

*OFFICIAL PLAN FOR THE  
TOWNSHIP OF GILLIES*

NOVEMBER 2009

**PREPARED BY:**

The Council for the Corporation of the Township of Gillies  
RR #1. 1092 Hwy 595,  
Kakabeka Falls ON P0T 1W0

Phone: (807) 475-3185  
Fax: (807) 473-0767  
Email: [gillies@tbaytel.net](mailto:gillies@tbaytel.net)  
Website: [gilliestownship.ca](http://gilliestownship.ca)

## TABLE OF CONTENTS

	PAGE NO.
<b>SECTION 1 - INTRODUCTION</b>	<b>5</b>
1.1 PREAMBLE	5
1.2 GOALS OF THE PLAN	6
1.3 OBJECTIVES	6
1.4 AMENDMENT AND REVIEW	7
1.5 RESPONSIBILITIES OF THE TOWNSHIP OF GILLIES	7
1.6 OFFICIAL PLAN	8
1.7 TITLE	8
1.8 SCOPE	8
1.9 PUBLIC WORKS	9
1.10 ZONING BY-LAW	8
1.11 PRIVATE INTERESTS	8
1.12 APPROVAL AUTHORITY	8
<b>SECTION 2 - GENERAL PROVISIONS</b>	<b>9</b>
2.1 GENERAL	9
2.2 ZONING	9
2.3 LOT CREATION	9
2.4 PROVINCIAL HIGHWAYS	13
2.5 CULTURAL HERITAGE PRESERVATION	13
2.6 LAND USE COMPATIBILITY	14
2.7 CONTAMINATED SITES	15
2.8 ACCESSORY USES	15
2.9 DRAINAGE AND STORMWATER MANAGEMENT	15
2.10 CROWN LANDS	16
2.11 HOME INDUSTRIES AND HOME OCCUPATIONS	16
2.12 GROUP HOMES	17
2.13 BED AND BREAKFAST	17
2.14 WAYSIDE PITS AND QUARRIES	18
2.15 PORTABLE ASPHALT PLANTS	18
2.16 PORTABLE CONCRETE PLANTS	19
2.17 ENVIRONMENTAL PROTECTION	20
<b>SECTION 3 - LAND USE POLICIES</b>	<b>21</b>
3.1 GENERAL	21
3.2 RURAL	21

<b>SECTION 4 - DEVELOPMENT CONSTRAINTS</b>	<b>28</b>
4.1 GENERAL	28
4.2 AGGREGATE RESOURCE AREAS	28
4.3 MINERAL AND PETROLEUM RESOURCE AREAS	29
4.4 PRIME AGRICULTURAL AREAS	29
4.5 NATURAL HERITAGE FEATURES AND AREAS	30
4.6 FORESTRY	31
4.7 USE LIMITATION	31
4.8 ARCHEOLOGICAL AND CULTURAL HERITAGE SITES	32
4.9 WASTE DISPOSAL SITES	32
<b>SECTION 5 - COMMUNITY SERVICES AND FACILITIES</b>	<b>34</b>
5.1 GENERAL	34
5.2 ROADS	34
5.3 WATER SUPPLY	35
5.4 SEWAGE DISPOSAL	36
5.5 NON-HAZARDOUS SOLID AND LIQUID WASTE DISPOSAL	36
5.6 RECREATION AND OPEN SPACE	37
5.7 COMMUNITY FACILITIES AND SERVICES	37
<b>SECTION 6 - IMPLEMENTATION AND ADMINISTRATION</b>	<b>38</b>
6.1 IMPLEMENTATION	38
6.2 PUBLIC SECTOR AND PRIVATE SECTOR	38
6.3 NON-CONFORMING USE	38
6.4 PUBLIC PARTICIPATION	38
6.5 OFFICIAL PLAN - AMENDMENTS AND REVIEW	41
6.6 ZONING BY-LAW	41
6.7 ZONING BY-LAW - AMENDMENTS AND REVIEW	36
6.8 COMPLETE APPLICATION	42
6.9 STREAMLINING REVIEWS OF OFFICIAL PLAN AMENDMENTS, ZONING AMENDMENTS AND CONSENT APPLICATIONS	43
6.10 IMPLEMENTING COMMUNITY IMPROVEMENT POLICIES	43
6.11 MINOR VARIANCE	44
6.12 FEES	44
6.13 TEMPORARY USE BY-LAWS	45
6.14 HOLDING PROVISIONS	45
6.15 INTERIM CONTROL	46
6.16 SITE PLAN CONTROL	47
6.17 PROPERTY MAINTENANCE AND OCCUPANCY STANDARD BY-LAW	48
6.18 AGENCY NAMES AND RESPONSIBILITIES AND LEGISLATION	48
6.19 LAND USE BOUNDARIES	49

**SECTION 7 – SCHEDULE “A” - ROADS, LAND USE, DEVELOPMENT  
CONSTRAINTS**

<b>APPENDICES</b>	<b>50</b>
APPENDIX A Information and Material to be Provided for Official Plans and Plan Amendments	50
APPENDIX B Information and Material to be Provided for Applications to Amend the Zoning By-law	53
APPENDIX C Information and Material to be Provided for Consents	56
APPENDIX D Information and Material to be Provided for Minor Variances	59
APPENDIX E Guidelines for Site Rehabilitation Plans of Aggregate Extraction Sites	60
APPENDIX F Information and Material to be Provided for an Environmental Impact Study	63

## **SECTION 1 - INTRODUCTION**

### **1.1 PREAMBLE**

The Township of Gillies is located within the Planning Area of the Lakehead Rural Planning Board in the District of Thunder Bay in Northwestern Ontario. Gillies is located west and south of the City of Thunder Bay and is bordered by the Municipality of Neebing to the south and east, Lybster to the west and by the Township of O'Connor.

The Township of Gillies has a land area of 92.67 square kilometres and, according to the 2006 Census, a population of 544 people. The Township exhibits a pronounced 'rural' lifestyle, based upon an economy focused on natural resources.

The protection and maintenance of the existing rural and natural environment is of prime importance to the residents of the community.

The Township of Gillies has experienced a ten year population growth rate of 5%, being generally consistent with the 4.5% growth rate used for projection purposes in the previous version of the Official Plan. Continued projection at 5% for a ten year period would suggest a population in the year 2026 of approximately 590 people. This represents an increase in the order of 55 people.

The hamlet of Hymers represents the closest feature to a settlement area, as defined in the Provincial Policy Statement (2005), but is restricted from further development by flood control measures.

### **1.2 GOALS OF THE PLAN**

1.2.1 The goals and objectives of this Plan form the foundation of planning principles and provide direction to guide detailed policies and programs. The goals reflect the present and future needs and values of the Council and the residents of the Township.

1.2.2 The goals of this Official Plan are to:

- (a) protect and maintain the rural quality of life in the Township;
- (b) establish policies which manage and direct physical change and the effects on the social, economic and natural environment, of the Township, over the next 20 years;
- (c) secure the health, safety, convenience and welfare of the residents of the Township;
- (d) ensure the Township's resources are rationally used and natural features protected;

- (e) permit the delegation of approval to the Township with respect to decisions regarding land use planning matters for such matters as consents, zoning amendments, minor variances and site plan control;
- (f) qualify the Township for various programs funded by senior levels of government;
- (g) provide policies which will encourage the expansion and diversification of the local economic base;
- (h) provide policies that guide development that is environmentally compatible and supports sustainable development;
- (i) inform the residents of the Township of the policies that affect the development of land;
- (j) provide a guiding framework for implementing by-laws and for decisions of local boards, commissions, committees and other authorities; and
- (k) provide Official Plan coverage to the Township of Gillies.

### **1.3 OBJECTIVES**

- 1.3.1 The Municipality is committed to actively seeking and encouraging new development in the Township that maintains the rural quality of life, maintains the health of existing businesses and diversifies the economy. This Official Plan represents a step in this process.
- 1.3.2 The Council shall encourage patterns of development which facilitate the provision of local services with minimal or no impact on local finances.
- 1.3.3 The Council shall preserve and enhance, where possible, the environmental quality of the area and minimize impacts of land uses on the natural environment and protect the integrity of ecosystems.
- 1.3.4 The Council shall encourage recreational opportunities that are compatible with the natural environment and are economically feasible.
- 1.3.5 The Council shall have regard for the importance of natural resources within the Township with respect to the contribution to the economic, social and well being of the Township and its residents.
- 1.36 The Council shall encourage the creation of housing which is affordable, accessible, adequate and appropriate to the full range of households in the Township and shall encourage that an adequate supply of land is available to meet the housing needs of the residents of the Township.
- 1.3.7 With this Plan, the Council has achieved the goal of establishing a policy framework for the future, to address the unique circumstances in Gillies Township.

- 1.3.8 Since the creation of new lots is typically driven by new house formulation from within the existing community, new lots are best created at the time when new family formulation occurs. Such lot creation will typically occur through the consent process.
- 1.3.9 Council shall seek to improve accessibility for persons with disabilities and for the elderly, and shall encourage their full participation in the community.

#### **1.4 AMENDMENT AND REVIEW**

1.4.1 This Official Plan is not a static document. As required in the *Planning Act*, the Plan's provisions will be reviewed at five year intervals pursuant to Section 26 of the *Act*, to ensure that it,

- (i) conforms or does not conflict with any provincial plans;
- (ii) has regard to matters of provincial interest as outlined in the *Planning Act*; and
- (iii) is consistent with land use planning policy statements issued under the *Planning Act*.
- (iv) contains policies that are relevant and appropriate in light of changing conditions and reflect local circumstances.

1.4.2 All official plan amendments are subject to the approval of the Minister of Municipal Affairs and Housing.

#### **1.5 RESPONSIBILITIES OF THE TOWNSHIP OF GILLIES**

1.5.1 With respect to official plans, the Township of Gillies has the responsibility to:

- (a) prepare Official Plans and amendments in consultation with the approval authority that are consistent with the Provincial Policy Statement;
- (b) review the Official Plan every 5 years in order to ensure that the Plan is current and reflective of provincial land use planning policy and local circumstances as noted in Section 1.4.1 of this plan;
- (c) advise and secure the views of the public, local authorities, agencies and boards with respect to their Official Plans and amendments;
- (d) review, consider and recommend local legislation, such as zoning by-laws and amendments, which implement the policies of the Official Plan; and
- (e) in keeping with responsible public spending, Council may require that applicants involved in Ontario Municipal Board appeals shall

pay directly, or refund all municipal expenses incurred as part of the defense of the particular by-law that is appealed.

## **1.6 OFFICIAL PLAN**

1.6.1 This document constitutes an Official Plan of the Municipality of the Township of Gillies and has been prepared in accordance with the provisions of the *Ontario Planning Act*, R.S.O. 1990, c.P.13.

