archaeological resources (i.e., cemeteries, burial sites and other sites acknowledged as significant at the local, provincial or national level).

Council recognizes the importance of heritage resources within the Town of Blind River. Therefore, it is the policy of this Plan to encourage the identification, recording, conservation, protection, restoration, maintenance, and enhancement of all cultural heritage resources, including significant built heritage resources, and significant cultural heritage landscapes. All new development permitted by the land use policies and designations of this plan shall have regard for heritage resources and shall, wherever possible, incorporate the conservation of these resources into any new development plans. In addition, all new development will be planned in a manner, which preserves and enhances the context in which heritage resources are situated.

Cultural heritage resources should include, but are not restricted to, built heritage resources (buildings and structures), cultural heritage landscapes (i.e., groupings of individual heritage features such as structures, spaces, archaeological sites and natural elements which together form a significant type of heritage form).

Council shall have regard for cultural heritage resources in the undertaking of municipal public works. When necessary, Council will require satisfactory measures to mitigate any negative impacts on significant heritage resources.

Council shall participate, wherever feasible, in the conservation of cultural heritage resources by:

1. Conserving built heritage resources, cultural heritage landscapes and archaeological resources that are under municipal ownership and/or stewardship.
2. Respecting the heritage resources recognized or designated by federal and provincial agencies.
3. Entering into a data-sharing agreement with the Ministry of Tourism and Culture whereby Council and the Ministry will share information related to cultural heritage resource protection.
4. Applying site plan control.
5. Incorporating heritage conservation through the preparation of a community improvement plan (per Section 28 of the *Planning Act*).
6. Partnering with organizations and senior levels of government in identifying, protecting and conserving heritage resources. Examples could include grants or loans for repairs or restoration of heritage properties.
7. Supporting the reduction of waste construction debris as a result of the demolition of buildings by promoting and encouraging the adaptive re-use of older and existing building stock.
8. Approving energy retrofits of heritage buildings without compromising the heritage integrity of the building.
9. Ensuring that public works projects and other municipal initiatives comply with the cultural heritage policies of this Plan as a condition of approval.
10. The identification and conservation of heritage trees.
11. The adaptive re-use of buildings
12. Maintaining a consistent height and character profile for buildings notably infill and intensification projects
13. Ensuring that cultural heritage resources both on shore and in the water are not adversely affected. When necessary, Council will require satisfactory measures to mitigate any negative impacts on significant cultural heritage resources.

14. Conserving cultural heritage resources when considering the establishment of new areas for mineral extraction or when considering the establishment of new operations or the expansion of existing operations. When necessary, Council will require satisfactory measures to mitigate any negative impacts on cultural heritage resources.
15. Retrofits for achieving energy efficiency will only be undertaken in a heritage building where it is demonstrated that retrofitting can be accomplished without compromising the heritage integrity of the building.
16. The preparation of a heritage master plan and an archaeological management plan. The Town will consult with the aboriginal community in the preparation of heritage plans.

4.8.2 Municipal Heritage Advisory Committee

Council will vest the Municipal Heritage Advisory Committee with responsibility for developing criteria for the potential identification and designation of significant built heritage resources, significant cultural landscapes (see Planning Resource Kit, O. Reg. 9/06) and the establishment of one or more heritage conservation districts under the Ontario Heritage Act. The Committee will establish management policies for the long-term protection and conservation of heritage resources, particularly any heritage attributes that have been identified during the creation of a heritage resource inventory. This may include the preparation of a heritage master plan.

4.8.3 Designations under the Ontario Heritage Act

The *Ontario Heritage Act* may be utilized to conserve, protect, and enhance the cultural heritage resources in the municipality through the designation of individual properties, and the establishment of heritage conservation districts. A Municipal Heritage Committee may be established pursuant to the *Ontario Heritage Act* to advise and assist Council on conservation matters related to cultural heritage resources.

1. Designation of Cultural Heritage Resources

Council may by by-law designate built heritage resources and properties of cultural heritage value or interest under the applicable components of the *Ontario Heritage Act*.

2. Ontario Heritage Conservation Districts

Council may create one or more heritage conservation under Part V of the *Ontario Heritage Act* based on the following criteria:

- A.** Any collection or grouping of buildings, properties, streets or open spaces that as a result of their location, landscape setting, historic use, archaeological resources, or architecture are collectively significant to the community and/or are of cultural heritage value. Such buildings may or may not be designated under Part 4 of the *Ontario Heritage Act*;
- B.** An area with a special character with an integrity of its own that distinguishes the area from other areas of the community and represents a certain aspect of, or era in the development of the Town which is worthy of being maintained and protected such as the downtown, waterfront or lakeshore area or original residential area or neighbourhood;
- C.** A defined boundary identifying a portion of the Town within which all properties are protected from inappropriate changes impacting their recognized cultural, historic or architectural values through the use of policies, by-laws and design guidelines;
- D.** An area that has been identified or defined for its heritage attributes by the Municipal Heritage Advisory Committee;
- E.** An area that depicts one or more features, events or aspects of the history of Blind River.

4.8.4 Cultural Heritage Impact Statement (CHIS)

Development and site alteration will not be permitted on adjacent lands to a protected heritage property except where the proposed development and site alteration has been evaluated through a cultural heritage impact statement and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

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

1. The nature of the proposed development;
2. The cultural heritage resource(s) to be affected by the development;
3. The impacts posed by the development on cultural heritage resource(s);
4. The measures, if any, which may be taken to mitigate any negative impacts of development on the cultural heritage resource (s);

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

4.8.5 Archaeological Resources

It is a policy of this Plan to identify, protect and conserve significant archaeological resources within the Town. Archaeological resources include artifacts, archaeological sites and marine archaeological sites, the identification and evaluation of which is based on archaeological fieldwork undertaken in accordance with the Ontario Heritage Act. In addition, areas of archaeological potential are acknowledged as being confirmed through archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act* by the proponent of a development application and shall be undertaken as a condition of development.. Within the Town of Blind River there are known, and there may be unknown, archaeological sites and resources requiring protection and conservation. It is also a policy of this plan to encourage that all archaeological resources recovered locally be retained locally, only if there are cultural institutions or museums meeting provincial standards. It is a priority of Council that significant archaeological resources should be conserved through preservation in-situ where possible.

Where a development application is submitted and the site contains archaeological resources or has been identified as having the potential for archaeological resource discovery through the use of provincial screening criteria as recommended by the Ministry of Tourism and Culture, the Town or other relevant agency, shall require the owner to undertake an archaeological assessment in accordance with the requirements of the Ministry of Tourism and Culture and conducted by a licensed consultant archaeologist in compliance with the requirements of the *Ontario Heritage Act*.

Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

Council recognizes that archaeological potential will be determined for individual development applications through the use of provincial screening criteria, or criteria developed based on the known archaeological record within the Town. Archaeological potential criteria includes features such as proximity to water, current or ancient shorelines, rolling topography, unusual landforms, any locally significant heritage areas such as portage routes or other places of past human settlement.

Council may maintain the integrity of significant archaeological resources by adopting archaeological zoning by-laws under Section 34 of the Planning Act, to prohibit any land use activities or the erection of buildings or structures on a significant archaeological site. Development or site plan agreements and/or easements may also be considered for the protection of archaeological features on the ground.

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

4.8.6 Marine Archaeological Resources

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

4.8.7 Demolition of built Heritage Resources

Council shall ensure that accurate adequate architectural, structural and economic information is provided to determine the feasibility of rehabilitation and reuse versus demolition when considering demolition applications of designated heritage properties.

4.9 WATERFRONT DOCKING AND STORAGE FACILITIES

New or expanded waterfront docking and storage facilities shall be subject to the following policies:

- 4.9.1** Facilities should be located within lot line extensions of the property such that they do not interfere with navigation and aids to navigation, developed or potential beach areas and other uses within the shoreline areas. Approval from the appropriate government ministries or agencies may be required;
- 4.9.2** Developers of such uses other than marinas shall not rely on filling or dredging of the shoreline areas;
- 4.9.3** Where filling or dredging is required in the shoreline areas, prior approval shall be obtained from the appropriate government ministries or agencies;
- 4.9.4** For the use of land that is under water, appropriate land tenure shall be obtained from the Ministry of Natural Resources according to the provisions of the *Public Lands Act*, prior to actual construction or work commencing;
- 4.9.5** The facilities constructed shall be no longer in dimension than is necessary to carry on the proposed activity;
- 4.9.6** The facilities shall be developed on appropriate soils;
- 4.9.7** Facilities shall be located so as to be protected from potentially damaging storm and high water conditions;
- 4.9.8** The uses shall be located so as not to adversely affect fisheries habitat; and
- 4.9.9** Waterfront docking and storage facilities may be subject to the provisions of zoning and site plan control and the provisions in **Section 4.8 for Cultural Heritage and Archaeological Resources.**

The boundary of the Town of Blind River extends to the middle of all Bays, Channels, etc. as defined in the *Territorial Divisions Act 2002* and as such the Town can exercise a degree of planning controls over those lands that are covered with water within the Municipal boundary. As the control of this area is multi-jurisdictional, the Town will request and make every effort to co-ordinate its planning programs with Provincial and Federal programs relating to the lands and waters within the Town's jurisdiction. The implementing Zoning By-law shall establish appropriate zone categories and regulations regarding the development or re-development of shoreline areas and the land covered with water.

4.10 ACCESSORY DWELLING UNITS

Notwithstanding any other provisions of this Plan, the conversion of a single detached dwelling, semi-detached dwelling or row-house dwelling to accommodate an accessory dwelling unit (i.e. second residential unit) shall be permitted as-of-right on all lands within the Town of Blind River. For the purpose of this Section, "Accessory Dwelling Unit" shall be considered secondary and incidental to the existing single-detached, semi-detached or row-house dwelling where they are occupied by a single residential unit.

Appropriate standards and provisions shall be established in the General Zoning By-law.

4.11 GARDEN SUITE DWELLING UNIT

The establishment of a "Garden Suite" may be permitted, subject to a Temporary Use By-law under Section 39 of the *Planning Act*, on land designated "Rural and Resource Ares" or "Living Area". The "Garden Suite" shall be considered secondary and incidental to an existing dwelling unit on the lot on which a garden suite is to be constructed.

In considering "Garden Suite" dwelling units Council, prior to passing a Temporary Use By-law shall be satisfied that:

4.11.1 The "Garden Suite" is being permitted in conjunction with an existing single detached dwelling unit;

4.11.2 The "Garden Suite" is secondary to the single detached dwelling unit and no more than two dwelling units in total, including the Garden Suite, shall be permitted per lot;

4.11.3 Adequate parking for the "Garden Suite" is available;

- 4.11.4** Where necessary, buffering of adjacent uses is provided;
- 4.11.5** The "Garden Suite" shall comply with the Zoning By-law. In the case where an existing single detached dwelling is legally non-complying, the "Garden Suite" shall not cause further encroachment;
- 4.11.6** The internal construction of the "Garden Suite" shall comply with the *Ontario Building Code*.
- 4.11.7** Sewage and water services shall be provided through an extension from the existing dwelling unit and shall be adequate to service the principle residential unit and the "Garden Suite";
- 4.11.8** An agreement is entered into with the Town regarding the maintenance, alterations and improvements and eventual removal of the "Garden Suite" unit. This agreement may include a bond or security held by the Town that would ensure the removal of the unit.

4.12 CONSENT POLICIES

4.12.1 General Policies

It is intended that, wherever possible, the creation of new lots shall occur by plan of subdivision. However, there are circumstances, particularly for single lot development or in the defined Urban Service Area, where a plan of subdivision is not necessary for proper and orderly development of the subject lands. Therefore, an application for consent to sever a parcel of land may be approved where it is clearly evident that a plan of subdivision is not necessary and there is compliance with the policies of this Plan and the relevant provisions of the Planning Act. Generally, the creation of more than 3 lots shall occur only by plan of subdivision.

To assist the Committee and Council in their evaluation of applications for consent, the following policies serve to define the circumstances in which approval of consent application may be considered. In making a decision on specific applications for consent, Council shall consider the policies of this Section and all other relevant policies in this Plan as well as the matters set out in 51(24) of the *Planning Act* and the provisions of the Zoning By-law.

4.12.2 Policies Applicable to all Land Use Designations

The proposed lot and the lot to be retained shall be of an appropriate size and have adequate lot frontage for the existing and proposed uses,

and the severed and retained lots shall comply with the provisions of the implementing zoning by-law.

The creation of new lots shall have regard for the servicing hierarchy and policies of **Section 7** of this Plan.

Where development is proposed on individual on-site sewage disposal or water services, and the subject lands are less than one hectare in area or where Council is concerned about water quality and quantity (e.g., due to lack of soil cover or other conditions on the subject lands), the Municipality shall require that a hydrogeological report prepared by a qualified professional be submitted with the application. The report shall confirm that the proposed new lot is suitable for the long-term provision of groundwater services to the subject lands. The report must also address any potential off-site impacts from the proposed development including but not limited to ground water quality and quantity, storm water quality and quantity, and impacts on and from adjacent land uses. Reference shall be made to Ministry of the Environment Guidelines D-5-4 and D-5-5 in evaluating individual on-site water and sewage services, and in the review of development proposed on hydrogeologically sensitive sites.

All lots created by consent shall front on and have access to an improved public street.

Consents shall not be permitted where a traffic hazard would be created due to the curve, grade and/or traffic volumes on the road upon which the lot fronts.

New residential lots created by consent shall only have access from local or collector roads.

Direct access to Provincial Highways shall not be permitted unless the proposed land uses qualify it for an access permit issued by the Ministry of Transportation.

The creation of non-residential lots with access onto Provincial Highways and Arterial Roads shall be restricted. Where such a severance is proposed on a Provincial Highway, the applicant must submit evidence that an access permit will be issued. It shall be noted, however, that the ability to obtain an access permit does not guarantee the granting of a severance.

The creation of strip or linear residential development, shall be prevented wherever possible. However, the creation of infilling lots may be permitted between two existing residential lots on local or collector roads where the distance between the lots is approximately 55

metres or less. Also, existing strip or linear residential areas may be extended to a physical feature such as a river, side road, or major slope where such feature is approximately 55 metres or less from the residential area. Notwithstanding the above, no lot shall be created which would restrict proper access to rear lands.

A consent may be permitted for technical or legal reasons such as boundary adjustments, easements, right-of-ways or other similar purposes that do not result in the creation of a new lot.

Consents for non-agricultural uses shall comply with the Minimum Distance Separation requirements as they relate to any nearby agricultural uses. Consents shall not be granted where the proposed use would adversely affect existing or proposed agricultural operations. See also **Section 4.1.8** for requirements for **Minimum Distance Separation**.

A consent may be granted for any permitted use except accessory uses in any land use designation providing there is compliance with all the relevant policies of this Plan.

Scattered rural development by consent shall be discouraged in order to minimize the overall impact on the environment and natural resources, to allow for the more efficient delivery of services, and to protect the rural character of the Town. Non-agricultural development should be located in or adjacent to the defined Urban Service Area of the Town unless that development has the potential to hinder the future expansion of the Town's urban area. It is anticipated that the number of new lots created by consent in the Rural Area shall be no more than 20 over the life of this Plan.

Applications for consents within Overlay designations identified On Schedules "A" and "B" to this Plan shall be subject to the policies of **Section 6**.

Any consent within 300 metres of a water body shall conform to the policies of **Section 4.15.1** of this Plan.

4.12.3 Consents within Areas of Agricultural Land

The policies of this subsection apply with regard to areas of agricultural land located within the Rural and Resource Area designation on Schedule "A" to this Plan. Consents on agricultural land are generally prohibited, with exceptions permitted for consents related to the agricultural use and development of the lands.

A consent may be granted where the parcel to be severed and the parcel to be retained are both to be used for agricultural purposes.

Generally, new agricultural lots shall have a minimum area of 20 hectares. Where the proposed lots would be less than 20 hectares, the applicant shall satisfy the Council that the parcels are large enough for the proposed uses and for a reasonable number of alternative uses, and that the proposed agricultural uses are suitable for the area.

All consents shall comply with Minimum Distance Separation requirements (see **Section 4.1.8**).

4.13 NATURAL HAZARDS

Development will generally be directed to areas outside of hazardous land adjacent to the shoreline of Lake Huron, large inland lakes, and river and stream systems which are impacted by flooding and/or erosion hazards, and hazardous sites. Hazardous sites may consist of steep slopes, unstable soils, organic soils, and unstable bedrock. Where development is proposed within or partly within these features, the development proponent shall submit a technical study prepared by a qualified professional to the satisfaction of the appropriate approval authority which demonstrates the following:

4.13.1 The hazard can be safely addressed, and the development and site alteration is carried out in accordance with established standards and procedures;

4.13.2 New hazards are not created and existing hazards are not aggravated;

4.13.3 No adverse environmental impacts will result;

4.13.4 Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;

4.13.5 The development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.

4.13.6 Recommendations made in the technical report(s) will be implemented through the planning process. Where the technical report indicates that development within a particular hazard is not feasible, the development shall not proceed.

4.13.7 Development and site alteration within a floodway is prohibited, except for that development and site alteration which, by its very nature, must be located within a floodway. A floodway consists of those areas, usually low lands adjoining watercourses, which have been or may be subject to flooding hazards. There are two types of flooding hazards within the Town of Blind River. The first type of flooding hazard is located along the

shores of the North Channel of Lake Huron, and is based on the 100 year flood level plus allowance for wave up-rush. The 100 year flood level is located at approximately the 178.4 metre CGD (Canadian Geodetic Datum). The second type of flooding hazard occurs along the municipality's river and stream systems, and is limited to the 100 year flood level.

4.13.8 Where development and site alteration is proposed in the vicinity of flooding hazards, a detailed engineering study will first confirm the actual extent of the flooding hazard. Development and site alteration will only proceed if it has been demonstrated to the satisfaction of the approval authority that it can occur safely on the subject lands outside of the flooding hazard, and not upon lands which are high points surrounded by the flooding hazard. Lands impacted by flooding hazards will be zoned appropriately to prohibit development and site alteration, except for that development and site alteration which must, by its very nature, be located within a floodway.

4.13.9 A dynamic beach is an unstable shoreline. It represents a hazard because of shifting soils, wave action, ice build-up and flooding of the main body of water may affect pose a hazard to structures and/or pose a threat to human health and possibly human life. Although there are no known dynamic beaches hazards in the Municipality, development proposals along the shoreline of Lake Huron should be accompanied by a detailed engineering study reviewed to determine whether a dynamic beach hazard exists in the area of the proposed development, and whether the dynamic beach feature may be impacted by the proposed development.

4.13.10 Where a dynamic beach hazard has been identified, the following policies will apply:

1. No buildings or structures will be permitted within areas defined as a dynamic beach.
2. Any area defined as a dynamic beach will not be altered by the placing of fill or removal of soils.
3. No structures such as gabions, or the placing of boulders to alter the natural movement or flow of sand, are permitted within a dynamic beach.
4. Dynamic beaches may be used for recreational purposes that do not require the construction of buildings or structures, or site alteration.

4.14 SUPPORTING STUDIES

Council may request or be directed by policies of this plan to receive technical studies, materials or additional information as part of the local planning application review process as part of a comprehensive planning study, or as a requirement of a complete application in order to satisfy the goals and strategic objectives of this Plan. The following policies provide guidance for some of the supporting studies that may be required (see also **Section 9.6**).

Council will determine the need and the timing for the submission of the supporting studies on a site-specific basis and in conformity with the policies and provisions of this Plan.

Where a supporting study or report is required, it shall be prepared by a qualified professional in the relevant field and shall have regard to all federal and provincial legislation, policies and guidelines and best management practices within the field. Council may require a supporting study required under the provisions of this Plan to be peer reviewed. Where Council has required that a peer review be completed, the proponent of the planning application will pay for the costs of the peer review studies.

Without limiting the generality of this section, the following identifies the typical technical studies that Council may request to be submitted in support of a planning application:

4.14.1 Storm Water Management Study to address impacts of the development on receiving waters, pre- and post-development, respecting both quality and quantity issues and recommend the required management approaches (i.e., best management practices) as well as any other mitigation measures to prevent adverse off site impacts.

4.14.2 Environmental Impact Study to determine if the proposed development would have negative impact on the features and functions of the natural environment, and environmentally sensitive areas, and which recommends mitigative measures, where appropriate, to address how negative impacts can be reduced, or monitored.

Where an Environmental Impact Study identifies negative impacts from a development proposal which affects fish habitat; significant wetlands; significant coastal wetlands; significant wildlife habitat; significant areas of natural and scientific interest; and those areas considered adjacent to the foregoing features (see **Section 4.17**), the demonstration of mitigative measures to reduce those negative impacts is not an option, as development shall not proceed which negatively impacts on these features.

Where an Environmental Impact Study identifies a development proposal within significant habitat of threatened and endangered species, the development proposal shall not proceed.

Where this Plan makes reference to an Environmental Impact Study the content of the report shall use the protocols set out in Section 13.5 of the Natural Heritage Reference Manual, Second Edition, March 2010, Ministry of Natural Resources.

- 4.14.3** Traffic Impact Study to demonstrate that a proposed development and the resultant traffic generated can be accommodated by the existing road system or system reconfigured as part of the development.
- 4.14.4** Market Impact Study shall address the potential impacts of proposed commercial development but is not intended to reduce or limit competition. The study will address the possibility that the proposed development would result in the closing of existing services in an identified area to the detriment of the policy goals of this Plan.
- 4.14.5** Land Use Compatibility Study shall demonstrate that the proposed development will have acceptable levels of noise, vibration, and other off-site impacts associated with the proposed uses and shall be prepared in accordance with the MOE .
- 4.14.6** Functional Servicing Study will assess the water, sewage disposal, and other hard service impacts of the proposed development and the potential impacts of the development on the Towns ability to supply the necessary services.
- 4.14.7** Hydrogeological Study shall assess the impacts of the proposed development on groundwater quality and quantity both on- and off-site. Reference shall be made to Ministry of the Environment Guideline D-5-4 for Individual On-site Sewage Systems: Water Quantity Impact Assessment, and Guideline D-5-5. Private Wells: Water Supply Assessment.
- 4.14.8** Archaeological Study to inventory the existence of archaeological resources on the site and recommend recovery and/or preservation of any identified resources. This includes marine archaeological studies.
- 4.14.9** Cultural Heritage Impact Study (CHIS) shall assess the impacts of the proposed development on a protected heritage site and recommend appropriate measures for the mitigation of impacts.

4.14.10 Lake Development Capacity Assessment to assess the potential impacts of development on the carrying capacity of a lake. Where this Plan makes reference to a lake development capacity assessment the proponent shall utilize the Lakeshore Capacity Assessment Handbook, Ministry of the Environment

4.15 LAKE DEVELOPMENT CAPACITY

4.15.1 Lakes at Capacity

For the purposes of this Plan, Duborne, Granary, Lauzon and Matinenda Lakes are all considered to be lakes deemed to be at capacity.

4.15.2 Lake Development Criteria on Lakes at Capacity

No new lots may be created within 300 metres of the shores of lakes which have been identified as being at its biological carrying capacity. Exceptions may be made for the following circumstances:

1. To separate existing habitable dwellings each of which is capable of supporting a Class 4 sewage disposal system, provided the land use would not change and there would be no net increase in phosphorous loading; or
2. Where all new septic tile fields are located so that they drain into a drainage basin that is not at capacity; or
3. Where all new tile fields would be set back at least 300 metres from the shoreline;
4. Where the natural drainage from the tile field would flow at least 300 metre to the lake, or
5. Where there are deep soils native to the site (undisturbed and over 3 metres depth), meeting a specified chemical composition and hydrologic conditions acceptable to the Ministry of the Environment and Climate Change as outlined on page 38 of the Lakeshore Capacity Assessment Handbook. This approach requires site-specific soils investigations by a qualified professional and, if implemented, long-term monitoring and use of planning tools that would ensure long-term maintenance of specified conditions.

In the above circumstances, a report by a qualified geoscientist may be required to justify that these criteria can be complied with. In addition, the Town may impose conditions on land division or the application of site plan

control for waterfront development. These conditions may pertain to the establishment of vegetative buffers.

4.15.3 Lake Capacity Requirements for Other Lakes

Council may require a lake capacity study on any lake or water body for development proposed within 300 metres of the water body where there is a concern over the biological carrying capacity.

The confirmation of adequate biological carrying capacity will be provided to the satisfaction of Council.

Where lakes have been determined to be at capacity, no new development will be proposed on these lakes, except in accordance with the exceptions provided for in **Section 4.15.2** of this Plan.”

4.15.4 Any assessment of lake development capacity shall be undertaken using the Ministry of the Environment’s *Lakeshore Capacity Assessment Handbook* (see also **Section 4.14.10**).

4.16 HUMAN MADE HAZARDS

Human-made hazards consist of mine hazards or former mineral resource operations, and contaminated sites.

4.16.1 Contaminated Sites

Potentially Contaminated Sites include lands, buildings and structures where the environmental condition of the property and the quality of the soil or groundwater, or sediment as a result of current or past land use practices, may have the potential for adverse effects to human health or the natural environment.

4.16.2 Objectives

1. To outline the Towns policies respecting the identification of land uses where contamination may have occurred or is occurring.
2. To outline the Towns requirements for site assessment and clean up prior to the granting of planning approvals.
3. Ensure, in co-operation with the Province, that contaminated soil and groundwater do not create a hazard for the health of the natural environment or for human health.

4.16.3 General Policies

1. Planning applications for a change of land use or for potential acquisition by the Town which are identified as being contaminated or potentially contaminated will be reviewed for compliance with Ontario Regulation 153/04 and where required by the regulation, the proponent shall submit technical evidence such as a study or Record of Site Condition that demonstrate compliance with the regulation.
2. The Town will identify and inventory lands which are suspected to be or are contaminated and will advise applicants or proponents of development of the inventory (see also **Sections 5.1.5 Brownfield Remediation** and **8.5 Community Improvement**).
3. The Town will encourage and facilitate the remediation of contaminated lands or brownfield sites and may utilize the *Environmental Protection Act* and the *Municipal Act* to provide for the cleanup and redevelopment of contaminated lands and where appropriate, by providing financial incentives.

4.16.4 Mine Hazards

Where development is proposed on lands which include, or are within 1000 metres of lands affected by mine hazards or former mineral resource operations, the development will be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are under way or have been completed. The approval authority will require documentation from a development proponent to this effect. Alternatively, confirmation will be required from a qualified professional that the lands proposed for development are not affected by the mine hazard.

Where development is confirmed to be affected by a mine hazard and rehabilitation has not occurred or is not underway, and depending on the extent of the hazard, the feasibility to mitigate and rehabilitate the hazard as required under the Mining Act, the development may not proceed.

Known abandoned mine sites are shown on Schedule "A" as an overlay symbol.

4.17 NATURAL HERITAGE FEATURES AND AREAS

4.17.1 Scope

For the purposes of this Plan, Natural Heritage Features and Areas are those areas which are important for their environmental and social values as a legacy of the natural landscapes of the area. Collectively, the individual

Natural Heritage Features and Areas within the Planning Area form a natural heritage system. Council recognizes the importance of the natural heritage system, the natural heritage features and areas which make up the system, their functions and the linkages between them. Natural Heritage Features and Areas include:

1. Provincially Significant coastal wetlands, provincially significant wetlands and unevaluated wetlands or wetlands which have been evaluated and determined not to be significant;
2. Significant habitat of endangered and threatened species;
3. Significant wildlife habitat;
4. Significant areas of scientific and natural interest (life science and earth science);
5. Fish habitat.

Natural Heritage Features and Areas, where known, have been identified on the Schedules to the Land Use Plan and are intended to be conserved for their ecological functions. Although occurrences of species at risk and habitat of endangered species are not shown on the Schedules to the Land Use Plan, due to data sensitivity, species at risk habitat and the Ministry of Natural Resources endangered species mapping will be considered when screening planning applications prior to application approval. There is potential that suitable/significant habitat persists in the Planning Area and the list is subject to change as new information is gathered. Council will contact the Ministry of Natural Resources periodically to update known occurrences of species at risk in the Planning Area in order to assist with accurate and effective screening of development applications.

For the purposes of this Plan, all water bodies including intermittently and seasonally flooded including wetlands are considered to have potential for fish habitat.

Additional natural features or areas will be added where the basis of the information is adequate to determine the nature and importance of the feature (e.g., assessment of the significance of an unclassified wetland greater than 2 ha using the provincial Wetland Evaluation Manual). Such information may be incorporated as part of a regular update of the Plan or by a specific amendment. Where a known natural heritage feature and area is not identified on the Schedules to the Land Use Plan to this Plan, this shall not preclude the requirement for an Environmental Impact Assessment in the review of any planning application.

4.17.2 Policies

1. Development and site alteration shall not be permitted in provincially significant coastal wetlands, and provincially significant wetlands. Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.
2. Development and site alteration shall not be permitted in significant wildlife habitat and in significant areas of natural or scientific interest unless it has been demonstrated through an Environmental Impact Assessment that there will be no negative impacts on these natural features or on their ecological functions (see Section 4.14.2 for requirements for an Impact Assessment). Council may require an impact assessment for development and site alteration in unevaluated wetlands greater than 2 hectares or those not determined to be provincially significant including their adjacent lands shown on Schedules to the Land Use Plan including an evaluation of the wetland per provincial evaluation protocols (i.e. Ontario Wetland Evaluation System) by a certified wetland evaluator. The completed wetland evaluation shall be submitted to the Ministry of Natural resources for approval. If the wetland or part thereof is classified as provincially significant or as provincially significant coastal wetlands, **Section 4.17.1** shall apply.
3. Development and site alteration shall not be permitted in fish habitat, except in accordance with provincial and federal requirements.
4. Development and site alteration shall not be permitted on lands adjacent to the significant habitat of endangered and threatened species, significant wetlands, significant coastal wetlands, significant wildlife habitat, significant areas of natural or scientific interest and fish habitat unless the ecological function of the adjacent lands have been evaluated through an Environmental Impact Assessment (see **Section 4.14.2**) and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.
5. Development proponents should exercise due diligence to ensure that any land use activities being contemplated would not contravene the *Endangered Species Act, 2007*.
6. Adjacent lands are those lands within:

- A. 120 m [393.7 ft.] of the significant habitat of endangered and threatened species,
- B. 120 m [393.7 ft.] of provincially significant wetlands, coastal wetlands and unevaluated wetlands,
- C. 120 m [393.7 ft.] of significant wildlife habitat
- D. 120 m [393.7 ft.] of fish habitat,
- E. 120 m [164 ft.] from significant areas of natural or scientific interest – life science and 50 m for an ANSI – earth science.