## **1.7 TITLE**

1.7.1 This Plan may be known as the “Official Plan for the Township of Gillies”.

## **1.8 SCOPE**

1.8.1 This Plan applies to all lands within the Township of Gillies.

## **1.9 PUBLIC WORKS**

1.9.1 Any public works undertaken in the Township of Gillies shall conform to the policies of this Plan, in accordance with Section 24 of *The Planning Act*, and the *Environmental Assessment Act*.

## **1.10 ZONING BY-LAWS**

1.10.1 All zoning by-laws passed after this Plan is in effect shall conform to the policies of this Plan. Notwithstanding, Council may adopt a zoning by-law that is not in conformity with this plan, but would be so if a relevant official plan amended being processed in harmony with such a zoning amendment is approved and comes into force and effect.

## **1.11 PRIVATE INTERESTS**

1.11.1 Private interests must adhere to the policies of this Plan. The use of private lands, however, will be regulated in accordance with the Zoning By-law pursuant to Section 34 of *The Planning Act*, and other By-laws passed under other relevant Provincial statutes.

## **1.12 APPROVAL AUTHORITY**

1.12.1 The Township of Gillies has delegated approval authority to the Lakehead Rural Planning Board for consents in Gillies Township.

## **SECTION 2 - GENERAL PROVISIONS**

### **2.1 GENERAL**

- 2.1.1 The following land use policies apply to all lands in Gillies Township unless specifically mentioned for exclusion.
- 2.1.2 The designation of land for a particular use in this Plan only indicates that the land so designated may be considered for the designated use, subject to the more detailed criteria of this Plan and other legislation. There is no guarantee that any individual parcel may be used for any permitted use in a particular designation.

### **2.2 ZONING**

- 2.2.1 The policies of this Plan and all land use designations shall be implemented through a Zoning By-law. Any land use designation may have more than one zone category that regulates and controls the permitted uses.

### **2.3 LOT CREATION**

- 2.3.1 The division of land shall take place by consent only. Subdivision of land by new plans of subdivision shall not be permitted. Development by new plans of subdivision does not maintain the rural character and environment of the Township and tends to promote a level of development which the municipality does not wish to encourage at this time. The Municipality also has no desire to provide for additional growth in the existing hamlet area of Hymers due to the location of lands which may be prone to flooding along the Whitefish River which traverses the village.
- 2.3.2 Consents shall only be granted that conform with the policies of this Plan and provided that:
- (a) the retained and severed lot(s) can be adequately and safely serviced by private water supply and private sanitary sewage disposal systems in accordance with Ministry of Environment Guidelines;
  - (b) there shall be written evidence from a licensed well driller or master plumber, of the establishment on the lot to be severed, of a source of water having a flow of at least two (2) gallons of water per minute after one (1) hour of pumping from the subject water source at the rated flow;

- (c) there shall be a written report from a recognized testing laboratory that the water source of the subject land is potable;
- (d) the soil and drainage conditions are adequate for the proposed use and permit the proper siting of buildings and the installation of private sewage disposal systems including a confirmation of sufficient reserve sewage system capacity and/or demonstration of septage treatment. Confirmation can be in the form of a letter supplied by a holder of a Certificate of Approval for a facility, indicating that the required capacity exists;
- (e) the lands front onto a public road that is maintained year round by the Township or the Ministry of Transportation and is of an acceptable standard of construction as determined by the Township;
- (f) no traffic hazard is created by the consent and safe access/egress to the retained and severed lot(s) is feasible;
- (g) the consent does not result in land use conflicts with existing nearby uses;
- (h) the requirements of the Minimum Distance Separation I criteria shall be adhered to when a consent is being proposed in proximity to existing livestock operations;
- (i) the lot size and configuration shall be suitable for the proposed use and, where possible, be consistent with adjacent development. A lot size with a minimum area of approximately 2 hectares and a minimum frontage of approximately 100 metres is deemed to be adequate;
- (j) the consent does not result in land locked parcel(s) being created;
- (k) a parcel held under unity of ownership as of October 1, 1997 is not subdivided by consent into more than two (2) parcels, exclusive of the retained parcel, except for the purpose of boundary adjustment, partial discharge of mortgage, easements and rights-of-way;
- (l) where only one consent has been granted from a parcel held under unity of ownership as of October 1, 1997, the potential for an additional consent in conformity with this Plan shall remain with the retained parcel unless the retained parcel cannot be severed under the existing provisions of this Plan and the Zoning By-law.

2.3.3 Notwithstanding the policies of this section, consents may be granted for the following technical purposes, provided that the retained and severed portions conform with the Zoning By-law:

- (a) boundary corrections or adjustments;
- (b) lot enlargements;
- (c) discharge of mortgage;
- (d) road widening and road allowances; and
- (e) easements.

2.3.4 Consents for non-aggregate uses shall not be permitted in areas of high or moderate aggregate resource potential unless it can be demonstrated to the satisfaction of the Ministry of Natural Resources and the Township of Gillies that:

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

2.3.5 Consents for non-aggregate use may be permitted on lands within 90 metres abutting high or moderate aggregate resource areas provided:

- (a) there is no negative impact on an existing or future aggregate extraction operation;
- (b) no negative land use impact will result from the existing or future aggregate use on the non-aggregate use, i.e. noise, vibration, dust, traffic impacts; and
- (c) a study be required for lands within 300 metres of an existing pit and within 1000 metres of an existing quarry to indicate no negative impact on the future of the operation.

2.3.6 Consents shall not be permitted in mineral resource areas that precludes or hinders future access to, and use of these resources, unless it can be demonstrated to the satisfaction of the Ministry of Northern Development and Mines and the Township of Gillies that:

- (a) the use of the resource is not feasible; and
- (b) the existing or proposed use serves the greater long-term interest than the resource; and
- (c) issues of public health, safety and environmental impact are addressed.

2.3.7 Consents shall not be permitted in agricultural areas except for the following:

- (a) for agricultural parcels ;
- (b) for agricultural related uses being those farm related commercial and farm related industrial uses that are small in scale, directly related to the farm operation and require close proximity to the farm operation;
- (c) for a severance of a habitable residence surplus to an agricultural operation as a result of farm consolidation;

- (d) residential infilling;
- (e) for a farm retirement lot meaning one lot from a farm operation for a full time farmer of retirement age who is retiring from active working life, was farming on January 1, 1994 , and has owned and operated the farm operation for a substantial number of years;
- (f) for infrastructure that cannot be accommodated through easements or rights-of-way; and
- (g) for legal or technical reasons.

Consents regarding these exceptions in agricultural areas shall be to the satisfaction of the Township of Gillies.

2.3.8 Residential infilling in agricultural areas means the creation of a residential lot between two existing non-farm residences on separate lots which are situated on the same side of the road and not more than 100 metres apart.

2.3.9 Consents shall not be permitted in any hazardous site that could be unsafe as a result of naturally occurring or man-made hazards unless it can be demonstrated that the hazard will not result in public health, safety or potential property damage to the satisfaction of the Lakehead Region Conservation Authority, Ministry of Natural Resources, Ministry of Northern Development, Mines and Forestry and/or the Ministry of the Environment and the Township of Gillies.

A hazardous site may include unstable lands or areas subject to change as a result of:

- (a) previous use such as sites used for petroleum operations;
- (b) sites prone to erosion, unstable slopes and steep banks;
- (c) unstable soils or bedrock; and
- (d) sites containing orphaned wells, suspended wells, capped wells, underground caverns and areas of mineral development and/or extraction.

2.3.10 The following may be considered as conditions of consent by the Township of Gillies:

- (a) that the Zoning By-law be amended, if required;
- (b) that an access permit be capable of being issued by the Ministry of Transportation for consent on a provincial highway;
- (c) that approval be obtained from an approval authority recognized and designated by the Township of Gillies for the suitability of operating a sewage disposal system;
- (d) written evidence from a licensed well driller or a master plumber, of the establishment on the lot to be severed, of a source of water having a flow of at least two (2) gallons of water per minute after

one (1) hour of pumping from the subject water source at the rated flow;

- (e) a written report from a recognized testing laboratory that the water source on the subject land is potable;
- (f) that any necessary land for road widening, allowances or easements be dedicated to the township or appropriate authority;
- (g) that the applicant improve road access, grading, drainage, etc. to a standard satisfactory to the township; and
- (h) an appropriate setback from all watercourses be established to the satisfaction of the Lakehead Region Conservation Authority.

## **2.4 PROVINCIAL HIGHWAYS**

2.4.1(a) In addition to the requirements of the Township of Gillies, all development adjacent to provincial highways is subject to the requirements and permits of the Ministry of Transportation.

- (b) The permit control area extends 45 meters from the property limit of the highway right-of-way and 180 meters from the centre point of the intersection of a side road with the provincial highways within this planning area.

2.4.2 A transportation study may be required to address both the impact of any new development upon the provincial highway system, as well as any associated highway improvements that are required prior to the approval of the development.

2.4.3 Direct access onto a provincial highway will be restricted. Development shall be encouraged to utilize local roads and service roads where possible.

2.4.4 Outdoor storage and loading areas are to be visually screened or appropriately located so as not to be visible to the traveling public.

2.4.5 The Ministry of Transportation's policy is one highway entrance for one lot of record.

## **2.5 CULTURAL HERITAGE PRESERVATION**

2.5.1 The Township of Gillies shall encourage the identification, conservation, protection and rehabilitation of heritage resources, as well as encourage and foster public awareness, participation and involvement in the conservation of these resources. Heritage resources include, but are not limited to the following:

- (a) archaeological remains and sites, cemetery, marked or unmarked human burials;
- (b) buildings and structures or structural remains of historic, architectural and contextual value; and
- (c) areas or districts and landscapes of historic and scenic interest.

All new development permitted by the land-use policies and designations of this plan shall have regard for cultural heritage resources and shall, wherever possible, incorporate these resources into any new development plans.

The *Ontario Heritage Act* will be utilized to conserve, protect and enhance the cultural heritage resources in the municipality through the designation of individual properties, conservation districts and landscapes, and archaeological sites.

The Township of Gillies shall require archaeological assessments conducted by archaeologists licensed under the *Ontario Heritage Act*, as a condition of any development proposal affecting areas containing a known archaeological site or considered to have archaeological potential. Archaeological assessment reports carried out are to be in compliance with Ministry of Culture guidelines and licensing requirements.

Where development is proposed on or adjacent to a heritage property, a heritage impact assessment may be required to demonstrate that the proposal will not negatively impact the heritage property.

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

The Township of Gillies shall promote improvements to access for persons with disabilities and for the elderly by removing and/or preventing land use barriers which retain their full participation in society.

## **2.6 LAND USE COMPATIBILITY**

2.6.1 As much as possible land use conflicts should be avoided. The encroachment of sensitive land uses and industrial uses on one another is discouraged. Buffering and separation distances in accordance with the Ministry of the Environment's separation guidelines shall be incorporated between sensitive and industrial uses to minimize potential adverse effects, such as noise, odour, vibration, particulate and other contaminants.

- 2.6.2 Sensitive land uses are residential areas or areas where people sleep, institutional areas, recreational areas for parks and or picnic/areas, agricultural operations and bird or wildlife sanctuaries.
- 2.6.3 Industrial uses include waste stabilization ponds, sewage treatment facilities and landfills.
- 2.6.4 Applicants for official plan and zoning amendments shall be required to demonstrate proposed land use compatibility and required buffering.

## **2.7 CONTAMINATED SITES**

- 2.7.1 Contaminated sites shall be remediated as required and a Record of Site Condition (RSC) shall be received before issuing a building permit or granting a final development approval where a change in use as defined in the *Environmental Act* is proposed. Where a change in use is sought on a property with possible site contamination and a planning approval is required, the municipality will require a Stage I Environmental Site Assessment (ESA) prior to any draft or preliminary development approval being issued. The municipality may use a holding provision in a zoning by-law which may be removed when any required Stage II ESA and the RSC have been provided to the municipality.

Contaminated sites may include, but are not limited to, sites for industrial, transportation or utility purposes.

- 2.7.2 If necessary, a full environmental audit/decommissioning report shall be undertaken and a site remediation plan prepared and implemented by a qualified consultant, in accordance with the Ministry of the Environment's policies and guidelines, and in consultation with the Township of Gillies prior to development approval being granted. Should a development proposal be considered where a contaminated site has been identified, the site may be placed in a holding category until a site assessment has been carried out as outlined above, and site remediation is feasible and outlined.

## **2.8 ACCESSORY USES**

- 2.8.1 Where a use is permitted in a land use designation, it is intended that uses, buildings or structures normally incidental, accessory and essential to the use will also be permitted.

## **2.9 DRAINAGE AND STORMWATER MANAGEMENT**

- 2.9.1 The management and removal of stormwater is the responsibility of the property owner and must be managed to the satisfaction of the Ministry of

Natural Resources, the Ministry of Environment, the Ministry of Transportation and the Township of Gillies.

- 2.9.2 A drainage/storm water management report/plan shall be prepared by the developments located adjacent to, or in the vicinity of, a provincial highway whose drainage would impact the highway and/or downstream properties.
- 2.9.3 Any development which involves the channelization, diversion, damming, walling and dredging of a natural watercourse, or the installation of a culvert, causeway or dock in a natural watercourse, is subject to the approval of the Ministry of Natural Resources in accordance with the provisions of the *Lakes and Rivers Improvement Act* and *Public Lands Act* and the Ministry of the Environment in accordance with the *Ontario Water Resources Act*, the Federal Department of Fisheries and Oceans and the Lakehead Region Conservation Authority.

## **2.10 CROWN LANDS**

- 2.10.1 The Ministry of Natural Resources is encouraged to have regard for the policies and schedules of this Plan and to consult with the Township of Gillies with respect to the use and disposition of Crown Lands.
- 2.10.2 Authorization for occupation or use of Crown Lands is required from the Ministry of Natural Resources.
- 2.10.5 Development proposals on lands adjacent to Crown Lands shall be reviewed in consultation with the Ministry of Natural Resources.

## **2.11 HOME INDUSTRIES AND HOME OCCUPATIONS**

- 2.11.1 Home occupations and home industries shall be permitted in the Rural area provided they are not offensive or create a nuisance as a result of noise, hours of operation, odour, traffic generation or other means and shall not detract from the principal residential use.
- 2.11.2 The Zoning By-law shall contain regulations with respect to home industries and home occupations. These regulations shall indicate, among other matters, the zones in which home industries and home occupations are permitted, the types of activities which shall be considered as home industries and home occupations and appropriate buffering for home industries.
- 2.11.3 Generally, home occupations shall include occupations or professions which are conducted entirely within a dwelling unit, while home industries are conducted primarily within an accessory building.

2.11.4 The home industry or home occupation shall be secondary to the main use of the property and not generate adverse or incompatible effects with the surrounding area. The home industry or home occupation shall relocate to an appropriately zoned site at such time when the home industry or home occupation can no longer be considered secondary to the main residential use of the property.

2.11.5 Home occupations/industries/professions located on provincial highways require the approval of the Ministry of Transportation. The property owner will require an Entrance Permit and a Sign Permit from the Ministry. The Ministry will not support the conversion of the entrance to a commercial one, or the severance of the business from the property."

## **2.12 GROUP HOMES**

2.12.1 Group homes are permitted in all areas in which residential uses are permitted.

2.12.2 A Group Home is defined as a housekeeping unit in a residential dwelling in which up to six (6) residents, excluding staff, live as a family under responsible supervision.

2.12.3 The following group homes will be permitted in all areas where residential development is permitted:

- (a) Accommodation Services for the Developmentally Handicapped;
- (b) Satellite Residences for Seniors; and
- (c) Homes for Special Care.

2.12.4 All group homes shall be licensed or approved under provincial statute and be in compliance with the Zoning By-law.

## **2.13 BED AND BREAKFAST**

2.13.1 Bed and Breakfast establishments may be permitted in areas residential uses are permitted subject to an amendment to the Zoning By-law, and based upon the following criteria:

- (a) a Bed and Breakfast establishment shall be located on an open road maintained year round by the Township of Gillies or the Ministry of Transportation;
- (b) a Bed and Breakfast establishment shall have sufficient site area to accommodate on-site recreation amenities, adequate on-site parking and provide adequate buffering for any adjacent use; and

- (c) a Bed and Breakfast establishment shall be located in an existing residential dwelling which requires no external expansion to accommodate the proposed tourist facility.

## **2.14 WAYSIDE PITS AND QUARRIES**

2.14.1 A wayside pit or wayside quarry means a temporary pit or quarry opened and used by a public road authority or their agent, solely for the purposes of a particular road project or contract of road construction or maintenance. Accessory aggregate processing operations such as crushing, screening, washing and stockpiling of aggregate product are also considered to be permitted uses in a wayside pit or quarry. Any aggregate processing equipment and asphalt plants may not be used in a wayside pit or quarry unless it has been exempted from or has a valid Certificate of Approval under the *Environmental Protection Act* and the location has been approved by the District Office of the Ministry of the Environment.

2.14.2 Wayside pits and quarries shall be permitted throughout the Township except for the following:

- (a) in areas zoned residential;
- (b) within 250 metres of an existing residential use; and
- (c) where severe environmental disruption will occur.

2.14.3 The opening of wayside pits and quarries shall be permitted without an amendment to this Plan or the Zoning By-law provided that the Township of Gillies is given adequate notice and an opportunity to express concern regarding the opening of the pit or quarry.

2.14.4 The Ministry of Transportation shall ensure that wayside pits and quarries used for its purposes are rehabilitated to the satisfaction of the Township of Gillies. Progressive rehabilitation of wayside pits and quarries shall be encouraged.

## **2.15 PORTABLE ASPHALT PLANTS**

2.15.1 A portable asphalt plant means a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process. A portable asphalt plant is not of permanent construction, but is designed to be dismantled and moved to another location as required.

2.15.2 A portable asphalt plant may not be used within any designation unless it has a valid Certificate of Approval under the *Environmental Protection Act*

and the location has been approved by the District Office of the Ministry of the Environment. Portable asphalt plants used by a public road authority or their agents, shall be permitted throughout the Township, subject to the approval of the Ministry of the Environment, except for the following locations:

- (a) in areas zoned residential;
- (b) within 250 metres of an existing residential use; and
- (c) where severe environmental disruption will occur.

2.15.3 Portable asphalt plants shall be permitted without an amendment to this Plan of the Zoning By-law provided the Township of Gillies is given adequate notice and an opportunity to express concern regarding the location of the plant.

2.15.4 Portable asphalt plants shall be removed from the site upon completion of the road project. Sites used for portable asphalt plants within agricultural areas shall be rehabilitated to their former agricultural capability.

## **2.16 PORTABLE CONCRETE PLANTS**

2.16.1 A portable concrete plant means a building or structure with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

2.16.2 A portable concrete plant may not be used within any designation unless it has a valid Certificate of Approval under the *Environmental Protection Act* and the location has been approved by the District Office of the Ministry of the Environment. Portable concrete plants used by a public road authority or their agents, shall be permitted throughout the Township, subject to the approval of the Ministry of the Environment, except for the following locations:

- (a) in areas zoned residential;
- (b) within 250 metres of an existing residential use; and
- (c) where severe environmental disruption will occur.

2.16.3 Portable concrete plants shall be permitted without an amendment to this Plan or the Zoning By-law provided the Township of Gillies is given adequate notice and an opportunity to express concern regarding the location of the plant.

2.16.4 Portable concrete plants shall be removed from the site upon completion of the road project. Sites used for portable concrete plants within agricultural areas shall be rehabilitated to their former agricultural capability.

## **2.17 ENVIRONMENTAL PROTECTION**

2.17.1 No development shall be permitted that results in the degradation of the quality and integrity of an ecosystem including air, surface and ground water, land and plant and animal life. Where the quality and integrity of an ecosystem has been diminished, the Township shall encourage its restoration or remediation to healthy conditions.

## **SECTION 3 - LAND USE POLICIES**

### **3.1 GENERAL**

- 3.1.1 Land use designations have been established for the Township of Gillies. These land use designations have related functions and do not ordinarily conflict with one another. All lands within the municipality have been designated Rural Use (RU). An amendment to this plan is required in order to designate land for any other use.

For each of the land use designations, development control and constraint policies have been prepared. Schedule "A" identifies the roads, land use designations and development constraints within the Township. Schedule "A" should be read together with the policies of Sections 3 and 4.

- 3.1.2 The intent of this section of the Plan is to promote the optimum land use function by minimizing land use conflicts and providing an attractive development pattern consistent with the rural setting and economic development of the Township.

### **3.2 RURAL**

- 3.2.1 It is the intent of this Plan to protect the rural character and environment of the Township of Gillies. The Township is capable of supporting development that is resource and non-resource based. It is not realistic to attempt to precisely define where these uses may best occur. Rather, a general Rural land use designation in which these uses can be accommodated in accordance with the specific policies of this Plan and through implementation of the Zoning By-law and zoning amendments, would allow flexibility in determining the appropriate uses of land.

Where appropriate, the rural character may be protected by the creation of a heritage conservation district or a cultural heritage landscape under the *Ontario Heritage Act*.

- 3.2.2 The Rural area is characterized as a low density, multi-purpose area in which a variety of land uses can be accommodated in a compatible manner. Land designated as Rural is shown on the Land Use Plan, Schedule "A".
- 3.2.3 Permitted uses in the Rural area include rural residential dwellings, commercial, industrial, institutional and recreational uses in accordance with the specific policies of this Plan. It is also the intent of the Rural designation to permit and encourage such rural uses as forestry, aggregate resource extraction, pits and quarries, agriculture, mineral

exploration, development and extraction, resource management and conservation uses. In addition, the existing waste disposal site is permitted. The uses that are permitted shall not negatively impact sensitive land uses and shall be permitted in accordance with policy guidelines identified in Section 4 - Development Constraints of this Plan.