These distances are considered to be adjacent lands for the purposes of this Plan. The extent of adjacent lands may vary depending on site-specific conditions. Site specific evaluations may be undertaken by a qualified professional to confirm or determine an alternative adjacent land distance (see the Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2010, Second Edition, Ministry of Natural Resources).

- 7. A specific site assessment of potential significant wildlife habitat will be required before new planning approvals are given to lands located beyond the boundary of the settlement area shown on Schedule 'A' where one or more of the following triggers apply:
 - A. the creation of more than three lots through either consent or plan of subdivision;
 - B. a change in land use, not including the creation of a lot, that requires approval under the *Planning Act*;
 - C. the creation of a shoreline consent along a large inland lake, small inland lake or large river that is within 120 metres of the shoreline;
 - D. the construction of any land use that requires large scale modification of terrain, vegetation or both (e.g. golf courses, serviced camp grounds).

The Municipality recognizes the importance of energy and energy conservation in maintaining the quality of life of residents as well as moving towards a more sustainable community. The intent of this Plan is to provide appropriate measures for the assessment and possible implementation of alternative sources of energy i.e., renewable resources (wind, water, solar, etc.) in conjunction with ensuring that measures are taken to improve air quality. The provisions of this section are subject to the provisions set out in the *Green Energy and Green Economy Act, 2009*. As such, a renewable

energy generation facility, a renewable energy project, a renewable energy testing facility or a renewable energy testing project, as defined in subsection 1(1) of the *Planning Act* is exempt from the provisions of the *Planning Act* except as set out in subsection 62.0.2 of the *Act*.

While Council encourages the installation of energy systems that are not subject to the *Green Energy Act*, planning approvals will be required to ensure that such systems are integrated and are compatible with land use activities in the municipality. The zoning by-law will set out standards for the installation of wind power, solar power, and geothermal systems. Site plan control may also be used.

Council, in conserving energy, will encourage energy audits and implementation measures to retrofit the existing building stock including municipal buildings. Council will also encourage energy efficient building design and the installation of energy conservation systems.

4.18 ECONOMIC GROWTH AND PROSPERITY

Blind River plays an important role as a service hub for the surrounding area and as a provider of services to the travelling public and tourism industry. The intent of the Plan is to foster positive economic growth which embraces the intent and objectives of the Growth Plan for Northern Ontario.

Blind River is committed to regional economic planning initiatives and to working with neighbouring municipalities and the Mississagi First Nation in preparing and implementing economic development strategies which support the objectives of the Growth Plan for Northern Ontario. More particularly, it is Council's intent to implement the *2012 Strategic Plan Update* and the initiatives set out in the *Town of Blind River/Mississagi First Nation Investment Attraction Program*. In support of these plans, Council will ensure that there is an adequate supply of land available for future growth and development which is suitably serviced. Also in support of the Growth Plan, Council encourages investment and development in the mineral aggregate, mineral, agricultural and forestry industries in the community and associated value-added industries. Council also supports the further development of the tourism industry by growing Blind River as a four-season destination community. Economic development will be built on sustainable infrastructure including the protection of major transportation and infrastructure corridors such as Highway 17, the Central Huron Railway, and other utility corridors.

Council recognizes that the economic prosperity of the Town is dependent on growth and development that serves to strengthen the assessment base of the community. Council's intent is to examine and facilitate opportunities for further waterfront development in the Town that is environmentally sustainable.

Other components of the Town's plan for economic sustainability include:

- 4.18.1** Renewable Energy Strategic Framework in the pursuit of strategies and opportunities for renewable energy projects.
- 4.18.2** Community Green Map and GIS in the design and improvements to a GIS system which focuses on highlighting the economic potential of green energy (renewable energy) for the region.
- 4.18.3** North Shore Power Group in the installation of solar power panels on homes and businesses and contributing power to the provincial grid.
- 4.18.4** Solar Generating Station installation in the Town's business park.
- 4.18.5** Business Retention and Expansion designed to assist the business community in improving the business environment in Blind River.
- 4.18.6** Tourism Development by capitalizing on festivals and eco-tourism (bird-watching and nature appreciation, outdoor recreation trails) activities as a means to enhance Blind River as a tourism destination.
- 4.18.7** Integrated Community Sustainability Plan and Community Economic Development Strategy designed to guide municipal and community activities with an emphasis on sustainability.
- 4.18.8** Preparation of community improvement plans
- 4.18.9** Developing an investment attraction program and promoting the Town as an investment-ready community that supports a healthy and diversified economic base.
- 4.18.10** Establish a local tourism partnership program
- 4.18.11** Prepare an asset management plan as a means to sustaining existing capital assets essential to tourism and economic infrastructure such as the marina and pursue the continued development and maintenance of existing tourism assets to address market trends and opportunities.
- 4.18.12** Continue to identify and prepare appropriate business case research and due diligence on opportunities that expand upon existing initiatives (e.g. solar, green technologies, biomass, alternative forest products and related activities) to reinforce and augment the positioning of the community as a desirable location for green enterprise.

- 4.18.13** Supporting economic development by planning and providing for adequate communication infrastructure, energy infrastructure and services that facilitate the movement of goods and products.

4.19 URBAN AGRICULTURE

The Town recognizes that with the rising costs of food there will be a growing demand for local produce and urban agricultural activities (e.g., community gardens, rooftop gardens, greenhouse gardens, backyard poultry). Urban agriculture will become an important alternative source of food for urban residents. The Town will support urban agriculture through such measures as:

- 4.19.1** Ensuring community gardens are permitted in all zoning categories on appropriate sites outside natural areas and hazard lands, on lands free from contaminated soils, and where any adverse effects on adjacent lands are mitigated;
- 4.19.2** Promoting community gardens in all development/redevelopment initiatives;
- 4.19.3** Identifying sites, including town parks, for the establishment of community gardens;
- 4.19.4** Planting fruit trees in public areas;
- 4.19.5** Encouraging rooftop gardens as a means of producing food and permitting community gardens on rooftops
- 4.19.6** Supporting farmers markets and the exchange of fresh produce among residents throughout the Town;
- 4.19.7** Supporting food growing and sharing in neighbourhoods;
- 4.19.8** Considering a by-law that would permit the raising of backyard chickens in an urban environment;
- 4.19.9** Considering the establishment of a community food hub in a downtown location to provide for a community meeting space where people of all incomes can access nutritious food;
- 4.19.10** Encouraging local grocery retailers to market produce produced within Algoma and Manitoulin Districts;
- 4.19.11** Encouraging and providing for small-scale greenhouse produced foods on residential properties within the Town of Blind River as well as

larger-scale commercial greenhouse operations in order to increase the supply of locally available foods;

For long-term sustainability, it is very important to both increase local food supply and reduce the distance that agricultural products must be transported. Urban agriculture as the main use or as an accessory use in conjunction with commercial and or industrial uses shall be permitted through a zoning by-law amendment provided that it is demonstrated that:

4.19.12 Agricultural activities can be implemented without compromising the main use of the site;

4.19.13 Agricultural activities are compatible with surrounding land uses;

4.19.14 On-site services are adequate to accommodate the quantity and quality of discharges;

4.19.15 There is no significant impact on air quality.

4.20 WILDLAND FIRE MANAGEMENT

Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire. Development may however be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards as established by the Ministry of Natural Resources. The Township may prepare a wildland fire management plan.

Residents and businesses will be encouraged to prepare a fire management plan that includes the following:

1. Removal or reduction of potential fuel sources (e.g. deadfall, wood piles, underbrush, thick shrubbery, coniferous trees) with the first 10 m surrounding a residence or building;
2. Using fire resistant building materials on roofs and exterior cladding;
3. Use of tempered glass for windows and doors;
4. Use of spark arresters for chimneys;
5. Avoid on-site burning or selecting site for burn barrel or fire pit in an open area.

5 GENERAL DEVELOPMENT POLICIES

To achieve the objectives of this Plan, seven land use designations have been established. It is the intent of this Official Plan that all development within the Town will occur in accordance with these land use policies.

5.1 EMPLOYMENT AREAS

Employment areas include industrial, commercial and business uses. The designation is intended to include lands where people presently work and lands where employment opportunities will be provided in the future. Vacant employment lands have been included within this designation to provide growth areas for future industrial and commercial development.

Employment areas in the Town are currently grouped into new and older industrial areas, retail strips and the Downtown district. It is intended that this structure will continue without major changes.

The policies of this Plan recognize that many commercial uses are appropriate on the edges of industrial areas and that many under-used commercial areas could support some forms of light manufacturing or warehousing. This Plan anticipates the gradual mixing of some forms of commercial and light industrial uses without the need for an amendment to this Plan.

Business or industrial parks will be maintained exclusively for industrial and related uses. Older industrial areas and those which border on commercial uses may be considered appropriate locations for the mixing of employment functions. The criteria for Council to judge these changes are found in the policies of this Plan.

It is a policy of this Plan that the general public and the private sector will determine the most appropriate number, location, nature and size of employment. The Town's policies are designed to ensure compatibility among uses, sufficient infrastructure to support change and the minimization of negative impacts. The Town's policies are not intended to intervene in the natural process of the market in any way.

5.1.1 Objectives

- 1.** To encourage the development of a range of employment opportunities.
- 2.** To encourage the expansion of employment opportunities so that they at least equal the resident labour force.

3. To prevent or minimize the adverse effects of incompatible land uses.
4. To maintain an adequate supply of serviced land for employment use.
5. To encourage a live, work, play employment environment.
6. To provide for the remediation of the former mill site (brownfield).
7. To ensure that the design and development of employment areas will ensure their access to road and rail services that are essential to the movement of goods and products related to employment area land uses

5.1.2 Permitted Uses - Employment

Permitted industrial uses on lands designated *Employment Area* on Schedule “A” and “B” to this Plan are existing uses and those uses which are entirely contained within a building, except for accessory vehicle parking and limited outdoor storage and do not emit noticeable or noxious noise, dust or air emissions. These uses may be situated in proximity to commercial and residential uses where they have been determined to be compatible and provided that the appropriate buffering measures are undertaken to minimize impacts.

Commercial uses permitted within the *Employment Area* designation may include retail stores of all forms and sizes, business, professional and medical offices, hotels and convention centres, restaurants, service commercial uses, banks and financial services, entertainment and recreational uses, and automobile oriented uses and uses which support the tourism industry.

Within the Town's unserviced business park, only low water demand employment uses shall be permitted. Uses permitted shall not include any form of manufacturing or assembly operation that uses water in the processing, cooling, cleaning, or making of the product. Low water demand employment uses shall generally limit water demand and use to potable uses for staff and visitors.

Residential uses may be permitted on upper floors of ground level commercial uses provided that adequate access and parking can be provided in accordance with the policies of this Plan and the employment uses in the area are compatible with residential uses. Residential uses

proposing to locate on the top floor of ground level commercial uses shall also consider **Section 4.2** of this Plan.

Any existing or proposed mineral aggregate extraction operation shall be subject to the policies of **Section 5.7 - Mineral Aggregate Resource Extraction Area**.

5.1.3 Form of Development

New lots for employment use can be created by consent or by Plan of Subdivision provided issues relating to servicing and access have already been dealt with when the parcel was originally developed and/or approved for development.

New industrial development shall meet or exceed provincial standards for noise, emissions and setbacks from adjacent sensitive land uses. Applications for new industrial development must be supported by the appropriate technical studies in accordance with **Section 4.2** of this Plan. No Class 2 or 3 industrial uses shall be permitted in the Downtown district or adjacent to existing residential uses or lands designated and approved for residential development.

Mineral aggregate extraction operations (existing and proposed) are subject to the policies of **Section 5.7** of this Plan (**Mineral Aggregate Resource Extraction Area**).

5.1.4 Change of Use

While the policies of this Plan permit a wide range of uses in all areas designated as “*Employment Area*”, it is the intention of this Plan that areas currently zoned for industrial uses will continue to be used primarily for industrial and related purposes.

There is a concentration of retail uses along Highway No. 17 and at other highly accessible locations in the Town that are also designated as “*Employment Area*”.

Applications to permit the conversion of industrial, manufacturing uses to light industrial uses, service industrial uses or warehousing to commercial uses may be permitted subject to an evaluation using the following criteria:

1. compatibility with surrounding land uses;
2. making efficient use of under-used or vacant land or building space;
3. adequacy of public service uses;

4. Suitability of transportation infrastructure on Town or Provincial roads;
5. Adequacy of parking and loading spaces; and
6. Compatibility of urban design (see **Sections 8.1** and **8.2**).

Consultation with the Provincial Ministry of Transportation is required where access is directly onto a Provincial highway, even in those circumstances where an entrance permit has been issued. Where access onto an arterial roadway which intersects with a provincial highway is proposed, the Provincial Ministry of Transportation will need to be consulted if the development proposal is within 400 metres of a provincial highway.

5.1.5 Brownfield Remediation

The former (McFadden Lumber Company) mill site which is identified as a Brownfield Site on Schedule 'B' Land Use Plan is intended to be redeveloped as an employment area. Council's intent is that the mill area be remediated in accordance with the policies of **Section 4.16 Human Hazards** of this Plan. Council may use the provisions of the *Brownfields Statute Law Amendment Act, 2001* to encourage the revitalization of the mill brownfield site as an economic benefit to the community and particularly as an incentive to revitalize the waterfront area. Council may use the *Brownfield Financial Tax Incentive Program* as a means to financially assisting with the costs associated with the remediation of the site (see also **Section 8.5 Community Improvement**).

5.2 LIVING AREA

The Living Area designation provides for the location of a variety of housing forms within the fully serviced Settlement Area within a broad range of residential types and densities as well as neighbourhood commercial and institutional uses, with a view to meeting the Town's long-range housing needs and optimizing the opportunity for the provision of affordable living accommodation. Schedule A and B - Land Use, do not designate specific sites as locations for the various permitted residential types or densities. Rather, it is the intent of this Official Plan that locations for low and medium density residential uses will be determined on a site specific basis and set out in the zoning by-law.

The precise location of neighbourhood commercial and institutional uses, intended to serve the daily living needs of area residents, shall also be determined on a site specific basis by amendment to the zoning by-law.

5.2.1 Objectives

1. To maintain and enhance the character and identity of existing residential areas.
2. To encourage and facilitate the development and provision of an appropriate range of dwelling types, densities and forms of tenure.
3. To encourage a high quality of design.
4. To encourage residential intensification and infill.
5. To provide an adequate supply of affordable housing for low and moderate income households.

5.2.2 Permitted Uses

Permitted uses on lands designated *Living Area* on the schedules to this Plan shall include low density housing, public institutions, schools, places of worship and community recreation facilities. Medium density housing shall be permitted subject to the criteria specified in **Sections 5.2.8** and **5.2.9**. Home occupations, neighbourhood convenience retail stores, local service uses and bed and breakfast establishments are permitted in areas designated *Living Area* subject to the criteria specified in **Sections 5.2.10** and **4**.

5.2.3 Housing Demand

Council recognizes that the number and type of residential dwelling units required to meet the long term needs of the Town's population could vary over time due to market factors. Accordingly, this Official Plan shall not limit the mix of dwelling types or density of housing within the *Living Area* designation, providing the other residential objectives of the Official Plan are attained.

Council may consider proposals for residential development in the form of multi-unit housing when site conditions warrant such special consideration. Such development shall be subject to site plan approval and/or development agreements to ensure adequate buffering and landscaping and quality urban design (see **Sections 8.1** and **8.2**).

5.2.4 Affordable Housing

Innovative housing types that will facilitate affordable housing will be encouraged where consistent with the intent of the Official Plan and in accordance with good planning practice.