3.2.4 It is the intent of the Rural land use designation to:

- (a) maintain the low density rural character of the Township;
- (b) provide flexibility by permitting a variety of land uses;
- (c) allow development of natural resources and economic activities in a manner compatible with the rural character;
- (d) protect potential aggregate operations from incompatible land uses and ensure their viability; and
- (e) protect existing agricultural operations from incompatible land uses and ensure their long term viability.

3.2.5 While land in the Rural designation may be developed for a variety of uses, regard shall be given to ensure that development is compatible with surrounding land uses and appropriate for the site before development approval is given. Development within the Rural area shall not conflict with existing livestock operations and must comply with the Minimum Distance Separation I criteria, as amended from time to time.

3.2.6 A limited number of rural residential uses shall be permitted in the Rural designation on existing lots of record and on lots created through the consent process in accordance with the consent policies of this Plan (Section 2.3) and provided that:

- (a) one single detached dwelling be permitted on one lot;
- (b) new rural residential uses should be a reasonable distance from industrial uses to minimize the adverse effects of odour, dust, noise, vibration and other contaminants;
- (c) new rural residential uses adjacent to areas of high or moderate aggregate potential shall be located a minimum of 90 metres from the side and rear lot lines. Existing lots of record that cannot accommodate this standard shall obtain a minor variance to the zoning by-law as long as the intent of the separation distance and buffering is maintained;
- (d) new rural residential uses shall not conflict with existing agricultural operations and must comply with the Minimum Distance Separation I criteria, as amended from time to time; and
- (e) new lots for rural residential uses should be a minimum area necessary for the use permitted and the installation of a private water supply and sanitary sewage disposal system approved by the appropriate approval authority. However, no new residential lot

shall be smaller than 2.0 hectares, or have a lot frontage less than 100 metres.

- 3.2.7 Agricultural uses shall include the use of lands, buildings or structures for the raising of animals and birds, and the growing of agricultural crops i.e. turf grass, greenhouse crops, mushrooms, nursery stock and agroforestry and shall be permitted in the Rural designation. New or expansions to existing livestock operations shall comply with the Minimum Distance Separation II criteria, as amended from time to time.

Agricultural related uses shall include farm related commercial and farm related industrial uses that are small in scale, directly related to the farm operation and required in close proximity to the farm operation shall be permitted in the Rural designation.

Secondary uses shall include home occupations, home industries and uses that produce value added agricultural products from the farm operation on the property shall be permitted in the Rural designation.

- 3.2.8 Commercial and industrial uses providing personal, professional or retail services or relating to natural resources shall be permitted in the Rural designation on a site-specific basis provided that:

- (a) commercial and industrial uses generating high volumes of traffic or heavy truck traffic preferably be located on provincial highways or in areas that are located in close proximity to provincial highways with access from local roads and not from provincial highways;
- (b) small scale commercial and industrial uses or recreational commercial uses should be located on provincial highways or on open roads maintained year round by the Township of Gillies;
- (c) buffering shall be provided where a commercial or industrial use is located adjacent to a residential or recreational use;
- (d) there is no adverse impact on the amenity and character of the rural environment;
- (e) adequate parking is provided;
- (f) an amendment to the Zoning By-law is required;
- (g) small scale processing of forest products, such as portable sawmill operations, are considered an industrial use and are permitted in the Rural area provided that no equipment or machinery is located:
  - (i) within 300 metres of a residential lot or a lot used for recreational, institutional or commercial uses; and
  - (ii) within 30 meters of any road or road allowance.
- (h) aggregate processing operations, such as crushing, screening and washing of aggregate products are considered an accessory use to an aggregate extraction operation and are permitted in the Rural

area provided setbacks for buildings, machinery and equipment from lot lines is determined on a site specific basis in consultation with the Council for the Township of Gillies; and

- (i) an appropriate setback from all watercourses be established to the satisfaction of the Lakehead Region Conservation Authority; and
- (j) land use approvals that are within the Township of Gillies' purview will be based upon appropriateness and compatibility of the commercial or industrial operation being proposed for a specific area and will not be dependent upon the issue of approvals required by any provincial ministry or any other agency.

3.2.9 Aggregate extraction operations shall be allowed in the Rural designation in areas of high and moderate aggregate potential areas on a site-specific basis provided that the requirements of the *Aggregate Resources Act* are met and:

- (a) the operation is compatible with surrounding land uses;
- (b) adequate buffering is provided;
- (c) an amendment to the Zoning By-law is required;
- (d) a development agreement is required between the land owner, the aggregate operator and the Township of Gillies. The agreement shall address the following matters, but not be limited to:
  - (i) hours of operation;
  - (ii) location of proposed buildings, machinery and equipment;
  - (iii) setbacks, landscaping and buffering;
  - (iv) stormwater management;
  - (v) existing and anticipated final grades of excavation;
  - (vi) access/egress;
  - (vii) haulage routes;
  - (viii) improvements/maintenance to local roads as a result of increased truck traffic on existing roads; and
  - (ix) site rehabilitation in accordance with the *Aggregate Resources Act*;
- (f) the Ministry of the Environment is satisfied with respect to the disposal of liquid wastes, pumping operations and the control of air and noise pollution, among other matters; and
- (g) no excavation, building, equipment, machinery or stockpiling of material is allowed:
  - (i) within 90 metres of a lot line of an adjacent lot used for residential, recreational, institutional or commercial purposes;
  - (ii) within 90 metres of an area designated Residential on Schedule "A";
  - (iii) within 30 metres of any road or road allowance; and
  - (iv) a quarry with blasting operations is to be setback a minimum of 450 metres from a residential building.

- (h) Land use approvals that are within the Township of Gillies' purview will be based upon appropriateness and compatibility of the aggregate extractive operation being proposed for a specific area and will not be dependent upon the issue of approvals required by any provincial ministry or any other agency.

3.2.10 Institutional uses that provide local public services such as schools, public offices, cemeteries and fire halls are permitted in accordance with the following:

- (a) adequate parking is provided;
- (b) adequate buffering is provided where necessary; and
- (c) an amendment to the Zoning By-law is obtained;

3.2.11 Lands used for forestry purposes as defined by the Forestry Act includes the production of wood and wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, recreation and protection and production of water supplies. Forestry uses shall be allowed without an amendment to the Zoning By-law. The processing of forest products is considered an industrial use and subject to the policies of 3.2.8.

3.2.12 Lands used for public or private recreational purposes are permitted in accordance with the following provisions:

- (a) an amendment to the Zoning By-law is required;
- (b) development shall only take place in areas suitable for the use taking into consideration the location, surrounding uses, water quality, drainage, soil conditions and traffic generation;
- (c) development shall take place only after consultation with the Ministry of the Environment, Lakehead Region Conservation Authority and the Ministry of Natural Resources; and
- (d) a development agreement pursuant to Section 41 of the *Planning Act* may be required.

### **3.2.13 REMOTE COTTAGE USE**

A site specific amendment is required to the Zoning By-law.

A remote cottage use is defined as the use of a property for recreational purposes by an owner or the family of the owner, and not for commercial rental or lease to others, where such property does not have direct access or frontage onto a public road maintained on a year round basis by the Township.

A remote cottage use shall be in accordance with the following;

- (a) shall not involve an accessory trailer or other accessory sleeping space, or other accessory buildings, except for a pit privy.
- (b) the building shall not exceed sixty-five (65) square metres in size
- (c) the building shall not be located within 35 metres of a watercourse, waterbody, or open water associated with a wetlands.
- (d) the building shall not be located closer than 10 metres to a property line.
- (e) recreation activity associated with the property shall primarily occur on the property and/or on nearby Crown Land in accordance with all relevant regulations and requirements, and shall not occur on nearby private lands that are not held as a part of the relevant parcel of land for which the remote cottage use is being recognized, unless permission for use has been granted by the owner of such lands.

An existing parcel of land that is a minimum of 8 hectares in size may be considered by Council for rezoning Recreational Use and used for remote cottage use where Council feels that such a use is appropriate, and where;

- (a) capacity of the lands to support a Class IV private sewage system has been demonstrated; and
- (b) where legal access to the lands has been demonstrated by way of one or more of the following:
  - registered easements and/or right of way;
  - documented permission to use Crown Land for access;
  - private road where such provides practical seasonal spring, summer and fall travel by a private motor vehicle, which may include a four wheel drive.
- (c) Council may also consider a rezoning for the Recreational Zone and for remote cottage use where the applicant has submitted a legal opinion demonstrating an entitlement under the Ontario Road Access Act for access to the lands that are the subject of such an amendment, particularly where the owner of such lands acknowledges and agrees to the opinion.

Where Council agrees to an application to rezone lands for remote cottage use and where the current capacity of the lands for sewage purposes or the current capacity of the lands relative to appropriate access have not been proven or are required to be upgrade, Council may make use of a Holding (H) zone designation to ensure that necessary approvals or upgrading is completed before a building permit is issued.

Where Council uses such a Holding (H) zone designation, the holding provision may be removed upon Council being satisfied that the particular actions needed to secure or improve the lands, and/or necessary studies, have been completed. A by-law enacted for the purpose of removal of the holding provision does not require public circulation and is not subject to appeal proceedings.

All properties rezoned for remote cottage use, shall adhere to all municipal by-laws and policies regarding their specific use.

### **3.2.14 ALTERNATIVE ENERGY GENERATION**

A site specific amendment is required to the Zoning By-law.

The following polices apply to such projects as biogas, biomass, landfill gas, waste biomass or any other type of alternative energy generation which have a potential environmental impact.

- (a) Alternative energy power generation projects may be considered in the Rural land use designation based on their merits, through the process of site specific rezoning, where such projects propose to utilize existing levels of transmission infrastructure. Where new transmission capacity is proposed in support of a project, such project will also require an official plan amendment. Council shall encourage such projects to include a natural vegetative buffer or landscaped buffer along the public road frontage of the project, with a minimum of 20 metres setback. Council may also request the proponents of such project to complete appropriate site drainage, noise, or other relevant reports.
- (b) At the discretion of Council, an Environmental Impact Study completed by a qualified person that assess all potential environmental impacts and identifies appropriate mitigation prior to Planning approval, may be required.
- (c) Land use approvals that are within the Township of Gillies' purview will be based upon appropriateness and compatibly of the alternative energy generation operation being proposed for a specific area and will not be dependent upon the issue of approvals required by any provincial ministry or any other agency.
- d) The requirement for an Official Plan Amendment for transmission facilities may be nullified by Section 62.0.0 of the *Planning Act* if the Minister applies a regulation to such a facility.

### **3.1.15 GREEN ENERGY**

The Township of Gillies is supportive of Green Energy or renewable energy initiatives such as wind, solar and geothermal energies that are of a minimal impact to the environment.