It is a goal of the Plan that 28% of all new housing in the Town should be affordable to lower and moderate income households. Low and moderate income housing for ownership and rental units shall be based on the regional market for Algoma District as the market applies to the lowest 60% of income distribution for homeowners and renter households respectively.

Council shall facilitate the development of housing that is affordable to low and moderate-income households through one or more of the following measures:

1. Facilitating the delivery of affordable housing in collaboration with the Algoma District Services Administration Board including the preparation of a strategy for affordable housing.
2. Utilizing tools under Section 28 of the *Planning Act* in association with Community Improvement Projects.
3. Providing for accessory dwelling units (see **Section 4.10**).
4. Facilitating the development of garden suites (see **Section 4.11**).
5. Encouraging mixed-use development such as second-storey residential in the Downtown district and in new commercial development.
6. Providing for demolition control. The Living Area land use designation shown on Schedule 'B' may be designated by by-law as an area of demolition control under Section 33 of the *Planning Act* for the purposes of regulating the supply of affordable housing in keeping with the affordable housing target of this Plan.
7. Encouraging the adaptive re-use of vacant commercial and institutional buildings.
8. Waiving planning and development application fees including building permit fees.
9. Reducing or exempting cash-in-lieu and parkland requirements.

10. Reduction or elimination of parking requirements in the Downtown district.
11. The use of the provisions of Section 37 of the *Planning Act* in exchange for community benefits.
12. Council may provide for grants or loans within the financial capability of the municipality as a means to facilitate the provision of affordable housing.

5.2.5 Building Height and Massing

Buildings heights and massing should be consistent with the general context and heritage of the surrounding area and existing structures. For medium density residential development, the maximum building height shall be 10.05 metres or three stories although up to 6 storeys may be considered by the Town in exchange for community benefits, subject to the application of the provisions of Section 37 of the *Planning Act*.

5.2.6 Adequacy of Municipal Services

The density figures set forth in the following sections are maximum figures. In all instances of development or redevelopment to medium density development, the adequacy of municipal services to serve the proposals will be considered in establishing the density levels at which the proposals shall be approved. Council may require development to take place at densities lower than those set forth in the following sections if it is found that municipal services are inadequate to serve any proposals developed at maximum density. Municipal services would include not only the services relating to water supply and sanitary sewage disposals and storm drainage but also road capacity and the level of school and park facilities available.

5.2.7 Low Density Residential Uses

Low density residential building forms may include single detached dwellings, semi-detached dwellings, linked semi-detached dwellings and duplexes. Low density residential uses are those that have a density no greater than 12.8 units per gross hectare for single- detached dwellings and 25 dwelling units per gross hectare for semi-detached, linked semi-detached or duplex dwelling units.

Low density residential development shall, wherever possible, front on local roads rather than on collector or arterial roads.

5.2.8 Medium Density Residential Uses

Medium density residential uses are those that have a density of 25 to 42 units per net hectare. These uses are permitted in the Living Area designation subject to an amendment to the Zoning By-law. Medium density residential building forms may include, triplexes, townhouses, low rise apartment buildings and similar multiple dwellings.

5.2.9 Locational Criteria for Medium Density Residential Uses

Medium density development may be located in Living Areas provided the proposed site is located close to public parks, schools, community residential facilities, local commercial facilities and has direct access to arterial or collector roads.

Medium density development shall also be encouraged to locate in the *Living Area* close to the Downtown.

In evaluating applications for medium-density housing, consideration shall be given to the urban design policies of **Sections 8.1** and **8.2**.

5.2.10 Local Convenience/Retail Service Land Uses

Local retail stores and service uses oriented to the surrounding community may be permitted through an amendment to the zoning by-law. Such uses should be limited in size, located at intersections or on collector or arterial roads and be well buffered from adjacent residential uses, and will consider policies found in **Section 4.2** of this Plan.

5.2.11 Infill and Intensification

Priority shall be given to development applications which are proposed on the basis of infill or intensification in an existing built-up area. Development proposals will be judged on how efficiently they use land.

5.3 WATERFRONT COMMUNITY

The Waterfront Community designation represents the existing shoreline areas of the Town that have been developed for low density shoreline residential dwellings and recreational dwellings and accessory shoreline recreational uses. The intent of the Plan is to recognize these existing shoreline developments, to provide opportunities for additional development on undeveloped lands as an economic development opportunity, and require that all new shoreline development

outside of lands within this designation proceed on the basis of an amendment to this Plan and to the Zoning By-law.

5.3.1 Objectives

1. To protect the natural features of the shoreline areas and the immediate shoreline.
2. To ensure that existing development is appropriately serviced with water and sanitary services.
3. To maintain the existing character of this predominantly low density residential area.
4. To protect the quality of the lake water and lake ecosystem health in the Town.

5.3.2 Permitted Uses

Permitted residential uses within the designated Waterfront Community shall include single detached dwellings. Permitted non-residential uses shall include public parks, bed and breakfast establishments and home occupations. In addition, provision is made for service and tourist oriented commercial uses such as restaurants, convenience stores, tourist resorts and marine-related commerce.

5.3.3 General Policies

1. Waterfront Community Residential Uses

The policies of this section apply to properties that were zoned to permit only the seasonal occupancy of a dwelling unit on the date the Plan was adopted by Council.

Many of the shoreline residential dwellings in the Town were designed for seasonal occupancy and as a result, may be serviced by septic systems that are not designed in accordance with current standards.

Given that many of these dwellings are now being occupied on a year-round basis and that many are serviced by municipal roads that are maintained on a year-round basis, it is the intent of this Plan that the implementing Zoning By-law permits both seasonal and permanent occupancy in these areas.

It is also the intent of this Plan to ensure that existing sewage disposal systems in these areas are upgraded to current standards wherever possible and that an appropriate water supply is available for each dwelling unit. In order to implement this intent, the approval that the sewage disposal system servicing the dwelling unit conforms to current standards is required before certain types of improvements can be made to a lot or dwelling unit in these areas. These improvements are listed below:

- A. The enlargement, renovation or addition to a dwelling unit requiring a permit under the Building Code Act;
 - B. The development of an accessory building or structure in the rear yard, front yard, or exterior yard requiring a permit under the *Building Code Act*;
 - C. The development of an in-ground swimming pool; and
 - D. The development of a deck in the same yard as the septic system.
 - E. The conversion of a seasonal dwelling to a permanent or a year-round dwelling.
2. In addition, confirmation must be received prior to the issuance of a Building Permit for the above improvements that indicates the well servicing the dwelling, if there is well supplying water to the dwelling, and is located on the same lot as the dwelling. If the well servicing the dwelling is not located on the same lot, an agreement that indicates that the water supply from another lot is available for use on the subject lot is required.

5.3.4 Development of Private Roads

All lots that do not have frontage on and direct access to a public road that is maintained year round shall be placed in a Limited Service Residential Zone in the implementing Zoning By-law to recognize the limited municipal services provided to these lands.

5.3.5 Rezoning of Lands Within a Limited Service Residential Zone

The re-zoning of lands within the Limited Service Residential Zone to the Rural Residential Zone or for a non-residential use zone may be considered by Council provided the following criteria are met:

1. The lot(s) being re-zoned shall have frontage on, as well as direct access to, an improved public road maintained year-round by the municipality;

Prior to considering any re-zoning where the lands are located on an existing private road, Council shall consider the benefits of assuming the private road. Council may assume an existing private road where the standards meet the design and construction and environmental assessment requirements for municipal roads or are constructed to an alternative standard acceptable to Council, and where the road allowance is dedicated (transfer of title) to the municipality and is surveyed. Prior to deciding on the assumption of a private road, Council may require a cost-benefit analysis to determine if the operational costs of assuming and maintaining the road will be offset by property tax revenues. The cost for upgrading a private road to a municipal standard will typically be borne by the adjacent property owners (e.g., survey, legal and construction costs).

2. The dwelling(s) on the lot(s) to be re-zoned shall comply with all building and construction standards that apply to permanent homes;
3. The use(s) on the lot(s) to be re-zoned shall be serviced by a private well on the same lot or an appropriate water supply;
4. The use(s) on the lot(s) to be re-zoned shall be serviced by an appropriate means of sewage disposal that complies with the Ontario Building Code;
5. The fire department and the appropriate police department confirm, in writing, that the use(s) on the lot(s) to be re-zoned can be serviced year round by police and fire vehicles; and,
6. The lot(s) to be re-zoned complies with all applicable Zone provisions in the implementing Zoning By-law and the provisions in **Section 4.8 - Cultural Heritage and Archaeological Resources.**

5.3.6 Limits of Shoreline Development

It is the intent of this Plan that new development in the shoreline areas is directed to lands that are designated Waterfront Community by this Plan in an effort to maintain the shoreline areas unique character. In order to implement this intent, new residential development in the Waterfront Community designation shall be limited to small-scale subdivisions or minor infilling by consent to sever and subject to the

other policies of this Plan (see also **Section 4.15 – Lake Development Capacity**, and **Section 4.17 – Natural Heritage Features and Areas**). Any new shoreline development outside or expanding the existing designated lands will require an amendment to this Plan. An amendment to this Plan that has the effect of permitting additional shoreline residential and non-residential development will only be considered as part of a review of the appropriateness of the extent and limits of the Waterfront Community designation that is carried out as part of an Official Plan review or a comprehensive review of new shoreline development for the entire lake or water body.

5.3.7 Waterfront Community Non-Residential Uses

New commercial uses within the Waterfront Community designation may be permitted by an amendment to the implementing Zoning By-law and may be subject to Site Plan Control. Before considering an amendment to the Zoning By-law to permit a commercial use in the Waterfront Community designation, Council shall be satisfied that:

1. The proposed use is compatible with the character of the shoreline area and any adjacent residential uses;
2. The lot(s) being re-zoned shall have frontage on, as well as direct access to, an improved public road maintained year-round by the municipality unless the lot has water access only.
3. The proposed use is in keeping with **Section 4.2** of this Plan.
4. Sewage and water and waste disposal services adequate to the needs of the proposed use can be provided in accordance with the requirements of this Plan.
5. Adequate parking and loading facilities and landscaping can be provided on site. For a water access only lot, parking shall be available at a public access point accessible by a public road or existing private road provided there is legal access to said parking area, that the road is within a reasonable proximity to the subject lands, and provided that it has been demonstrated to the satisfaction of Council that proper safety measures have been undertaken in regard to fire protection.
6. The shoreline will be left in its naturalized state or provisions are made for site plan control for establishment, restoration or improvement of the shoreline condition to a naturalized condition except for a designated activity area, (i.e., beach/recreational area, boat house, boat launch or dock). For a marina, the proponent shall provide for a shoreline management plan that makes provision for

both a marina operation and retains as much of the shoreline in its natural state as possible.

5.3.8 Bed and Breakfast Establishments

New bed and breakfast establishments may be permitted by way of an amendment to the implementing Zoning By-law and subject to Site Plan Control in accordance with the policies of **Section 4.7** of this Plan.

A bed and breakfast is permitted only where accessed from a public road.

5.3.9 Setbacks and Vegetative Buffers From All Lakes and Rivers

The retention of a naturalized vegetative buffer (i.e., trees and other native vegetation) within 30 metres of the shoreline is important to the maintenance of the integrity of the ecological functions of the shoreline and a healthy lake ecosystem. The removal of vegetation within this buffer is permitted only for fire safety and for a designated shoreline activity area (i.e., beach/recreational area, boat house, boat launch or dock). Shoreline access will generally be limited to pathways constructed of permeable materials. The municipality may use site plan control or a development agreement to make provision for the protection, enhancement or restoration of the shoreline to a naturalized state.

The implementing Zoning By-law shall include a setback from the high water mark for all new development, including additions, renovations and new construction along the shorelines of all lakes and rivers. It is recognized that particularly sensitive lakes and rivers may require additional setbacks and special provisions in zoning for the retention of vegetative buffers.

5.3.10 Parkland

The Town currently owns a number of parcels of land in the Waterfront Community area. It is the intent of Council to retain these areas in public ownership and to develop and manage these areas in accordance with the available financial resources of the municipality. As part of the planning approval process, Council may provide new opportunities for public access to shorelines.

5.4 OPEN SPACE

Lands designated *Open Space* includes the five Provincial Parks and open spaces that are owned by the Town of Blind River. They include major Town parks and other Town-owned lands. It is the intent of Council to retain these areas in public ownership and to use these lands for public recreation purposes.

Existing Town parks will be maintained as open space with facilities that meet the needs of residents and tourists. Any new facilities on Open Space will be buffered from adjacent residential uses in order to minimize impacts.

5.4.1 Parkland

1. To provide physical and visual access to Lake Huron and the Blind River waterfronts and recognize the Town-wide significance of all the lakes within the municipal boundaries as open space amenities.
2. To conserve and protect shoreline lands for recreational use.
3. To provide a system of open space areas that can adapt to changing public needs and preferences and which provide for a diversity of recreational and leisure opportunities for residents.
4. To provide linkages for pedestrian and bicycle use.
5. To recognize the five Provincial Parks located in or partially within the Town and incorporate their use and development into the open space system of the Town and its tourist development strategy.

5.4.2 Permitted Uses

Permitted uses on lands designated *Open Space* includes passive and active recreational uses, conservation uses, and government activities.

5.4.3 Linkages

It is Council's intention to plan and develop a system of recreational trails that will link residential areas, the waterfront and the downtown as shown conceptually on Schedule 'A'

Prior to approving the construction and use of any new linkages Council shall ensure that privacy and security impacts on abutting residential areas can be mitigated. Potential mitigation mechanisms to be investigated shall include: alternative routes; screening; limited hours of entry; limited forms of use of the linkage.

5.5 ENVIRONMENTAL PROTECTION

The Town recognizes the important contribution that natural systems make to the creation of a vibrant, livable Town. The *Environmental Protection* designation is intended to protect natural areas that feature significant ecological functions. The ENVIRONMENTAL PROTECTION designation includes all-non-evaluated wetlands in the Town, river corridors and other identified environmentally sensitive lands in the Town. The Environmental Protection designation also includes areas with special environmental significance as a result of unique biological, ecological and/or other natural heritage features or functions (see also **Section 4.17**). Policies within this Plan place a high priority on maintaining and enhancing the ecological function of natural features and encourage restoration and enhancement of ecological function where possible.

5.5.1 Objectives

1. To achieve a balanced relationship between development and nature by preserving natural features and ecological systems, conserving natural resources and protecting people and property from environmental hazards.
2. To maintain and enhance the ecological integrity of the natural heritage system.
3. To minimize the loss or fragmentation of significant wetlands and the habitats and ecological functions they provide.

5.5.2 Permitted Uses

Permitted uses on lands designated *Environmental Protection* shall include conservation uses, public uses, public and private parks, passive recreational opportunities and other similar open space recreational opportunities. Depending on the nature of the underlying natural heritage feature or other environmental element, these permitted uses may be further restricted as per the policies of this Plan, particularly where lands within the *Environmental Protection* designation are impacted by significant portions of the habitat of threatened and endangered species, the presence of provincially significant wetlands and flooding hazards.

5.5.3 Boundaries

The boundaries of the *Environmental Protection* lands are approximate and it is the intent of this Official Plan that their precise location be determined, at the time of the Town's consideration of development applications. An amendment to this Official Plan shall not be required to

make modifications to the boundaries of the *Environmental Protection* designation providing the overall intent of this Plan is maintained.

5.5.4 Adjacent Lands

For the purposes of this Section, all lands within the distances specified in **Section 4.17** of this Plan of a significant natural feature identified within the *Environmental Protection* designation are considered to be adjacent lands. No development shall be permitted on these adjacent lands unless an appropriate technical study is completed and approved by Council.

Building setbacks shall be imposed from lands designated as *Environmental Protection* areas relative to the extent and severity of the identified hazard or natural feature.

5.5.5 General Policies

1. Development Approach

The establishment of any permitted use shall occur in a manner that minimizes disturbance to the natural environment.

2. Buildings and Fill

No buildings or structures nor the removal or placing of fill of any kind whether originating on the site or elsewhere, shall be permitted in *Environmental Protection* areas except with the approval of the Town. Buildings or structures required for flood control or other conservation or public projects shall be permitted, where necessary and appropriate and subject to all other policies of this Plan.

3. Land Under Private Ownership

It is essential that *Environmental Protection* areas be protected from future development to preserve Blind River's natural resources and to permit the implementation of a comprehensive storm water management system within the Town as a whole. As such, an application for the redesignation of an area designated *Environmental Protection* to permit development, may be given due consideration only if it is established to the satisfaction of Council that:

- A. The remedial works to be undertaken to overcome the environmental hazards will not transfer those hazards to other areas;
- B. The proposed methods by which the hazard(s) are to be overcome are consistent with accepted engineering techniques and resource management practices; and
- C. The entire cost of the proposed remedial works will be borne by the proponent of the development.

The demonstration of A, B and C, above will require the production of appropriate technical studies prepared to the satisfaction of Council by a qualified professional.

There is no public obligation to redesignate any land if there is an existing or potential hazard that would be difficult or excessively costly to overcome.

Nothing in this Official Plan shall be construed to imply that *Environmental Protection* areas are free and open to the general public or that such areas will be purchased by the Town or any other public agency.

4. Natural Corridors

Where appropriate, the Municipality shall consider the identification, protection and enhancement of natural corridors and connections between lands within the *Environmental Protection designation* and other natural heritage features and areas located elsewhere in the Township and within other areas of jurisdiction. Where these corridors and connections have been identified, or where Council is concerned that there may exist a corridor or connections and development is proposed within such corridor or connection or suspected corridor or connection, Council will receive and be satisfied with appropriate technical studies prepared by qualified professionals which demonstrate that the corridor or connection will be protected or enhanced as a result of the development proposal.

5.5.6 Implementation

It is the intent of this Official Plan that the boundaries of the *Environmental Protection* areas shown on Schedules “A” and “B” be used as a guide in preparing the implementing zoning by-law and that

appropriate setbacks from any creek, stream or wetland be established in the implementing zoning by-law in consultation with the appropriate authorities.

As new natural heritage features or functions are identified by the Town or Ministry or agencies, or by development applications submitted to the Town, the Municipality will review the new data to determine the appropriateness of including the new feature or functions into this Plan. Where this data has not yet been incorporated into the Official Plan, and development proposals come forward which may be impacted by this data, Council will consider the potential impacts of development proposals on the newly identified features and functions. This may require the development proponent to produce appropriate technical studies prepared by qualified professionals to address the potential impact, or it may lead to Council's refusal of the proposal depending upon the nature of the newly identified feature or function.

Conserve the biodiversity and ecological benefits of nature through such measures as sustaining and enhancing a diversity of natural ecosystems (e.g. shoreline, woodlands, and riverine areas) and by conserving natural habitat areas in urban and rural design.

5.6 RURAL AND RESOURCE AREA

The Rural and Resource Area designation includes all of those lands within the corporate limits of the Town outside the urban service area boundary and not within one of the other major land use designations. The Rural and Resource Area designation includes both private and crown lands and accommodates a range of uses including agriculture, forestry, linear open space, rural residential and recreational dwellings resort commercial, small scale commercial and industrial uses, aggregate extraction and mining. Over the lifetime of this Plan, the rural area will experience limited growth and is intended to maintain its rural and resource character and preserve the natural environment.

5.6.1 Objectives

1. To encourage the preservation of lands for agricultural uses.
2. To minimize the impacts of development on existing agricultural operations.
3. To integrate agricultural, forestry, open space, rural residential, open space, aggregate and mining uses in a satisfactory manner.
4. To encourage the preservation of present and future active use trail systems for the benefit of the residents and visitors to the Town.

5. To recognize the mining potential on the Crown lands within the Town and permit its exploration and development.
6. To recognize existing waste management facilities.
7. To recognize existing rural residential uses and permit limited new rural residential development (i.e., up to 20 lots over the life of the Plan) in accordance with the policies of this Plan.

5.6.2 Permitted Uses

Permitted uses in the Rural And Resource Area include limited low density residential uses, tourist establishments, active use recreational trails, resource management activities and agricultural uses. Small scale commercial and industrial uses servicing the rural community shall also be permitted, provided that those uses are compatible with adjacent uses. Existing Waste Management facilities are also permitted.

Agricultural or resource management related commercial and industrial activities may also be permitted subject to the policies of this Plan.

Home occupations and Home Industries are also permitted subject to the policies of this Plan.

5.6.3 General Policies

1. The lands designated Rural and Resource Area shall be zoned in a rural zone in the implementing Zoning By-law. Areas within the Rural and Resource Area designation that are considered good agricultural lands shall be zoned in an Agricultural Zone. Existing Waste Management facilities will be placed in the appropriate zone.
2. Conflicts between agricultural and aggregate extraction uses and adjoining uses shall be prevented.
3. The impact of non-agricultural uses on surrounding agricultural activity shall be given thorough consideration prior to the approval of any development.
4. Minor commercial and light industrial uses may be permitted where the use has a low traffic generation, no nuisance effects on surrounding areas, a scale consistent with existing uses, no environmental impact and is in keeping with all other policies of this Plan.
5. Only low water demand commercial and light industrial uses shall be permitted. Uses permitted shall not include any form of

manufacturing or assembly operation that uses water in the processing, cooling, cleaning, or making of the product. Low water demand employment uses shall generally limit water demand and use to potable uses for staff and visitors.

6. Consultation with the Provincial Ministry of Transportation is required where access is directly onto a provincial highway, even in those circumstances where an entrance permit has been issued. Where access onto an arterial roadway which intersects with a provincial highway is proposed, the Provincial Ministry of Transportation will need to be consulted if the development proposal is within 400 metres of a provincial highway.

5.6.4 Agricultural Lands

The protection and enhancement of good agricultural areas and lands exhibiting ongoing agricultural activity shall be encouraged. The Agricultural Lands designation on Schedule "A" shows lands which are intended to be conserved for agricultural land uses and may include secondary uses and agriculture-related uses. Development shall not be located on Agricultural Lands that would adversely affect existing agricultural operations. When considering development proposals in the vicinity of agricultural uses, the Minimum Distance Separation formulae development by the Province will be used (see also **Section 4.1.8**). The Zoning By-law will implement the Minimum Distance Separation requirements.

Development of agricultural lands for non-agricultural uses shall only be permitted where the following criteria have been satisfied:

1. The lands have not been used for agricultural purposes for the past 10 years;
2. The lands do not contain farm buildings that are in good condition;
3. New dwellings and non-agricultural development comply with the Minimum Distance Separation Formulae (see **Section 4.1.8**);
4. The development will not adversely affect neighbouring farming operations; and,
5. The least productive portion of the lands is proposed for development.
6. The establishment of new aggregate operations shall be subject to the policies of **Section 5.7** of this Plan.

7. Within regulations of the Mining Act or other pertinent legislation. Amendments to the Official Plan or Zoning By-law for new mines are not required. Interim uses of these lands are permitted, where the use is compatible with the eventual use and development of the lands for mining uses. Interim uses may include agriculture, forestry, or passive recreation uses.
8. Active use trails, such as the Penewobikong Trail, have been established within the Rural and Resource Area designation. In addition, a number of snowmobile trails have been established within the Town. These trails are permitted and will be maintained and protected, as much as possible. Council, when considering any development applications adjacent to the trails, shall consider the impact of the development on the trail. Trail crossings of Provincial highways shall require the prior approval of the Ministry of Transportation.

5.6.5 Aggregate Resource Extraction Area

The Town of Blind River is designated under the *Aggregate Resources Act* as of January 1, 2007 and all new or existing mineral aggregate operations on private lands are required to be licensed. The intent of Council is to protect as much of the mineral aggregate resources as is realistically possible. For the purposes of this Plan, the **Mineral Aggregate Resource Extraction Area** includes:

1. Any lands which are licensed under the *Aggregate Resources Act* and which are shown as an Authorized Aggregate Sites;
2. Lands shown within a Mineral Aggregate Resources Area.

Land Use Schedules 'A' and 'B' show the Mineral Aggregate Resource Extraction Area as a land use designation. Lands which have been licensed are shown as Authorized Aggregate Sites and are considered to be part of the Mineral Aggregate Resource Extraction Area.

In the review of applications for a mineral aggregate operation, Council shall ensure that the extraction will be undertaken in a manner which minimizes social and environmental impacts. Council shall promote the recovery of the resources wherever feasible. Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

In areas adjacent to mineral aggregate resource extraction areas designated on the land use schedules, development and activities which

would preclude or hinder the establishment of new mineral aggregate operations or access to the resource shall only be permitted if:

3. Resource use would not be feasible; or
 4. The proposed land use or development serves a greater long-term public interest; and
5. That issues of public health, public safety and environmental impact are addressed.

5.6.6 Commercial Pit or Quarry

All existing pit or quarry operations shall be recognized and shall be zoned for extraction in the Zoning By-law. The establishment of a new commercial Pit or Quarry and/or the expansion of an existing pit or quarry (e.g. Authorized Aggregate Site) shall require an amendment to the Zoning By-law.

5.6.7 Permitted Uses

The uses permitted in the Mineral Aggregate Resource Extraction area shall include licensed mineral aggregate extraction operations and ancillary uses such as aggregate crushing, screening and washing as well as asphalt plants, ready-mix concrete plants and aggregate transfer stations, administrative buildings and/or any other mineral aggregate processing operation may be permitted.

5.6.8 Development Criteria

Applications to amend the Zoning By-law to permit a new commercial pit or quarry or the expansion of an existing commercial pit or quarry shall be required.

Council shall be satisfied that surrounding uses are compatible with any proposed mineral aggregate operation, specifically within 500 m of the boundary of a bedrock resource deposit or boundary of a licensed quarry and 300 m from the outside boundary of a sand and gravel deposit or boundary of a licensed pit, and may require mitigation measures to minimize the impacts or in cases where the impacts cannot be satisfactorily mitigated, the development shall be refused.

Council shall conserve cultural heritage resources when considering the establishment of new areas for mineral extraction or when considering the establishment of new operations or the expansion of existing operations.

When necessary, Council will require satisfactory measures to mitigate any negative impacts on cultural heritage resources.

5.6.9 Rehabilitation Measures

Council shall be satisfied that measures for progressive and final rehabilitation are undertaken including consideration of subsequent land uses with the intent to promote land use compatibility and to recognize the interim nature of the extraction operation. Final rehabilitation shall take surrounding land use and approved land use designations into consideration. Where a mineral aggregate operation occurs on agricultural lands, provision shall be made for the rehabilitation of the site so that substantially the same areas and same average soil quality for agriculture are restored.

5.6.10 Undesignated Mineral Aggregate Resources

Council recognizes that other lands within the Municipality may be suitable for extraction activities. Such lands may include bedrock resources shown in the bedrock resources overlay. Any lands which are not designated within the Mineral Aggregate Resource Extraction Area or are located within the bedrock resources overlay shall require an amendment to the Official Plan. In considering an amendment to this Official Plan, Council shall be satisfied that the proposed extraction area will be compatible with surrounding land uses and shall consider the development criteria set out in **Section 5.7.8**.

5.7 FUTURE GROWTH POLICY AREA

Lands within this designation are to be reserved for future urban development projected to be beyond the planning period of this Plan. The lands are to be recognized for their existing uses and passive rural uses.

5.7.1 Permitted Uses

Permitted uses within this designation include all existing uses as well as passive rural uses which do not require the construction of permanent buildings. Passive uses may include forestry, outdoor recreation and conservation.

5.7.2 Policies

Existing uses may continue and shall be considered as conforming uses. New development will not be permitted within the FUTURE GROWTH POLICY AREA, except by amendment to this Plan. In

considering the type of land use and location as a prerequisite to an amendment, the following criteria will apply:

1. Providing for development that is contiguous to existing development.
2. Is necessary because the land supply within the built-up area is insufficient to accommodate the proposed new development.
3. The land can be efficiently serviced with full municipal services.

5.7.3 Existing Uses

Limitations to development within the FUTURE GROWTH POLICY AREA will not be deemed to prevent the use or upgrading of the existing road network servicing Island No. 9 or the waterfront.

5.7.4 Implementation

The following is the implementation program for lands within the FUTURE GROWTH POLICY AREA designation:

1. To monitor the pattern of urban development and the need for conceptual planning and the integration of lands within the FUTURE GROWTH POLICY AREA as part of the urban designations within this plan.
2. To amend the implementing zoning by-law in accordance with permitted uses of this designation.
3. To reserve a corridor for a linear open space system and to recognize the designation of roads in this policy area. This may include the acquisition of lands for these purposes in advance of their actual development.
4. The designation of these lands for development is not anticipated within the time horizon for this Official Plan. The FUTURE GROWTH POLICY AREA is intended to clearly identify the areas where the Town intends to direct growth in the future.

Future development in the areas depicted in the FUTURE GROWTH POLICY AREA will require the preparation and adoption as an Amendment to this Plan of a Secondary Plan or Plans. The Secondary Plans will indicate:

1. The location of the road network;

2. The future land use pattern;
3. A municipal servicing strategy;
4. That sufficient municipal servicing is available;
5. Method, extent and staging of municipal services;
6. Community parkland and open space areas;
7. Distribution of housing types;
8. Existing and projected population.

The Secondary Plans shall take the form of a document with schedules and policies which conform with the policies and schedules of the Official Plan.

6 OVERLAY DESIGNATIONS

6.1 AGGREGATE BEDROCK RESOURCES AREA OVERLAY

Areas having potential for extraction of bedrock resources high aggregate potential are identified on Schedules A. These areas shall generally be protected for long-term use for aggregate extraction. Development of these areas for purposes other than resource extraction will not be permitted except where it can be shown that the proposed development has a greater public interest than the extraction of the resource and will not hinder or preclude the establishment of future extractive activities and all issues of public health, public safety and environmental impact are addressed, or that the extraction of the resource is not practical due to surrounding land uses or other physical or man-made features. Proponents of non-aggregate land uses in these areas may be required to submit technical reports to the satisfaction of Council to support alternate land uses. Where a geological investigation reveals a high potential for mineral aggregate extraction, the identified resource shall be removed prior to the occurrence of non-aggregate resource related development.

Any proposed mineral aggregate extraction operations are subject to the licensing requirements under the *Aggregate Resources Act* as well as a re-designation to the Mineral Aggregate Resources Extraction Area designation (see **Section 5.7**) through an amendment to this Plan.

6.2 METALLIC MINERAL POTENTIAL RESOURCE LANDS OVERLAY

Areas having significant potential for the extraction of mineral mining resources are identified on Schedule 'D' to this Plan as Metallic Mineral Potential Resource Lands. It is the intent of Council that mineral resources shall be protected for long-term use and as a means to strengthen the economic base of the municipality. The mineral potential rating shown on Schedule 'D' is intended to be a guideline in interpreting policies as well as other policies applying to rural development within the Planning Area.