## **SECTION 4 - DEVELOPMENT CONSTRAINTS**

### **4.1 GENERAL**

- 4.1.1 The Township exhibits various development constraints with respect to future development of property as a result of physical conditions of the land, environmental concerns, presence of non-renewable natural resources, hazardous sites, etc. The areas containing development constraints are illustrated on Schedule "A". The policies of this Section should be read together with Section 3 - Land Use Policies and in conjunction with Schedule "A".
- 4.1.2 It is the intent of this section to provide policies that provide for the protection, control and/or mitigation of development constraints thereby minimizing land use conflicts with respect to future development.

### **4.2 AGGREGATE RESOURCE AREAS**

- 4.2.1 It is the intent of this Plan to protect those areas with high and moderate aggregate potential for aggregate use as shown in Schedule "A" and detailed geology maps of the area produced by the Ministry of Northern Development, Mines and Forestry. These areas shall be protected from land uses which are incompatible with possible future extraction of the aggregate resource.
- 4.2.2 Consents for non-aggregate land uses may only be permitted in aggregate resource areas or on lands abutting high and moderate aggregate potential in accordance with the provisions of Section 2.3.4 and 2.3.5.
- 4.2.3 In addition, non-aggregate uses such as residential, commercial and industrial uses, may be permitted in aggregate resource areas where it can be demonstrate that:
- (a) the extraction of aggregate resource has been exhausted;
  - (b) land use conflicts would not result from the development of a non-aggregate use on the surrounding area; and
  - (c) appropriate buffering and separation distance measures can be accommodated on the site in accordance with Ministry of Environment Guidelines.
- 4.2.4 Other non-aggregate uses such as forestry, agriculture, agricultural related industrial and commercial and secondary agricultural uses, conservation, fish and wildlife uses, shall be permitted provided these uses will not preclude future extraction of the resource.

4.2.5 Rehabilitation of exhausted pits and quarries shall be encouraged and implemented through a site rehabilitation plan.

### **4.3 MINERAL AND PETROLEUM RESOURCE AREAS**

4.3.1 Mineral and petroleum resource operations, deposits and areas of potential mineral and petroleum resources will be protected from incompatible land uses.

4.3.2 Land uses that preclude or hinder future access to and use of mineral and petroleum resources shall not be permitted unless it can be demonstrated that the use of the resource is not feasible and the proposed use serves a greater long-term public interest than does the resource.

4.3.3 Development on lands adjacent to mineral and petroleum resource operations or adjacent to areas of deposits will be permitted if:

- (a) the development would not preclude or hinder the continuation of existing operations;
- (b) the development would not preclude the development of the resource; and
- (c) issues of potential public health and safety and environmental protection are addressed.

4.3.4 Rehabilitation of mineral and petroleum resources lands will be required after extraction and other related activities have ceased.

4.3.5 Development will be restricted in areas of past mining activity until it can be demonstrated to the satisfaction of the Ministry of Northern Development and Mines that the area does not constitute an abandoned mine hazard or until measures have been taken to address and mitigate known or suspected abandoned mine hazards that may impact on the proposed development.

### **4.4 PRIME AGRICULTURAL AREAS**

4.4.1 Prime agricultural areas will be protected for agricultural uses including primary agricultural uses, secondary agricultural uses and agriculturally related uses.

4.4.2 Non-agricultural uses are not permitted within prime agricultural areas except for residential infilling in accordance with Section 2.3.8. New infrastructure may be permitted after it has been approved through an environmental assessment process.

- 4.4.3 Consents in prime agricultural areas may be permitted in accordance with the provisions of Section 2.3.7.
- 4.4.4 Lots created for residential uses as a result of a consent should be located to avoid the most productive portion of the farm, where possible and in accordance with the Minimum Distance Separation I criteria.
- 4.4.5 Mineral aggregate extraction may be permitted on areas of prime agricultural lands provided that the site is rehabilitated so that relatively the same area and the same average soil quality is restored.

#### **4.5 NATURAL HERITAGE FEATURES AND AREAS**

Federal and Provincial legislation may also affect proposed development in natural heritage features and areas.

Natural heritage features and areas shall include significant wetlands, fish habitat, significant habitat of endangered or threatened species, significant wildlife habitat, and areas of natural and/or scientific interest.

No development shall be permitted and site alteration shall not occur in significant habitat of endangered or threatened species, in accordance with current federal and provincial legislation.

Development and site alteration shall not occur in natural heritage features or areas other than the habitat of endangered or threatened species unless it has been demonstrated that there will be no negative impact on such natural heritage features or their ecological functions, or, in the case of fish habitat, except in accordance with provincial and federal regulation.

Where development is proposed within a wetlands or within 120 metres of a wetlands, it may be required to be justified in an Environmental Impact Study confirming that there will be no loss of wetlands function or of significant wetlands features.

Development and site alterations shall not be permitted for lands adjacent to natural heritage features and areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impact on the natural heritage feature or its ecological function.

Areas of Natural Scientific Interest, as identified by the Ministry of Natural Resources, shall be protected so that the natural heritage scientific or educational value that generated the designation shall not be jeopardized. Any development within 120 metres of an ANSI on land, and 50 metres of an ANSI on water shall only be permitted where it has been demonstrated that no negative impact will occur.

## **4.6 FORESTRY**

4.6.1 Forest resources provide a significant economic, social and environmental benefit in the form of:

- (a) income from forest products;
- (b) recreation;
- (c) education;
- (d) soil and water conservation;
- (e) wildlife habitat;
- (f) buffers between land uses; and
- (g) natural amenities.

4.6.2 Property owners are encouraged to seek the assistance of the Ministry of Natural Resources in the management of their forest resources.

4.6.3 A 15 metre setback from rivers and streams is required to maintain forest cover along river and stream banks.

4.6.4 Reforestation in areas where forest resources have been depleted is encouraged.

## **4.7 USE LIMITATION**

Lands identified as having use limitations are considered to be lands that contain natural or man-made restraints to development and that may cause loss of life and/or significant property damage if developed without adequate study and resulting remedial action. Such lands include areas of steep and/or unstable rock; erosion prone lands; watercourses and in particular those lands identified along the Whitefish River by the Lakehead Region Conservation Authority as regulated lands relative to flooding; any lands 15 meters from the top of the bank of a watercourse or waterbody (unless a greater distance is specified); lands containing deep organic soils and exhibiting poor drainage and abandoned mine sites.

Development shall not be permitted on use limitation lands unless appropriate evaluation has been conducted justifying that the lands can be developed without incurring harm from the identified use limitation, and the findings of such are included in the development of the lands as appropriate remedial actions.

Development shall not be permitted where safe access and egress is not available during periods of flooding. Appropriate setbacks from steep slopes and unstable bedrock, erosion prone lands and watercourses and water bodies shall be established to the satisfaction of the Lakehead Region Conservation Authority.

Development applications for lands that are adjacent to use limitation lands may, at the discretion of Council, require environmental evaluation justifying that the development can occur without being jeopardized by or jeopardizing the abutting use limitation.

#### **4.8 ARCHEOLOGICAL AND CULTURAL HERITAGE SITES**

- 4.8.1 Development proposed in areas known to have a moderate to high potential for archaeological resources shall be assessed by a qualified archaeologist licensed under the Ontario Heritage Act, to determine the nature and extent of the resource prior to development approval being granted.
- 4.8.2 If an archaeological assessment determines that significant archaeological resources are present on a site, the resource shall be documented and conserved to the satisfaction of the Ministry of Citizenship, Culture and Recreation through excavation or on-site preservation prior to final approval of the development proposal.
- 4.8.3 Significant cultural heritage landscapes and built heritage resources shall be conserved, where possible when development and infrastructure decisions may affect these resources.
- 4.8.4 Significant landscapes, vistas and ridge-lines shall be conserved in their natural state, where possible when development and infrastructure decisions may affect these resources.
- 4.8.5 The *Ontario Heritage Act* may be utilized to conserve, protect and enhance any identified cultural heritage resources in the Township, through the designation of individual properties and/or districts.
- 4.8.6 Council may maintain the integrity of archaeological resources by adopting zoning by-laws under Section 34 of the *Planning Act* to prohibit any land use activities or the erection or building of structures on land which is the site of a significant archaeological resource.

#### **4.9 WASTE DISPOSAL SITES**

- 4.9.1 Development shall be prohibited on all waste disposal sites located in the Township, including closed sites.
- 4.9.2 Development proposed within 500 metres of an existing or closed waste disposal cell shall be restricted unless it can be demonstrated that there is no evidence of leachate, methane gas migration or other contaminants present in the soils or ground water supply and that the proposal is not negatively impacted by vermin, odour and truck traffic to the satisfaction of

the Township of Gillies in accordance with Ministry of Environment Guidelines.

- 4.9.3 No reuse of a site that has been used for the disposal of wastes may occur within 25 years following the closure without the consent of the Minister of the Environment in accordance with MOE Guidance Document D-4 and following approval under the *Environmental Assessment Act*.

## **SECTION 5 - COMMUNITY SERVICES AND FACILITIES**

### **5.1 GENERAL**

- 5.1.1 The intent of this Plan is to maintain a level of public service that is appropriate for the rural character and environment of the Township. It is recognized that servicing in a rural area is generally difficult and expensive to provide due to dispersed development patterns consistent with the rural character. It is not expected that there will be additional significant demands for community services or facilities above the level that presently exists.
- 5.1.2 The objectives of this section of the Plan is to provide policies that will ensure adequate services are provided that recognize the Township's financial capabilities and not place undue strain on the Township's financial resources.

### **5.2 ROADS**

- 5.2.1 Safe and efficient movement of people and goods within the Township and to and from adjacent municipalities is encouraged by this Plan. The road system should safely serve the Township but should not be developed to a standard or extended beyond which would result in a burden to the residents and taxpayers of the Township.
- 5.2.2 The classification of roads in the Township as shown on Schedule "A" is as follows:
- (a) Provincial Highways - this system of roads applies to all numbered provincial highways under the jurisdiction of the Ministry of Transportation. The primary purpose of provincial highways is to move people and goods between major centres and through the Township. Access to provincial highways is restricted to allow for this primary purpose; and
  - (b) Township Roads - this system of opened roads applies to all roads under the jurisdiction of the Township of Gillies. The Township has a Council that is responsible for the maintenance of all opened roads within their jurisdiction. The primary purpose of Township roads is to facilitate local traffic and areas for development. Direct access to Township roads is normally permitted from any abutting lot provided there are adequate sight lines, suitable grades and the access will not cause traffic hazards. Township Roads shall be identified as opened roads and shall not include unopened road allowances or easements.