6.2.3 Mineral Resources as a Constraint

It is a policy that mineral resources be recognized as a development constraint. This shall mean that mineral resource-related uses such as exploration, development and mining of mineral resources, mine structures, buildings and ancillary uses shall have pre-emptive rights on those lands except for those lands on and adjacent to areas of existing settlement.

It is a policy that the scope of permitted uses considered as mineral resource related shall include those in the underlying land use designation. Any proponent of development other than those directly related to mineral resource use (except in areas of existing settlement) shall be required to undertake an evaluation or provide information satisfactory to Council that addresses the requirements of **Section 6.2.8, Implementation** prior to the approval of such development.

6.2.4 New Mines

It is a policy that the establishment of new mines shall be subject to the approval of the Ministry Northern Development and Mines under *The Mining Act and The Environmental Protection Act* (as well as other applicable legislation) and do not require an amendment to the Official Plan but shall require an amendment to the Zoning By-law. Influence areas and separation distances for a Class III industrial use (per the Ministry of the Environment Guideline D-6) shall be taken into consideration in the approval of the location of mine processing, storage and mine buildings. Consideration will also be given to the impact on natural heritage features and areas and the provisions of **Section 4.17** for conserving and protecting such features and areas.

6.2.5 Past Producing Mines and Mine Hazards

It shall be a policy that past producing mining operations are considered to be mine sites that are under temporary closure and where there is remaining mineral potential. Resumption of mining may be permitted subject to the approval of the Ministry Northern Development and Mines. Mine hazards are considered to be any feature of a mine as defined under the *Mining Act* or any related disturbance of the ground that has not been rehabilitated (see **Section 4.16**).

It shall be a policy to recognize past producing mine and mine hazards sites as areas where development may be restricted or prohibited subject to consultation with the Ministry of Northern Development and Mines. Any proposed development will be subject to an amendment to the Zoning By-law wherein it has been demonstrated with supporting engineering documentation that the mine hazard can be mitigated and remediated to properly address public health, safety and environmental concerns to the satisfaction of the Ministry of Northern Development and Mines as per **Section 4.16** of this Plan.

These policies are inclusive of **Section 4.16** of this Plan.

6.2.6 Rehabilitation

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

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

6.2.7 Existing Mining Land Tenure

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

6.2.8 Influence Area

It is a policy to recognize an influence area as a means of protecting against incompatible land uses in the vicinity of mining operations and to protect mining operations from encroachment from other incompatible land uses. It is a policy of the Council to discourage or prohibit incompatible land uses in areas adjacent to mineral resource operations or reciprocally, to protect existing sensitive land uses. Development may be permitted in the influence area where the impacts of mining operations can be properly mitigated.

6.2.9 Resource Depletion

Where the mineral resource has been depleted and the mine or lands associated with the mining operation have been rehabilitated or closed in accordance with plans approved by the Ministry of Northern Development and Mines, these lands may revert to an alternative resource use where there is an overlapping designation with the mining resource lands designation or alternatively where such is not the case, the lands may redesignated by amendment to this Plan provided that such redesignation does not prejudice mining operations or mineral resource operations or other resource lands on adjacent properties.

6.2.10 Implementation

1. The Town shall establish a protocol for consultation with the Ministry of Northern Development and Mines on technical and other concerns related to mineral mining operations and their impacts on other land use activities in the municipality;

2. In the review of planning applications, Council shall consult the Ministry of Northern Development and Mines where the proposed development is located within lands identified as having mineral potential.

3. The proponent of development for uses other than those permitted in **Section 6.3.1** that are proposed within or adjacent to lands used for mineral resource extraction shall demonstrate that:
 - A. Shall not preclude or hinder the establishment of new mining operations;
 - B. That the resource use would not be feasible; or
 - C. That the proposed land uses or development serves a greater long term public interest; and
 - D. That issues of public health and safety and environmental impacts are addressed.

6.3 GROUNDWATER PROTECTION AREA OVERLAY

The Town of Blind River obtains all of its potable water supply from ground sources within an unprotected sand aquifer. Each of the Town's supply wells are located within 20 meters of the Blind River and obtain a major portion of their water from the river. The Blind River is therefore a dominant feature of the municipal well field.

Lands identified within the Groundwater Protection Area Overlay on Schedule 'B' to this Official Plan are areas within the ten-year capture zone for the municipal wells. The boundaries of this well head protection area may be altered in the future without amendment to this Plan as a result of updated information, natural fluctuations in the pattern of groundwater movement, and increases in the number of wells or the rate of withdrawal from the wells.

6.3.3 Development Policies

It is intended that lands within the Groundwater Protection Area overlay be protected from contamination by uses and activities that could affect the quantity and quality of groundwater resources within this area. Existing

legal uses of land within the overlay designation shall be allowed to continue. Proposals for change in use or for new lot creation will be evaluated by Council prior to any decision by Council.

Within the Groundwater Protection Area overlay designation new uses and activities that are likely to discharge contaminants into the groundwater aquifer shall be prohibited. Uses and activities to be prohibited shall include, but are not necessarily limited to, the following: storage or processing of solid and liquid chemical products, gasoline or oil storage depots, service stations, vehicle maintenance, and service yards.

Applications for a Zoning By-law Amendment shall be supported by the submission of a report by a qualified professional addressing groundwater protection issues relating to the proposed development. The report shall specify the nature of the proposed use, activities and operations to be conducted on-site, the nature and expected volume and storage procedures of any potential contaminants, best management practices and procedures including spills action mitigation. The report shall be reviewed by an independent hydrogeologist hired by the Town and at the applicant's expense. The review shall be required prior to any approval by Council.

A significant component of the well supply is drawn through the ground from the Blind River. As such, Council will require the report noted above for any planning application proposing development within the Blind River watershed upstream of the municipal well field and that has the potential to release contaminants into the watershed.

6.3.4 Groundwater Protection Strategy and Program

As most of the lands within the Groundwater Protection Area overlay designation are developed, the Town will establish a Groundwater Protection Strategy and Program to better protect the municipal ground water supply system. The Strategy and Program may include a number of initiatives including but not limited to the following:

1. A cooperative program with property owners may be established to limit fertilizer and pesticide applications, manage grass cover and replacement, replace and/or upgrade heating oil storage tanks, limit vehicle repair and maintenance, and better manage residential fuel and chemical storage.
2. Reduction or the elimination of roadside salt use within the Groundwater Protection Area.

3. Reduction or the elimination of fertilizer and pesticide use on public lands.
4. Develop a spills action plan.
5. Develop a regular sanitary sewer inspection program.
6. Develop a signage program so that drivers, especially truck drivers, are aware that they are entering a groundwater protection area and should report any spills immediately.

6.4 WASTE DISPOSAL ASSESSMENT AREA OVERLAY

Waste disposal assessment areas identify potential environmentally sensitive areas for future development. The existing or prior use of the lands for the disposal of waste may have effect on future uses of these lands and possibly adjacent lands. In recognition of this, an overlay designation Waste Disposal Assessment Area is denoted on Schedules "A" and "B" to this Plan and identifies lands for which the following policies are intended to ensure that all development occurs cognizant of the existing or prior waste disposal use in the area so as to safeguard all future uses.

It is recognized that existing or prior use of lands for waste disposal sites may influence future uses that are not designed cognizant of the presence of a waste disposal site. In areas identified as a "Waste Disposal Assessment Area" overlay uses may be permitted by the Town in accordance with the underlying land use designation subject to the following policies:

- 6.4.3** Where development is proposed within 30 metres of waste disposal site's fill area, the development will not be approved;
- 6.4.4** A feasibility study in keeping with the Ministry of Environment's *Guideline D4: Land Use On or Near Landfills or Dumps* will need to be prepared by an appropriate qualified professional to ensure that there will be no adverse effects from methane gas, leachate, ground water discharge, odour, noise, dust or other contaminants from the waste disposal site on the proposed use. Mitigative measures recommended in the feasibility study, if any, will need to be carried out through a planning process. Where the feasibility study identifies irreconcilable incompatibilities where impacts from discharges and other compatibility problems cannot be reasonably mitigated, the proposed new development shall not be approved;

- 6.4.5** The Municipality shall require the construction and phasing of all development to coincide with the control of any problems identified by the engineering studies;
- 6.4.6** The Town shall be satisfied with the required studies with respect to any matter regarding structural stability, safety, and integrity of any and all structures; and
- 6.4.7** Notwithstanding the land use designations on the various Schedules to this Plan, residential development will not be allowed to proceed on areas identified by **Section 6.4.2** above, as containing organic or chemical wastes; and,
- 6.4.8** The development proposal is in compliance with all other policies of this Plan.

In areas subject to a "Waste Disposal Assessment Area" overlay, only land uses compatible with potential impacts of waste disposal sites or their engineered controls will be permitted and may have to be determined by Amendment to the Zoning By-law as supported by the results of studies conducted under this Section.

Land subject to a "Waste Disposal Assessment Area" overlay may be zoned in a holding category as an interim measure. When such areas are deemed suitable for development, lands affected by the overlay and holding zone may be rezoned in accordance with the policies of this Plan.

Accessory buildings such private garages and renovations to existing buildings shall not be subject to the policies of this section.

7 INFRASTRUCTURE

7.1 GENERAL PRINCIPLES

The planning, financing, and construction of infrastructure are an important part of the Town's planning process and corporate responsibility. The responsibility for the planning of infrastructure is shared with other government agencies and levels of government. Infrastructure shall include, but not be limited to, sewage treatment servicing, water supply, roads, storm water management, and waste management.

The principles for infrastructure planning for the Town are as follows:

7.1.1 The staging of development must be coordinated to ensure that adequate services are available to provide for the new development;

1. Sewage treatment and water supply capacity are essential to meet the development requirements of the Town's Urban Service Area as shown on Schedule 'B';
2. Servicing options should be based on a hierarchy which considers environmental, technical, capital and operating costs to determine the appropriateness of the servicing for new developments;
3. Long term master planning should be undertaken or continued for the Town's infrastructure so that development can occur in a sustainable manner (e.g. through an Asset Management Plan); a
4. Innovative fiscal arrangements and partnerships with other levels of government and the private sector may provide opportunities for the cost-effective provision of infrastructure services and should be explored.
5. Encourage the use of green infrastructure and systems (e.g. . use of permeable surfaces, swales, rainwater catchment devices and vegetation, green façades, green/grass roofs and passive design by landscaping, geo-thermal facilities, biological wastewater treatment systems, passive, bio-based and solar-based energy systems and facilities, solar shading, use of recycled building and construction and renewable resource materials, waste diversion, etc.)

6. The Town will not permit the unjustified or uneconomical extension of infrastructure to the Rural Area (e.g. extension of municipal sewage and water systems).
7. To support the adaptive re-use of infrastructure and require consideration of life-cycle costing through the City's asset management plan

7.1.2 To ensure that servicing for development is planned and coordinated with the Town's ability to finance same, the Municipality will prepare and update a Five Year Capital Budget. The Five Year Capital Budget should establish a schedule and staging for the construction of, and improvements to, the Town's infrastructure based on the following:

1. The Town's Population and Household forecasts and the policies of this Plan;
2. The need to service development within the urban service area with the required services including, where required, the need to oversize infrastructure; and,
3. The results of the Town's Master Plans for sewage and water servicing, stormwater management, and Road Needs as prepared and updated from time to time.

7.2 SERVICING HIERARCHY

The following hierarchy of sewage treatment and water supply servicing options will be used to evaluate any development applications, except where specific exclusions are made in this Plan. The feasibility of the options will be considered in the following order:

- 7.2.1** Extensions of servicing from a centralized municipal facility;
- 7.2.2** Extensions of servicing from a communal system;
- 7.2.3** The development of a new communal system; or,
- 7.2.4** Private systems.

Notwithstanding the above, the following exclusions from the servicing hierarchy will apply:

- 7.2.5** Within the Urban Service Area identified on the Schedules of this Plan, all servicing shall be by way of the existing centralized municipal facilities and systems;

- 7.2.6** For the new industrial park east of the Town site, servicing shall be by way of municipal water where water service to new development will be limited to domestic use only. Industries will be required to use private services or recycling for processing operations or to meet other water conservation requirements. No industrial uses will be permitted which have the potential to adversely affect ground water quality or quantity. Land uses located in this area will also be permitted on private sewage disposal systems;
- 7.2.7** The use of communal sewage systems for treatment of industrial waste water will not be permitted;
- 7.2.8** Partial services shall only be permitted in the following circumstances:
1. Where they are necessary to address failed private sewage services and private water services in existing development; and
 2. To allow for infilling and rounding out of existing development on partial services provided that the development is within the reserve sewage system capacity and reserve water system capacity and site conditions are suitable for the long-term provision of such services.
- 7.2.9** Applications for new development within the Urban Service Area may be required to submit a Functional Servicing Study that shall demonstrate, to Council's satisfaction, that capacity is available for the development and appropriate arrangements can be made for the servicing of the project. Applications for new development outside the Urban Service Area shall be supported by a Hydrogeological Report that shall demonstrate, to Council's satisfaction, that the lands can be serviced by private wells and private sewage disposal systems in accordance with the Ministry of the Environment's D-Series Guidelines. This requirement can be waived by Council where the lot sizes of the proposed development are greater than 1 hectare in area, where five or less lots are proposed, or where only one lot is proposed and it complies with the implementing zoning by-law, where there are no known water quality concerns in the area and no further lots can be created. Council retains the discretion to request a Hydrogeological Study for a development proposal with a lot or lots greater than 1 hectare where water quality and quantity concerns have been identified either on or in proximity to the lands subject to the development proposal.

Where multiple lot development is proposed outside of the Urban Service Area, the development proponent shall first undertake a Servicing Options Study to determine the appropriate method of providing services to the proposed development. The Servicing Options Study will assess the feasibility of the servicing hierarchy identified above.

Where an application for a development proposal on communal or private systems is made which will generate more than 10,000 litres of effluent per day, a Hydrogeological Study shall be prepared to the satisfaction of Council and provided also to the Ministry of Environment for the purposes of MOE's issuance of a Environmental Compliance Approval.

7.3 TRANSPORTATION SYSTEM

7.3.1 General Principles

The Transportation Plan as outlined in Schedule "C" is based on the need to provide a functional hierarchy of transportation routes as outlined in the following sections to assist in the implementation of the land use policies of this Plan. The road pattern incorporates the following general goals and principles.

1. To provide the safest and most efficient flow of traffic between the major communities of the Town with direct accessibility provided between major traffic generating areas on non-congested, well designed roadways;
2. To facilitate the satisfactory movement of both people and goods to and from the various neighbourhoods within the Town and to and from the adjacent municipalities and other parts of the province;
3. To utilize existing roads to the greatest practical benefit;
4. To ensure that arterial and collector roads provide convenient access between the major traffic generating areas;
5. To ensure that local roads and streets provide access primarily to the areas in which such local roads and streets are located and through traffic is minimized as much as possible;
6. To restrict development on private and un-assumed roads;
7. To provide for the ease of winter and summer maintenance; ~~and~~
8. In securing extensions to transportation routes and other necessary transportation improvements in general, including realignment and road widening, consideration shall be given to the impact of such extensions or improvements on heritage resources, especially on the character of streetscapes and major crossroads or intersections.

9. To integrate active transportation systems that promotes non-motorized and pedestrian travel within the community.

Schedule "C" describes a hierarchy of transportation routes composed of Provincial Highways, Arterial Roads, Collector, and Local Roads. Schedule "C" also identifies symbolically those intersections and bridges that have been identified for improvement and those roads where widening are required. The following sections describe specific policies with respect to each category of the road system.