- 5.2.3 The existing road system is considered adequate to accommodate the anticipated future development over the life of this Plan. Therefore, it is the intent of this Plan to restrict development of new roads and restrict new development to the existing road system.
- 5.2.4 Should the construction of a new road or extension of an existing road be warranted, the road shall be designed and constructed to a standard approved by the Township and the road shall be suitable for assumption into the Township road system by the Council for the Township of Gillies. The municipality will ensure that the requirements of the *Environmental Assessment Act* are followed in the construction or extension of roads.
- 5.2.5 The Township is not responsible for the costs associated with the design and construction of new roads or the extension of existing roads. These costs are the direct responsibility of the proponent for the new road and/or road extension.
- 5.2.6 Unless it is clearly in the public interest, private roads will not be assumed by the Council into the Township road system.
- 5.2.7 Year-round maintenance will be provided on all roads under the jurisdiction of the Township, unless it is in the public interest not to do so.

### **5.3 WATER SUPPLY**

- 5.3.1 The major source of water supply in the Township of Gillies is from private individual wells.
- 5.3.2 The need for public water supply is not considered feasible over the life of this Plan. Therefore, the responsibility for water supply will be with each property owner. The Township of Gillies shall assume no responsibility whatsoever to ensure that lots have a supply of potable water. The Township of Gillies has no interest in entering into any agreements which would require their participation in the operation and maintenance of a communal water system.
- 5.3.3 Individual private wells serve as an adequate supply of water for the rural development of the Township. It is intended that lot sizes remain large enough to ensure that private wells remain the primary source of water in all areas of the Township. As identified in Sections 2.3.2 and 2.3.10, an adequate supply of water shall be determined by a licensed well driller or master plumber as a source of water having a flow of at least two (2) gallons of water per minute after one (1) hour of pumping from the subject water source at the rated flow. The potability of the water shall be in the form of a written report from a recognized testing laboratory indicating that the water source is potable.

## **5.4 SEWAGE DISPOSAL**

- 5.4.1 Private individual septic tanks and tile field systems are the primary means of sewage disposal in the Township.
- 5.4.2 The need for public sanitary sewage disposal is not considered feasible over the life of this Plan. Therefore, each individual property owner is responsible for the provision of private sanitary sewage disposal approved by the appropriate approval authority as identified by the Township of Gillies. The Township of Gillies has no interest in entering into any agreements regarding their participation in the operation and maintenance of any communal sewage systems.
- 5.4.3 It is intended that lot sizes remain large enough and soil conditions are suitable to allow the safe and efficient operation of individual private sewage disposal systems. Private sewage disposal systems will remain the primary source of sewage disposal in all areas of the Township.
- 5.4.4 All new individual private sewage disposal systems require the approval of the appropriate approval authority as identified by the Township of Gillies.

## **5.5 NON-HAZARDOUS SOLID AND LIQUID WASTE DISPOSAL**

- 5.5.1 All non-hazardous solid waste disposal sites in the Township of Gillies are located on municipally-owned lands. The Township solid waste disposal site is nearing capacity and the required approvals under the *Environmental Assessment Act* are presently being sought to expand the facility in order to increase its operational life.
- 5.5.2 If additional solid waste disposal sites are required or an expansion to an existing facility is required, these sites should:
- (a) avoid areas of high ground water;
  - (b) maintain an adequate separation and buffer from all existing development;
  - (c) avoid pollution of the ground water and watercourses;
  - (d) require an amendment to the Zoning By-law; and
  - (e) meet the requirements of the *Environmental Assessment Act* and be approved by the Ministry of the Environment.
- 5.5.3 Liquid waste disposal sites may be permitted subject to an amendment to this Plan that the requirements of the *Environmental Assessment Act* have been met and provided the applicant has demonstrated to the satisfaction of the Township of Gillies and Ministry of the Environment that the facility may be established without adverse impacts on surrounding land uses and the natural environment.

## **5.6 RECREATION AND OPEN SPACE**

- 5.6.1 The existing recreation and open space facilities that are available to the residents of the Township are considered suitable. However, due to the varied scenic qualities of the Township, opportunities are available to provide for additional recreational and open space facilities.
- 5.6.2 It is the intent of this Plan to encourage the provision of additional public and private recreational and open space facilities at appropriate locales for the use by Township residents, District residents and tourists.
- 5.6.3 It is the intent of this Plan, that new public and private recreational opportunities shall not provide an undue financial burden on the Township.
- 5.6.4 Any proposals for snowmobile or trail crossings of provincial highways will require the prior approval of the Ministry of Transportation. Trails running along the right-of-way of a provincial highway are not permitted.

## **5.7 COMMUNITY FACILITIES AND SERVICES**

- 5.7.1 The existing services provided by the volunteer fire department, the Ontario Provincial Police and other provincial agencies are considered adequate to meet the needs of the residents of the Township.
- 5.7.2 The existing school facilities within the Township and the school boards' jurisdictions fulfill the educational needs of the residents for the foreseeable future.
- 5.7.2 It is the policy of this Plan to encourage the joint use of recreational facilities between the community at large and the school boards where appropriate.

## **SECTION 6 - IMPLEMENTATION AND ADMINISTRATION**

### **6.1 IMPLEMENTATION**

6.1.1 This Official Plan shall be implemented by means of the powers conferred to the Township of Gillies by The Planning Act and other statutes which may be applicable. In particular, the Plan shall be implemented through:

- (a) the preparation, adoption and enforcement of a Zoning By-laws;
- (b) the preparation, adoption and enforcement of other zoning provisions such as property maintenance and occupancy standards by-laws, interim control, temporary use by-laws and holding by-laws;
- (d) the consent process;
- (e) the site plan control process; and
- (f) participation in programs funded by senior levels of government for housing, community improvement, etc.

### **6.2 PUBLIC SECTOR AND PRIVATE SECTOR**

6.2.1 The activities and undertakings of the Provincial and Federal Governments, and the private sector shall serve to implement the policies and objectives of this Plan. It is also intended that the construction of public works within the Township shall conform to the policies of this Plan.

### **6.3 NON-CONFORMING USES**

6.3.1 Where a legally existing use of land does not comply with the land use designations and policies of this Plan, it may be zoned in the Zoning By-law in accordance with the existing use, after due consideration, provided that:

- (a) the zoning will not permit any change of use or performance standard that may aggravate or cause conflicts with adjacent complying uses;
- (b) the use of land will not constitute a danger or nuisance to surrounding uses and persons by virtue of a hazardous nature, poor property conditions, traffic generation or similar characteristics;
- (c) there is no pollution of air or water to the extent of interfering with the ordinary enjoyment of the property and surrounding uses;
- (d) the use does not interfere with the desirable development of the surrounding area that is in conformity with this Plan; and

- (e) where the existing use is discontinued for more than one (1) year, any rezoning may only take place in accordance with the policies of this Plan.

6.3.2 Non-conforming uses shall cease to exist in the long term.

6.3.3 Extensions or enlargements of the building or structure of a legal non-conforming use may be permitted by a minor variance to the Zoning By-law provided that:

- (a) the proposed extension or enlargement will not unduly increase any existing nuisance as a result of the use, particularly as it may affect adjacent residential uses; and
- (b) the extension or enlargement will not create any new nuisance in addition to those in existence as a result of the current use.

6.3.4 The repair or replacement of a legal non-conforming use may be permitted provided that:

- (a) the repair or replacement will not unduly increase any existing nuisance as result of the use, particularly as it may affect adjacent residential uses; and
- (b) the repair or replacement will not create any new nuisance in addition to those in existence as a result of the current use.

## **6.4 PUBLIC PARTICIPATION**

6.4.1 The Council for the Township of Gillies intends that the public be involved in the formulation and implementation of planning policies. To this end, the Township shall notify and seek the views and participation of the public prior to making decisions regarding planning amendment applications pursuant to the provisions of the Planning Act.

6.4.2 A minimum of one (1) public meeting shall be held and depending on the nature or complexity of the proposal, open houses, public displays, workshops or other appropriate forums may also be added.

6.4.3 A minimum of twenty (20) days notice of the public meeting shall be given for an Official Plan amendment and twenty (20) days notice for a Zoning By-law amendment. Notice of the public meeting shall be given by personal service or pre-paid, first class mail to:

- (a) every owner of land and persons assessed within an area of 120 metres to which the proposed amendment would apply; and
- (b) every person and agency that has given the Township a written request for such Notice in respect of the proposed amendment,

provided this written request shows the person's or agency's address.

- 6.4.4 Notice of the public meeting shall also be posted, clearly visible and legible from a public highway or other place to which the public has access on the lands to which the proposed amendment would apply. If posting of the notice on the property is impractical, notice shall be posted at a nearby location chosen by the Council.
- 6.4.5 Unless a person or public body advises that they do not wish to receive notice, all relevant person or public bodies prescribed to be circulated through regulation of *The Planning Act* will receive notice of the public meeting.
- 6.4.6 Where a proposed amendment is considered to be applicable through the general area of the Township, notice of the public meeting shall be placed in a local newspaper that is of the opinion of the Council to have sufficient circulation in the area the proposed amendment would apply.
- 6.4.7 The notice of public meeting shall contain the following information, among other matters:
- (a) date, time and location of the public meeting;
  - (b) a map illustrating the location of the subject lands, if applicable;
  - (c) an explanation and description of the proposed amendment or matters which may be addressed in the proposed amendment;
  - (d) an indication that any person may attend the public meeting and/or make written or verbal representation in support of, or in opposition to the proposed amendment; and
  - (e) an indication that additional information relating to the proposed amendment is available for inspection during regular office hours at the Township's offices.
- 6.4.8 The Council may forego public notification and public meetings in connection with a technical official plan or zoning by-law amendment if such amendment will not affect the provisions and intent of the Official Plan, the Zoning By-law or amendments thereto, and may include the following matters:
- (a) altering the number and arrangement of any provision;
  - (b) correcting punctuation;
  - (c) correcting clerical, grammatical, dimensions or typographical error;
  - (d) effecting changes in format; and
  - (e) consolidating previous amendments into the parent document.

## **6.5 OFFICIAL PLAN - AMENDMENTS AND REVIEW**

- 6.5.1 No developments or activities shall occur which contravene the intent and policies of this Plan.
- 6.5.2 Developments or activities deemed beneficial to the Township, but not in conformity with the Plan, shall require an amendment to the Official Plan before proceeding.
- 6.5.3 The Official Plan shall be amended to reflect the existing policies of the Township.
- 6.5.4 The Plan shall be subject to a continual review by the Township. Whenever it is necessary to refine existing policies or amend, delete or add policies based on new information or trends, this shall be done by amendment to the Official Plan.
- 6.5.5 The Official Plan shall be subject to a formal review at least once every 5 years.
- 6.5.6 In general, applications for an Official Plan amendment shall proceed as follows:
  - (a) a complete Official Plan Amendment application shall be submitted by the applicant;
  - (b) a background report may be prepared by the applicant and provided to the Township, along with a copy of the complete application for their review;
  - (c) the Township shall pre-consult with the appropriate authority;
  - (d) advertise a notice of a public meeting;
  - (e) a public meeting is held;
  - (f) the Township will review the application and send a recommendation to the Ministry of Municipal Affairs and Housing; and
  - (g) the applicant will be advised of the Minister's decision;

## **6.6 ZONING BY-LAW**

- 6.6.1 After the Official Plan is approved, a Zoning By-law shall be prepared to conform with the Official Plan. The Zoning By-law divides the lands within the Township into a number of zones, each of which will have regulations to control the use of the lands and use, character and location of buildings and structures built upon the land.
- 6.6.2 The Zoning By-law is one of the main methods of implementing the Official Plan policies.

6.6.3 The Zoning By-law shall ensure that all lands within the Township are zoned for purposes compatible with the Official Plan.

6.6.4 All amendments to the Zoning By-law shall be in conformity with the Official Plan.

## **6.7 ZONING BY-LAW - AMENDMENTS AND REVIEW**

6.7.1 In general, applications for an amendment to the Zoning by-law shall proceed as follows:

- (a) a complete Zoning By-law amendment application shall be submitted by the applicant;
- (b) a background report may be prepared by the applicant and will be provided to the Township along with a copy of the complete application for their review;
- (c) advertise a notice of a public meeting;
- (d) a public meeting is held;
- (e) the Council for the Township of Gillies will review the application; and
- (f) appropriate Notice shall be sent in accordance with the *Planning Act*.

## **6.8 COMPLETE APPLICATION**

6.8.1 Information and material which must be submitted as part of an Official Plan Amendment application, Zoning By-law Amendment application, Consent application or Minor Variance application, in order for the application to be considered complete, is prescribed by regulations to The Planning Act. For reference, Appendices "A" through "D" identify the material prescribed by the regulations. In addition to the information and material to be submitted as prescribed by regulation, Sections 22 (5), 34 (10.2) and 53 (3) of the *Planning Act* provide that a municipal council may require that a person or public body that makes an application, to provide any other information or material that the council considers it may need. The additional information and material to be submitted shall be considered on a site-specific basis.

6.8.2 Prior to the submission of an application for an Official Plan Amendment, a Zoning By-law Amendment, a Consent or a Minor Variance, the applicant shall consult with the Municipality to obtain and confirm the information and material which must be submitted as part of a complete application.

6.8.3 The Township will endeavor to undertake an initial review of an application to determine if the application is complete. If the application is

incomplete, the Township will advise the applicant. The Township will begin a review of the application once it has been determined that the application is complete.

## **6.9 STREAMLINING REVIEWS OF OFFICIAL PLAN AMENDMENTS, ZONING BY-LAW AMENDMENTS AND CONSENT APPLICATIONS**

6.9.1 In an effort to streamline the review of planning amendment and development applications, the applicant should consult with at least the following:

- (a) relevant Official Plan policies and zoning by-law regulations;
- (b) the Township of Gillies;
- (c) the Thunder Bay District Health Unit;
- (d) the Ministry of Transportation, if applicable;
- (e) the Ministry of Natural Resources if the lands are near any sensitive areas, natural resource areas or protection areas;
- (f) the Ministry of Northern Development and Mines if the lands are within 1 kilometre of areas of past mining activity or within an areas designated as a mineral resource area;
- (g) School Boards (with an estimate of the number of students and busing equipment, if appropriate);
- (h) Ontario Hydro;
- (i) the Ministry of the Environment;
- (j) the Lakehead Rural Planning Board;
- (k) the Lakehead Region Conservation Authority; and
- (l) any other ministry or agency which the Township feels may have an interest in the proposal.

6.9.2 The Council for the Township of Gillies may undertake an initial review of an application to determine if the application is complete.

6.9.3 With evidence of the pre-circulation process, described above, the Township will endeavor to respond to amendment and development applications within 30 days, depending on receipt of comments from other agencies.

## **6.10 IMPLEMENTING COMMUNITY IMPROVEMENT POLICIES**

6.10.1 The Council for the Township of Gillies shall attempt to use all possible means to implement Community Improvement Policies and these may include:

- (a) participation in and support for Federal and Provincial community improvement programs;

- (b) use of authority granted under Section 28 of *The Planning Act*, to designate a Community Improvement Area, develop Community Improvement Plans and acquire and redevelop land;
- (c) enforcement of the Property Maintenance and Occupancy Standards By-law;
- (d) support for historical preservation through the application of *The Heritage Act*, where possible;
- (e) cooperation with school boards, service clubs, the business community, industrialists, etc., to provide new facilities and the efficient utilization and/or refurbishing of existing facilities to provide new services to the community;
- (f) encouragement for the rehabilitation of private buildings by advising owners of government subsidies and programs and assisting, where possible, private owners to obtain grants when available;
- (g) continuation of support for the tourism industry and an investigation of means by which to develop the tourism potential of; and
- (h) encouragement of activities aimed at developing the economic viability and attractiveness of the Township.

## **6.11 MINOR VARIANCE**

6.11.1 The Township shall recommend minor variances for relief from regulations to the Zoning By-law, in accordance with Section 44 of *The Planning Act*, the rules of procedure and regulations issued by the Minister under *The Planning Act* and the policies of this Plan.

6.11.2 The Township may also recommend minor variances to other by-laws, such as interim control by-laws and the Property Maintenance and Occupancy Standards By-law.

## **6.12 FEES**

6.12.1 Pursuant to Section 69 of *The Planning Act*, the Township may prescribe tariff of fees, for the processing of applications made in respect of planning matters, through by-laws.

6.12.2 The above by-laws shall prescribe the fees to be charged for processing applications for an amendment to the Official Plan, an amendment to the Zoning By-law, minor variance applications and applications for a consents. The by-laws shall also indicate the authority to which the fee is payable.

### **6.13 TEMPORARY USE BY-LAWS**

6.13.1 Pursuant to Section 39 of the *Planning Act*, the Council for the Township of Gillies may approve the temporary use of land, buildings or structures.

6.13.2 Temporary Use By-laws shall be for uses which will not preclude the future development of any lands for their most appropriate use, as defined by the Official Plan.

6.13.3 The Township shall consult with property owners and any other agencies or individuals who might have knowledge of when conditions might suit the development of the property, in accordance with the Official Plan and Zoning By-law, prior to approval of a Temporary Use By-law.

6.13.3 Only uses which will not create land use conflicts or disrupt the use and development of neighbouring properties shall be authorized by Temporary Use By-laws.

6.13.4 Notwithstanding the policies of this Plan, temporary uses that are not otherwise permitted by the Official Plan and the Zoning By-law as permanent uses, may be permitted by Temporary Use By-laws, subject to the above.

### **6.14 HOLDING PROVISIONS**

6.14.1 In accordance with Section 36 of *The Planning Act*, the Township may approve a Zoning By-law which identifies a use of land but prohibits the actual development of this land until a later date when identified conditions have been met.

6.14.2 The Township shall ensure that one or more of the following objectives is attained:

- (a) the appropriate phasing of development or redevelopment;
- (b) the restriction of development until adequate services are provided;  
and
- (c) the implementation of policies for locations of developments which require special design features.

6.14.3 The holding provisions described under this section may apply to all undeveloped lands in the Township or where the Council considers that specific concerns may develop in respect to a particular development.

6.14.4 The Township, at any time, may approve to designate any zone or part of a zone as a holding zone through the placing an 'H' in conjunction with the zone symbol in order to meet one of the above mentioned objectives.

6.14.5 During the interim period, when the holding zone is in place, uses permitted on the affected lands are limited to existing uses only.

6.14.6 Prior to the removal of the holding symbol, the Township must be satisfied that the following conditions have been met:

- (a) that servicing requirements for the subject lands are in place;
- (b) that any impacts on surrounding lands can be mitigated through the use of site plan control or other design requirements;
- (c) that a site plan agreement has been signed in accordance with the policies of this Plan and The Planning Act;
- (d) that existing mine hazards have been rehabilitated to the satisfaction of the Province;
- (e) that an archaeological assessment, to the satisfaction of the Province, has been undertaken by an archaeologist licensed under the *Ontario Heritage Act*, and any significant archaeological resources have been conserved by removal and documentation, or preservation on site, to the satisfaction of the Province;
- (f) that contaminated sites have been rehabilitated in accordance with Provincial Guidelines.

6.14.7 It shall be the responsibility of the applicant requesting the removal of the holding symbol to demonstrate that the conditions for the removal of the holding symbol as stated in policy 6.14.6 have been satisfied.

## **6.15 INTERIM CONTROL**

6.15.1 In areas where the Township wishes to review the existing land uses or establish new policies and where a study of land use planning policies for the area has been directed, the Township may approve an interim control by-law.

6.15.2 The interim control by-law restricts the use of lands to its present use until the required studies are completed, at which time the zoning by-law may require an amendment to reflect the findings of the study and desired use.

6.15.3 Pursuant to Section 38 of the Planning Act the length of time the interim control by-law is in effect shall be specified in the by-law and shall not exceed one (1) year from the date of approval of the by-law. The interim control by-law may be amended to extend the period of time the by-law is in effect provided the total period of time does not exceed two (2) years from the approval of the by-law.

## 6.16 SITE PLAN CONTROL

6.16.1 The Official Plan may be implemented through the use of site plan control subject to the provisions of Section 41, of *the Planning Act*. All of the area affected by the Official Plan shall be deemed to be a site plan control area with the exception of single and two unit residential dwellings and agricultural operations.

6.16.2 All major projects related to the extraction and processing of natural resources shall be subject to site plan control.

6.16.3 The goals of implementing site plan control are to:

- (a) ensure safe and efficient vehicular and pedestrian patterns;
- (b) ensure that development will not have a detrimental visual impact on adjacent uses;
- (c) ensure industrial and commercial developments do not reduce the enjoyment of adjacent lands; and
- (d) ensure parking, storage, loading facilities and garbage disposal areas are located in a manner that does not negatively impact on traffic flows or create adverse visual impacts.

6.16.4 A site plan control by-law may require site plans and/or detailed drawings of a proposed development to be submitted for approval by the Township. Such site plans and/or drawings will show any or all the required information deemed necessary from the items listed in policy 6.16.5.

6.16.5 Prior to issuance of a building permit, the applicant must enter into a site plan agreement respecting the matters outlined in this section. The agreement may address one or more of the following matters:

- (a) widening to any roads or highways that abut the lands subject to the application. Any proposed widening requested must be shown on the site plan drawing;
- (b) provision of sufficient parking, access driveways and similar matters;
- (c) the construction of walkways, ramps and pedestrian access;
- (d) proper lighting of buildings and lands;
- (e) the provision of adequate landscaping and buffering in the form of trees, shrubs, walls, and berms;
- (f) storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
- (g) the conveyance of any easements for the construction, maintenance and improvements of any drainage works, water works and other public utilities;

- (h) adequate drainage and management of surface stormwater and waste water from the lands, buildings or structures; and
- (i) the location of all buildings and structures to be erected and the location of all facilities and works to be provided in conjunction with the buildings and structures.