7.3.2 Provincial Highways

Highway 17 is recognized as a Provincial Highway with restricted access controls. Access to lots of record is permitted if the Ministry of Transportation's safety and operational requirements can be met. No new commercial or industrial entrances are permitted except if the property was zoned for such uses prior to the designation of Highway 17 as a Class 2 Staged freeway (May 30, 1983 at the western limits of the settlement area, November 21, 1969 at the eastern limits of the settlement area). A service road or access from abutting Town roads is the preferred means of access to abutting properties along Highway 17. Highways 546 and 567 are also recognized as Provincial Highways which are less restrictive than Highway 17 in terms of access. Any development proposed along these highways shall comply with the permit requirements of the Ministry of Transportation. It is the intention of this Plan that major traffic volumes be directed to provincial highways as much as possible. The Town supports the improvement of all provincial highways in the Municipality in order to fulfill their role as carriers of large volumes of traffic. The Municipality shall, however, make representation to the Province of Ontario to be consulted prior to the finalization of any highway improvement plans affecting the Municipality.

The Ministry of Transportation may also require an applicant to undertake any of a traffic impact study, and a stormwater management study to assess the impacts of development within the permit control area of a provincial highway. An illumination study may be required for a large development such as a large-format retail establishment.

Access control and land use approvals adjacent to the connecting link shall be the responsibility of the Town of Blind River.

7.3.3 Arterial Roads

Arterial Roads, like provincial highways, are intended to be major transportation routes carrying significant volumes of through or inter-community traffic. Generally a right-of-way width of 30 metres is required.

Direct access to abutting properties will be restricted wherever possible. In the case of abutting commercial properties, access by means of a service road shall be encouraged wherever possible. A combined access point serving a number of properties or access from an adjoining Town road shall be encouraged as alternatives to direct road access to all properties.

7.3.4 Collector Roads

These roads are intended to collect traffic from individual local roads and direct it to arterial or provincial highways. Generally, the right-of-way width shall be 25 metres. However, in low traffic volume areas or in presently built-up areas where the wider right-of-way is likely to be difficult to obtain because of building locations or the number of properties involved, a minimum right-of-way width of 20 metres may be provided.

Access to collector roads shall be very carefully controlled and the reversal of lots, the use of combined access points and the development of service roads will be encouraged.

7.3.5 Local Roads

The remainder of the roads in the Town are classified as local two lane traffic roads with a minimum right of way width of 20 metres designed primarily to provide land access to abutting property and to discourage the movement of through traffic.

Right-of-way widths may be reduced, subject to the approval of Council, where the reduced width forms part of design considerations for new residential development. Alternative development standards and neo-traditional planning approaches will be considered on a case by case basis.

7.3.6 Private and Unassumed Roads

Development shall be strongly discouraged on private and unassumed roads. It is a policy of the Plan to restrict the development of new private roads to a Plan of Condominium. Limited infilling development, which does not extend an existing private road, may be permitted where there is compliance with all other policies of this Plan. The construction of new dwellings shall be permitted on existing lots of record on private and unassumed roads where an agreement has been entered into with the Town regarding the servicing of these areas. This agreement may include provisions regarding the lack of emergency services, the maintenance

and servicing of the lot, and an arrangement to contribute to the eventual upgrading of the road.

7.3.7 Resource Access Roads

For the purposes of this Plan, resource access roads are intended to provide access to resource-based land uses such as forestry, mineral or mineral aggregate extraction and are not intended to provide access to residential or commercial uses; consequently, new lot creation is not permitted. Resource access roads are expected to be maintained by private enterprise under lease or other arrangements with the Crown. Resource access roads are illustrated on Schedules 'A' and 'C', Land Use Plan.

7.3.8 General Road Policies

Schedule "C" to this Plan identifies the classification of the road network for the Town and potential improvements such as new roads or the widening of existing roads. Reference shall be made to **Sections 7.3.2 to 7.3.7** for the policies that apply to the road classification. Schedule 'C' also identifies access points to various water bodies.

The Town may complete a Roads Needs Study for input into this Plan and The Five Year Capital Budget.

7.4 RAIL LINES

The municipality will encourage continued use of rail lines. Rail lines are shown on Schedule C. When considering applications for development, Council shall ensure that future development does not impede the continued viability of the rail line. Development that requires the construction of a rail crossing or increases the quantity of traffic over the rail line will be considered having regard for the safety of the crossing. As a condition of development approval, Council may require a rail crossing to be funded by the developer.

All proposed development adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided, to the satisfaction of the Municipality in consultation with the appropriate railway. Development adjacent to railways shall be subject to the land use compatibility requirements for noise set out in **Section 4.2.2**.

7.5 STORM WATER MANAGEMENT

7.5.1 General Principles

The Municipality shall practice, encourage and require the effective management of storm water in accordance with the best available management practices.

Storm water shall be managed to protect and support a healthy aquatic ecosystem and limit the impact on the receiving water body.

7.5.2 General Policies

Where Council considers it appropriate, detailed storm water management plans will be required prior to the approval of a proposed development or redevelopment which may include commercial and industrial development and land severance's of five or more lots. Where storm water management plans are required such plans shall be prepared in accordance with the Storm Water Management Planning and Design Manual (2003) and the Fish Habitat Protection Guidelines for Developing Areas (1994)" or their successors and will be subject to approval by the Town and any other agency having jurisdiction.

The Town may complete a Master Drainage Plan for each watershed or subwatershed for input into this Plan and the Five Year Capital Budget. When a Master Drainage Plan has been prepared, all subdivision plans shall be prepared in conformity with the adopted master plan and shall contain measures to manage development related storm water to a no-net increase standard.

Stormwater facilities will be designed and constructed using best management practices including the prevention of increased contaminant loads, minimizing changes in water balance and erosion, maximizing the use of vegetation, stormwater attenuation and re-use and by not increasing risks to human health and safety and property damage.

7.6 WASTE MANAGEMENT SYSTEM

7.6.1 General Principles

The Town is responsible for the development, operation, monitoring, maintenance, and rehabilitation of solid waste management facilities and services within the Town serving residents of the municipality. The Town will ensure that waste management systems of an appropriate

size and type are provided to accommodate present and future requirements.

Waste management facilities, including landfill sites, may be established and/or expanded according to a Waste Management Plan process and subject to the provincial standards and requirements of the Environmental Protection Act and the Environmental Assessment Act, where applicable.

Given that the lifespan of the current waste management facility is 2017, Council intends to work towards the expansion of capacity to service new growth and development. Council intends to implement the findings of an environmental assessment study in providing for increased landfill capacity. Future changes to the boundaries of the landfill and setback requirements if required will be reflected correspondingly in changes to the Official Plan and schedules. To optimize the capacity of the waste management facility, Council intends to aggressively pursue a waste diversion strategy that includes recycling, reducing, re-using, recovering, and composting.

No use shall be made of land or land covered by water which has been used for the disposal of waste within a period of 25 years from the year in which such land ceased to be so used unless the approval of the minister for the proposed use has been given in compliance with Section 46 of the *Environmental Protection Act*.

7.7 INFRASTRUCTURE AND UTILITY CORRIDORS

All development in the Municipality shall recognize the importance of the high pressure natural gas pipelines and hydro transmission lines identified on Schedule C to this Plan. Any development within 200 metres of a utility corridor may affect the safety and integrity of the line. The Municipality shall require early consultation with the appropriate Utility for any development proposed within 200 metres of a utility line.

Infrastructure corridors and rights-of-way for pipelines, power transmission lines, provincial highways, provincially planned infrastructure corridors and Town infrastructure will be protected from land use development that could negatively affect the use of these corridors.

8 DESIGN GUIDELINES

The Town has conducted or participated in a number of design and tourism studies to identify and design key elements of the public realm including open spaces, active use trails, gateway and entrance designs, and other public facilities and spaces. The policies contained in this Section are intended to establish good design principles as an important part of the planning process and to support the continued implementation of the Town's work in identifying and developing its community vision.

8.1 OBJECTIVES

These design guidelines are based on the belief that the livability and physical appeal of a community can be enhanced by the quality, layout and attractiveness of its public and private spaces and buildings.

The guidelines are intended to provide development proponents with an understanding of the design intent of the municipality with regards to public spaces in Blind River. The fundamental basis of these Design Guidelines is to create a built environment that provides:

- 8.1.1** Visual diversity, interest and beauty;
- 8.1.2** A well-defined public realm, including an interconnected open space network;
- 8.1.3** Sensitive integration of new development with existing development;
- 8.1.4** An attractive and distinctive, pedestrian-oriented downtown, with connections to the waterfront.

8.2 DESIGN GUIDELINES

- 8.2.1** Measures for personal safety and amenity shall be incorporated in the planning and design of all development.
- 8.2.2** New development will be required to harmonize with its context, having regard for:
 - 1. Scale, proportion, continuity, and texture;

2. orderly and appropriate transition to adjacent lands; and
3. The relationship of spaces to buildings and to the street.

8.2.3 The scale of new buildings and structures should be appropriate to their surroundings.

8.2.4 The use of building materials and building designs that blend with the landscape and with each other shall be encouraged.

8.2.5 Buildings or structures on untreed sites shall incorporate landscaping to enhance the site and the surrounding area.

8.2.6 The design of all residential ~~uses~~ development and redevelopment shall be in accordance with good design principles and consideration shall be given to the following:

1. Design which is in keeping with the character of surrounding land uses has common internal vehicular and pedestrian circulation and physically integrates with the surrounding urban form in a positive manner.
2. The provision of adequate parking and loading facilities;
3. Adequate buffering and or screening from adjacent lower density residential uses. This may be achieved through fencing, landscaping, berming or a combination of these features.
4. Measures to facilitate and improve walkability and active transportation to provide for safe pedestrian travel, and cycling in all seasons (e.g. through traffic calming, dedicated bike paths, pedestrian crossovers, lighting).
5. Measures to improve connectivity and safe routes between residential neighbourhoods and schools, public facilities and services, retail areas, work places, places of worship and recreation and cultural areas.
6. Measures to provide for or improve accessibility in compliance with the Town's Accessibility Plan.

8.2.7 The Town plans to enhance the visual and functional linkage between Woodward Ave. and the waterfront area and the development of the waterfront. Waterfront design plans may be developed that would include details on land uses, improvements to municipal infrastructure,

tree planting, walkway design, parking layout, and shoreline facilities and improvements. Design in this area shall take into consideration plans and designs prepared by the Town.

8.2.8 Causley Street is recognized as the gateway to the community and as a significant commercial artery. Council's intent is to sustain or enhance the visual attractiveness and functionality of Causley Street by ensuring that new design and redevelopment of the building form will create a positive image to residents and the travelling public. New development and redevelopment shall be conducive to improving the visual image and overall pedestrian friendliness of Causley Street. This will be achieved through the implementation of the "*Blind River Town Hall Waterfront & Causley Street Enhancement Concept Master Plan Investigation*" and other measures to enhance the pedestrian realm along Causley Street.

8.2.9 Generally, new residential development shall be screened from major roads by existing tree cover, planting areas or other appropriate vegetation or berming.

8.2.10 Existing mature trees and other vegetative amenities should be retained and preserved except where removal is necessary due to disease, damage or to ensure public health and safety.

8.2.11 Existing vegetation, green spaces, topography, views and watercourses shall be preserved as much as possible. Supplementary planting of trees and shrubs shall be encouraged.

8.2.12 On-site parking shall be integrated with the development of the site and screened by fencing or landscaping from surrounding roads and properties.

8.2.13 Signage should be integrated with the architecture and landscape, not only to identify and inform, but also to compliment and enliven the streetscape. The Town may, if deemed necessary by Council, regulate signage by enacting a by-law pursuant to the provisions of the Municipal Act and/or the Planning Act. Sign design should be in keeping with the Town's sign theme particularly along Highway 17 when established.

8.2.14 The Town will require the provision of design elements that sustain, enhance, improve and/or maximize physical accessibility for all members of the public in accordance with the Ontarians with Disabilities Act and in conformity with the Town's own Accessibility Plan required under the Act. The Town will endeavour to provide for the removal of land use barriers for disabled persons in making land use decisions and may require the dedication of facilities to improve accessibility such as pedestrian and

bicycle pathways as a condition of subdivision or consent approval. See also **Section 9.1.4 – Site Plan Control**.

8.2.15 In order to maximize pedestrian access and linkages between the Downtown and the waterfront areas and existing and proposed trail systems, Council may require access to the waterfront open space system as a condition of approval for any development or redevelopment proposals.

8.3 DOWNTOWN DISTRICT

The Town will endeavour to reinforce and maintain the architectural, visual and thematic integrity of structures and streetscapes within the Downtown district by encouraging new buildings, additions and renovations to maintain sensitive designs in terms of the physical context into which such development may be located. The Town will encourage the strengthening of the Downtown district by permitting its expansion along the waterfront area and between Causley and Hudson Streets respectively. Council recognizes the importance of this area as both a commercial core and a living area and therefore will endeavour to ensure that the balance is maintained and enhanced through good design.

8.3.1 New development and re-development in the Downtown district shall be encouraged to preserve and enhance the scenic vistas of the waterfront and views from the Downtown district.

8.3.2 The design of buildings, outdoor uses and public spaces should incorporate and respect the cultural heritage resources of the Town and the Downtown.

8.3.3 Where possible, existing trees shall be preserved and efforts shall be made to improve the overall landscaping within the Downtown district. Additional trees should be planted at appropriate locations and avoid screening architecturally significant buildings, facades and important views.

8.3.4 New street furniture and pedestrian amenities should be coordinated to blend with the design characteristics and facades of the Downtown core area.

8.3.5 Attractive, well designed parking lots that complement the special character of the Downtown should be encouraged.

8.3.6 Council may develop design plans and schemes for the Downtown district which may include specific recommendations for public works and facilities such as improvements to municipal infrastructure, tree planning, land acquisition, parking layout and linkages to the waterfront area. Such

Plans, when approved, shall be taken into consideration in the design of developments within the Downtown district.

8.4 DRIVE-THROUGH GUIDELINES

Council recognizes the growth in the drive-through industry for land uses such as restaurants, banks, laundromats and convenience retail services. In providing for new drive-through facilities, Council's intent is to ensure that they have a minimal disruption to neighbouring sensitive land uses, particularly residential and institutional land uses. The intent of this Plan is to provide for well-designed drive-through facilities based on the following principles:

- 8.4.1** Access shall be from an arterial road or a Provincial highway;
- 8.4.2** Frontage shall be on a Provincial highway;
- 8.4.3** Stacking areas should not wrap around the perimeter of the drive-through establishment thereby cutting the building off from the street and pedestrian traffic;
- 8.4.4** Access to the site, vehicle parking, and vehicle stacking and vehicle movement shall be designed to be orderly, highly efficient and functional;
- 8.4.5** The lot shall be sufficient in size to provide for an adequate building envelope, customer parking, vehicle stacking, garbage loading and unloading and landscaping;
- 8.4.6** Adequate areas of landscaping shall be provided to soften the impact of areas of asphalt;
- 8.4.7** Order boards shall be located as remotely as possible from adjacent residential and institutional land uses;
- 8.4.8** Drive-throughs shall be visually buffered from sensitive land uses and designed to block headlight glare and attenuate noise;
- 8.4.9** Drive-through facilities shall be subject to site plan control

Applications for drive-through facilities shall be accompanied by a traffic impact study and a noise study and such other information as Council may require.

8.5 COMMUNITY IMPROVEMENT

These policies are intended to provide a basis and mechanism for the Town to utilize the provisions of Section 28 of the Planning Act to encourage the development, redevelopment revitalization and renewal of areas and neighbourhoods within the Town. Community Improvement Plans should be developed in accordance with the Design Guidelines of this Plan.

Council will undertake Community Improvement Plans in order to implement the policies of this Plan as municipal finances and other sources of funding permit. Wherever possible the Town shall seek funding from senior government sources and other partnerships to assist in community improvement programs.

8.5.1 Community Improvement Project Areas

The Town of Blind River to the extent of its corporate boundaries shall be defined as a Community Improvement Project Area. Individual Community Improvement Plans may be prepared for areas within the Town.

8.5.2 Community Improvement Projects

Community Improvement projects shall include but not be limited to:

1. The development of a municipal wide active use trail and parks system with an emphasis on the waterfront area;
2. Improvements to sidewalks and road surfaces to enable safe and comfortable travel by pedestrians, bicycles and vehicles;
3. Improvements to the water system to provide for sufficient fire flows;
4. Completing a comprehensive storm water management program,
5. Encouraging residents, business owners and service groups to participate in tree planting and street beautification programs and improvements to private buildings and properties; and,
6. The rehabilitation of private buildings and properties, including those in the Downtown and along Provincial Highway 17, and properties identified as brownfields.
7. Providing improvements to the public realm that make for a more sustainable, accessible and inclusive community.

8. Community improvement may also be used to support policies and programs for heritage conservation.

8.5.3 Community Improvement Incentives

In order to encourage improvements to private and public lands, the Town may offer the following incentives to private landowners:

1. Reduction or elimination of planning or building application fees;
2. Increased densities for residential development;
3. Reduction of property taxes for a time period that reflects the land owner's contribution to public infrastructure or parkland; and
4. Providing specific grants to property owners to improve the appearance of private lands and buildings.

Grants, loans and tax assistance may be used to rehabilitate private lands and buildings to achieve desired community improvement outcomes. Specific incentives will be approved by a Community Improvement Plan adopted by Council.

8.6 IMPLEMENTATION

These Design Policies will be implemented through plans of subdivision, implementing zoning by-laws, subdivision agreements and/or site plan control mechanisms, Community Improvement Plans, and well as other municipal capital works programs in conformity with the policies of this Official Plan.

9 IMPLEMENTATION AND INTERPRETATION

IMPLEMENTATION TOOLS

9.1.1 Zoning By-Laws

A review of the municipality's existing Zoning By-laws has been undertaken and a revised By-law has been adopted concurrently to implement the policies of this Plan.

9.1.2 Temporary Use By-Laws

The Town may pass temporary use By-Laws permitting temporary housing, temporary accommodation facilities, tourist uses and facilities, parking lots, events and industrial uses related to the resource base of the area and other similar uses. Such a use may not conform to the Official Plan.

These temporary uses may be authorized for a specific time period up to three years and should be applied where it is considered inappropriate by the municipality to permit the proposed use on a permanent or continuing basis and where alternatives such as relocation are not practical. Subsequent By-Laws granting extensions of up to three years may be passed.

Prior to the approval of a temporary use By-law, Council shall be satisfied that the following principles and criteria are met:

1. The proposed use shall be of a temporary nature and shall not entail any major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original use upon the termination of the temporary use;
2. The proposed use shall be compatible with adjacent land uses and the character of the surrounding neighbourhood;
3. The proposed use shall not require the extension or expansion of existing municipal services;
4. The proposed use shall not create any traffic circulation problems within the area nor shall it adversely affect the volume and/or type of traffic serviced by the area's roads;

5. Parking facilities required by the proposed use shall be provided entirely on-site;
6. The proposed use shall generally be beneficial to the neighbourhood or the community as a whole; and
7. The Municipality may enact temporary use by-laws with a time period of up to twenty (20) years for the installation of a garden suite (see **Section 4.11**).

9.1.3 Holding Provisions

Where the principle of development has been established, Council may pass a Zoning By-law under Section 36 of the *Planning Act* that identifies a use of land, but limits the actual development of the land until a later date when identified conditions have been met. These conditions are set out in the policies applying to the land use designations in this Plan.

1. Objectives

The objective of utilizing a Holding Provision is to ensure that:

- A. Consideration is given to a site's location, physical features, environmental sensitivity, agricultural or aggregate potential, adjacent land uses, and relationship to roads, road intersections and watercourses;
- B. The placement of fill is required prior to redevelopment for low-lying areas falling below 180.2 m Canadian Geodetic Datum;
- C. The appropriate phasing of development or redevelopment occurs;
- D. Development does not proceed until services and utilities are available to service the development;
- E. Agreements respecting the design of the proposed development are entered into;
- F. Contaminated lands are appropriately remediated;
- G. Provision is made for affordable housing, measures for sustainability and improved accessibility; and/or
- H. Provisions to implement community improvement policies.

Council, at any time, may designate any Zone or part of a Zone as a Holding Zone by placing an “H” in conjunction with the Zone symbol in order to meet one of the above-mentioned objectives. During the interim period, when the Holding Zone is in place, uses permitted on the affected lands are limited to existing uses specified in the Comprehensive By-Law only.

2. Implementation

Lands subject to holding provisions shall be identified within the implementing zoning by-law by the placement of an “H” immediately following the relevant zone symbol. Generally, permitted uses within an area subject to holding provisions shall be limited to the uses existing at the time of the passing of the by-law and the holding by-law may also be utilized to restrict the expansion of existing uses. However, where appropriate, a restricted number of uses may be permitted within an area subject to holding provisions for reasons related to servicing or phasing.

3. Removal of the Holding Zone

The holding symbol “H” may be removed from the lands so zoned, by an amendment to the Zoning By-Law pursuant to the provisions of the Planning Act, provided that:

- A. A development proposal for the subject land has been submitted to and approved by the Municipality and has also received all other required approvals;
- B. Any required agreements are entered into with the Municipality;
- C. All requirements regarding the provisions of roads and servicing have been satisfied;
- D. Council is satisfied that development can proceed in accordance with the policies of the Official Plan.
- E. Council is satisfied that any or all of subclauses **9.1.3.1(A-H)**.

9.1.4 Site Plan Control

All areas of the Town are designated as proposed Site Plan Control areas under the provisions of the Planning Act. All uses may fall under Site Plan Control. All lands within designations that permit single detached dwellings are also designated as proposed Site Plan

Control areas in accordance with Section 41(5) of the Planning Act. In addition, major projects related to the production or transmission of energy may also fall under Site Plan Control. Proponents may be required to enter into an agreement under Section 41 of the *Planning Act* 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.

Council may, as a condition of site plan approval, require the dedication of land for the widening of any street to the widths set out in **Sections 7.3.3, 7.3.4 and 7.3.5** of this Plan as specified by the classification. The conveyance to the Municipality shall not exceed more than one half of the deficiency of the width or 5 metres, whichever is the lesser. The conveyance shall apply to the full frontage of the property wherever the deficiency exists.

Site plan control may be used as a condition of development for such matters as:

1. Implementing measures for urban design (see **Section 8.2 Design Guidelines**);
2. Facilitating universal access to buildings, public places and the spaces surrounding buildings to ensure accessibility for persons with disabilities;
3. Providing for sustainable design through requiring landscaping adjacent to public roads (e.g. trees, shrubs, hedges, plantings, other ground cover), permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities.

9.1.5 Interim Control By-laws

In utilizing this authority under Section 38 of the *Planning Act*, it is Council's policy that an interim control by-law shall be preceded by a by-law or resolution directing that a study be undertaken of planning policies in the affected area and setting out the terms of reference for the study. When an interim control by-law expires, the prior zoning shall automatically apply, unless a new zoning by-law is passed.

9.1.6 Parkland Dedication or Cash-in-Lieu – Section 42

It is Council's policy to require the conveyance of parkland or the cash-in-lieu equivalent for residential and non-residential development as a means to implementing the policies for parks and open space areas of this Plan.

The land or cash to be conveyed shall not exceed two per cent (2 %) of the value of the land to be developed for commercial or industrial uses or five per cent (5 %) for residential uses. Where Council requests cash-in-lieu, the value of the land shall be determined on the day before the day the building permit is issued.

9.2 NON-CONFORMING USES

As a general rule, existing uses that do not conform to the policies of this Plan should gradually be phased out so that the affected land use may change to a use that is in conformity with the goals of the Official Plan and the intent of the implementing Zoning By-law. In some instances, it may be necessary and practical to allow the replacement, extension or enlargement of non-conforming uses through the granting of a Permission to Expand or by placing the use in an appropriate zone in the implementing Zoning By-law. Council shall, therefore, have regard for the following principles:

9.2.1 The feasibility of acquiring the property for holding, sale, lease or development by the Town for a more appropriate permitted use; and,

9.2.2 The possibility of relocating the non-conforming use to another site.

9.2.3 Development Policies

If the property cannot be acquired or relocated, the Council; may, without an amendment to this Plan, allow extensions to a non-conforming use. Prior to such approval, the Council shall consider the following:

1. The size of the extension in relation to the existing operation;
2. Whether the proposed extension is compatible with the character of the surrounding area;
3. The characteristics of the existing use in relation to noise, vibration, fumes, dust, smoke, odours, lighting and traffic generation and the degree to which any of these factors may be increased or decreased by the extension; and,
4. The possibilities of reducing these nuisances through buffering, building setbacks, landscaping, Site Plan Control and other means to improve the existing situation, as well as minimize the problems from extension.

9.2.4 Role of the Implementing Zoning By-Law

Existing uses which do not conform with the policies of this Official Plan may be zoned in the Comprehensive By-law in accordance with their present use, provided that:

1. The Zoning will not permit any change of use or performance standard that may negatively impact adjoining uses;
2. The uses do not constitute a danger to surrounding land uses, humans or the natural environment by virtue of their hazardous nature;
3. The uses do not interfere with the appropriate development of the surrounding lands; and,
4. When the use is discontinued, re-zoning may only take place in accordance with the policies and intent of this Plan.

9.3 INTERPRETATION

9.3.1 The boundaries between land uses designated on the Schedules to this Plan are approximate except where they meet with roads, railway lines, pipeline routes, transmission lines, the shoreline or other clearly defined physical features and in these cases are not open to flexible interpretation. Where the general intent of the document is maintained, minor adjustments to boundaries will not require an amendment to this Plan.

9.3.2 It is recognized that the boundaries of the *Environmental Protection* designation or symbol may change over time as will the natural processes that influence natural hazards. The Town shall determine the extent of the Environmental Protection designation on a site by site basis when considering development proposals, in consultation with the appropriate agencies. Any refinement to the Natural Features overlay designation shall not require an Amendment to this Plan.

9.3.3 Where a lot is within more than one designation on the Schedules to this Plan, each portion of the lot shall be used in accordance with the applicable policies of that designation.

9.3.4 For the purposes of this Plan, it is interpreted that an existing use as of the date of approval of this Plan refers to the land presently or actually in use and not necessarily the total land area or land holding of the property owner.

- 9.3.5** It is intended that buildings, structures, uses etc., that are normally incidental, accessory or essential to a permitted use will also be allowed even though not specifically stated in the land use policies. (Example: a home based business which is accessory to a residential dwelling, or an administrative office which is accessory to a campground or retail business.)
- 9.3.6** Where examples of permitted uses are provided for in the land use policies of this Plan, it is intended to indicate the possible range of uses considered appropriate and not to be interpreted as all-encompassing unless otherwise stated as such. However, all uses shall be in conformity with the general intent and policies of the general land use designations of this Plan.
- 9.3.7** Where an Act or portion of an Act is referred to in this Plan, such references will be interpreted to include any amendments to the act and/or subsequent legislation that may supersede the Act so named.
- 9.3.8** This Plan utilizes words or terms defined in the Provincial Policy Statement of March 2005. These definitions shall apply in the interpretation of the policies of this Plan and their application to development proposals and planning applications.
- 9.3.9** Where reference is made in this Plan to an original document which provides more accurate information in the interpretation of this Plan, reference shall be made to the original document, where necessary, in implementing the policies of this Plan.
- 9.3.10** The indication of any proposed roads, infrastructure, and municipal services in the policy text or on the Land Use Plan Schedules will not be interpreted as a commitment by the Township to provide the features within a specified time frame. Minor adjustments to the location of these features do not require an amendment to the plan if the intent of the plan is maintained.
- 9.3.11** From time to time, the names of various government or other agencies may change. In addition, responsibilities may shift from agency to agency. The names of the various agencies responsible for the many programs, regulations and approvals are given in this Plan as of the adoption date of this Plan. It is not intended that the Plan be amended each time a change in a name or responsibility occurs. Rather, this Plan shall be interpreted so as to refer to those agencies named, or to their successors, as conditions dictate.

9.4 AMENDMENTS TO THE PLAN

It is the intent of this Plan to serve as the basis for all land use decisions in the Town for the planning period 2003-2023. It is not the intent of this Plan to be utilized as a development control document. As a result, this Plan identifies enough land area for residential, commercial and employment uses to last until the year 2023.

It is therefore a policy of this Plan that it should only be amended when the policies of this Plan have been found not to address issues or alternatively, issues have been raised with respect to site specific proposals that must be addressed in a comprehensive manner.

Council may eliminate notice to the public and a public meeting for a minor Official Plan Amendment that does the following:

- 9.4.1** Changes the numbers of sections or the order of sections in the Plan, but does not add or delete sections;
- 9.4.2** Consolidates previously approved Official Plan Amendments in a new document without altering any approved policies or maps;
- 9.4.3** Corrects grammatical or typographical errors in the Plan that do not affect the intent or affect the policies or maps;
- 9.4.4** Rewords policies or re-illustrates mapping to clarify the intent and purpose of the Plan or make it easier to understand without affecting the intent or purpose of the policies or maps; and,
- 9.4.5** Translates measurements to different units of measure or changes reference to legislation or changes to legislation where the legislation has changed.
- 9.4.6** In all other instances, notification to the residents of the Town of public meetings held by Council shall be given in accordance with the procedures of *The Planning Act*.

9.5 OFFICIAL PLAN REVIEW PROCESS

The assumptions, objectives and policies of this Plan shall be reviewed at least once every five years at a meeting of Council, which shall be advertised in accordance with the Planning Act, as amended.

The five year review shall consist of an assessment of:

9.5.1 The continuing relevance of the vision that forms the basis of all policies found in this Plan;

9.5.2 The degree to which the objectives of this Plan have been met;

9.5.3 The effectiveness of the policies in the Plan in solving problems;

9.5.4 The change that has occurred in transition areas.

9.6 COMPLETE APPLICATIONS

Amendments to the Official Plan and the Zoning By-law may be initiated by application in compliance with the requirements of the *Planning Act*. Prior to filing an application, applicant will be required to meet with the Town to ascertain the requirements for the submission of applications (e.g., required studies and information, fees, peer review, agency and public consultation, etc.). Applications for development for an official plan amendment, a zoning by-law amendment or a subdivision shall be reviewed for completeness. The Town/approval authority will not consider an application complete or may refuse an application where studies or other information required in **Section 4.14** or any other section of the Plan, or the *Planning Act*, are not submitted as part of the application. Council/the approval authority may refuse to accept an application as complete in the absence of required studies and in support of an official plan amendment, a zoning by-law amendment, or a subdivision.

Council's intent is to review planning applications for conformity with this Plan and to ensure that applications are consistent with or comply with provincial plans and the Provincial Policy Statement in effect at the time the application is filed.