## **6.17 PROPERTY MAINTENANCE AND OCCUPANCY STANDARD BY-LAW**

6.17.1 The Township is committed to the maintenance and development of a safe, healthy and attractive environment. The Township may adopt a By-law pursuant to Section 15.1 of the *Building Code Act*, which sets out standards for the maintenance and occupancy of property and prohibits the use of property which does not conform with the standards. The By-law shall require that all substandard properties be repaired in conformance with the By-law or be cleared of all buildings, debris, structures or refuse and left in a graded and leveled condition. The By-law shall specify the manner in which the By-law will be administered and enforced.

6.17.2 The above By-law may address, but is not limited to addressing, the following items:

- (a) the physical condition of yards and passageways, including an accumulation of debris and rubbish and discarded motor vehicles and trailers;
- (b) the adequacy of sanitation, including drainage, waste disposal and garbage;
- (c) the physical condition of accessory buildings; and;
- (d) the physical condition of all buildings and dwellings with particular regard to the following:

6.17.3 After passing the above By-law, a Property Standards Officer shall be appointed and a Property Standards Committee shall be established. The appointment and responsibility of the Property Standards Officer and Property Standards Committee shall be in accordance with Section 15.6 of the *Building Code Act*.

## **6.18 AGENCY NAMES AND RESPONSIBILITIES AND LEGISLATION**

6.18.1 From time to time, the names of various government ministries and agencies may change. In addition, responsibilities may shift from ministry to ministry. The names of the various ministries responsible for the programs, regulations and approvals are given in this Plan as of the date of adoption of this Plan. It is not intended to amend this Plan each time a change in name or responsibility occurs. Rather, this Plan shall be

interpreted so as to refer to those agencies named, or their successors, as conditions dictate.

6.18.2 From time to time Provincial and Federal statutes are amended and section numbers are changed. It is not intended to amend this Plan each time such a change is made. This Plan shall be interpreted so as to refer to legislation as amended from time to time.

## **6.19 LAND USE BOUNDARIES**

6.19.1 It is intended that the boundaries of the land use designations, shown on the attached Schedule, be considered as approximate and absolute only where bounded by public roads, publicly maintained roads, rivers, streams or other similar geographical barriers. Therefore, amendments to the Plan will not be required in order to make minor adjustments to the approximate land use boundaries, provided that the general intent of the policies is preserved. Such minor deviations will not be reflected on the Schedules.

## APPENDICES

### APPENDIX A

#### Appendice Rider

Does not form part of the Official Plan. Does not require an Official Plan amendment to change.

Information and material to be provided for Official Plans and Plan Amendments Pursuant to Ontario Regulation 543/06.

Reference should be made to an original copy of the relevant regulation for accuracy.

This information may be modified, replace, deleted, etc. at any time.

### INFORMATION AND MATERIAL TO BE PROVIDED WITH A REQUEST UNDER SUBSECTION 22 (4) OF THE ACT

1. The name, address, telephone number and, if applicable, the e-mail address of the applicant.
2. The name of the municipality or planning board that is being requested to initiate the amendment to its official plan.
3. The date of the request to the municipality or planning board.
4. The name of the official plan requested to be amended.
5. A description of the subject land, including such information as the municipality, or the geographic township in unorganized territory, concession and lot numbers, reference plan and part numbers, and street names and numbers.
6. If known, the approximate area of the subject land, in metric units.
7. Whether the requested amendment changes, replaces or deletes a policy in the official plan.
8. If the answer to section 7 is yes, the policy to be changed, replaced or deleted.
9. Whether the requested amendment adds a policy to the official plan.
10. The purpose of the requested amendment.
11. The current designation of the subject land in the official plan and the land uses that the designation authorizes.
12. Whether the requested amendment changes or replaces a designation in the official plan.
13. If the requested amendment changes or replaces a designation in the official plan, the designation to be changed or replaced.

14. The land uses that the requested official plan amendment would authorize.
15. Whether water will be provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake or other water body, or other means.
16. Whether sewage disposal will be provided to the subject land by a publicly owned and operated sanitary sewage system, a privately owned and operated individual or communal septic system, a privy or other means.
17. If the requested amendment would permit development on a privately owned and operated individual or communal septic system and more than 4500 litres of effluent would be produced per day as a result of the development being completed,
  - (a) a servicing options report; and
  - (b) a hydrogeological report.
18. Whether the subject land or land within 120 metres of it is the subject of an application by the applicant under the Act for,
  - (a) a minor variance or a consent;
  - (b) an amendment to an official plan, a zoning by-law or a Minister's zoning order; or
  - (c) approval of a plan of subdivision or a site plan.
19. If the answer to section 18 is yes, the following information about each application:
  - (a) its file number;
  - (b) the name of the approval authority considering it;
  - (c) the land it affects;
  - (d) its purpose;
  - (e) its status; and
  - (f) its effect on the requested amendment.
20. If a policy in the official plan is being changed, replaced or deleted or if a policy is being added, the text of the requested amendment.
21. If the requested amendment changes or replaces a schedule in the official plan, the requested schedule and the text that accompanies it.
22. If the requested amendment alters all or any part of the boundary of an area of settlement in a municipality or establishes a new area of settlement in a municipality, the current official plan policies, if any, dealing with the alteration or establishment of an area of settlement.

23. If the requested amendment removes the subject land from an area of employment, the current official plan policies, if any, dealing with the removal of land from an area of employment.
24. Whether the requested amendment is consistent with the policy statements issued under subsection 3 (1) of the Act.
25. Whether the subject land is within an area of land designated under any provincial plan or plans.
26. If the answer to section 25 is yes, whether the requested amendment conforms to or does not conflict with the provincial plan or plans.
27. An affidavit or sworn declaration by the applicant certifying that the information required under this Schedule and provided by the applicant is accurate.
28. Any other information and material that may be required by the municipality.

## APPENDIX B

### Appendice Rider

Does not form part of the Official Plan. Does not require an Official Plan amendment to change.

Information and material to be provided for applications to amend or revoked Minister's Zoning Orders

Pursuant to Ontario Regulation 543/06.

Reference should be made to an original copy of the relevant regulation for accuracy.

This information may be modified, replace, deleted, etc. at any time.

For the purposes of subsection 47 (8.1) of the Act, the information and material to be provided with a request to amend or revoke in whole or in part a zoning order made by the Minister under clause 47 (1) (a) of the Act are as follows:

1. The name, address, telephone number and, if applicable, the e-mail address of the person making the request.
2. The date of the request to the Minister.
3. A description of the subject land, including such information as the municipality, or the geographic township in unorganized territory, concession and lot numbers, registered plan and lot numbers, reference plan and part numbers, and street names and numbers.
4. Whether there are any easements or restrictive covenants affecting the subject land.
5. If the answer to paragraph 4 is yes, a description of each easement or covenant and its effect.
6. The regulation number of the Minister's order that is the subject of the request.
7. Whether the request is to amend or revoke the Minister's order.
8. The reason for the request.
9. The current zoning of the subject land under the Minister's order or a municipal or planning board zoning by-law.
10. If the request is to amend the Minister's order, the proposed zoning of the subject land.
11. The current designation of the subject land in the applicable official plan.
12. The existing uses of the subject land.
13. Whether there are any buildings or structures on the subject land.
14. If the answer to paragraph 13 is yes, the following information for each building or structure:

- i. the type of building or structure, and
  - ii. in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure and its dimensions or floor area.
15. The proposed uses of the subject land.
16. Whether any buildings or structures are proposed to be built on the subject land.
17. If the answer to paragraph 16 is yes, the following information for each building or structure:
  - i. the type of building or structure,
  - ii. in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure and its dimensions or floor area, and
  - iii. the number of parking spaces.
18. Whether access to the subject land will be,
  - i. by a provincial highway, a municipal road that is maintained all year or seasonally, another public road or a right of way, or
  - ii. by water.
19. If access to the subject land will be by water only, the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.
20. Whether water will be provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake or other water body or other means.
21. Whether sewage disposal will be provided to the subject land by a publicly owned and operated sanitary sewage system, a privately owned and operated individual or communal septic system, a privy or other means.
22. If the requested change would permit development on a privately owned and operated individual or communal septic system and more than 4500 litres of effluent would be produced per day as a result of the development being completed,
  - i. a servicing options report, and
  - ii. a hydrogeological report.
23. If known,
  - i. whether the subject land is the subject of a proposed official plan or plan amendment that has been submitted for approval,

- ii. if the answer to subparagraph i is yes, the file number and the status of the matter,
  - iii. whether the subject land is the subject of an application for approval of a plan of subdivision under section 51 of the Act or for a consent under section 53 of the Act, and
  - iv. if the answer to subparagraph iii is yes, the file number and the status of the application.
24. A sketch showing, in metric units,
- i. the boundaries and dimensions of the subject land and of any land abutting the subject land that is owned by the owner of the subject land,
  - ii. the location, size and type of all existing and proposed buildings and structures on the subject land, indicating their distance from the front lot line, rear lot line and side lot lines,
  - iii. the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing,
  - iv. the approximate location of all natural and artificial features (*for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks*) that,
    - A. are located on the subject land and on land that is adjacent to it, and
    - B. in the opinion of the person making the request, may affect the request,
  - v. the current uses of land that is adjacent to the subject land,
  - vi. the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way,
  - vii. if access to the subject land will be by water only, the location of the parking and docking facilities to be used, and
  - viii. the location and nature of any easement affecting the subject land.
25. Whether the request is consistent with policy statements issued under subsection 3 (1) of the Act.
26. Whether the subject land is within an area of land designated under any provincial plan or plans.
27. If the answer to paragraph 26 is yes, whether the request conforms to or does not conflict with the applicable provincial plan or plans.
28. An affidavit or sworn declaration by the person making the request that the information required under this Regulation and provided by the person is accurate.
29. Any other information that the Minister may require.

## APPENDIX C

### Appendice Rider

Does not form part of the Official Plan. Does not require an Official Plan amendment to change.

Information and material to be provided for Consents

Pursuant to Ontario Regulation 197/96

Reference should be made to an original copy of the relevant regulation for accuracy.

This information may be modified, replace, deleted, etc. at any time.

### INFORMATION AND MATERIAL TO BE INCLUDED IN AN APPLICATION FOR CONSENT UNDER SUBSECTION 53 (2) OF THE ACT

1. The name, address, telephone number and, if applicable, the e-mail address of the owner of the subject land, and of the agent if the applicant is the owner's authorized agent.
2. The date of the application.
3. The type and purpose of the proposed transaction (*for example, a transfer for the creation of a new lot, a lot addition, an easement, a charge, a lease or a correction of title*).
4. If known, the name of the person to whom the land or an interest in the land is to be transferred, charged or leased.
5. A description of the subject land, including such information as the municipality, or the geographic township in unorganized territory, concession and lot numbers, registered plan and lot numbers, reference plan and part numbers, and street names and numbers.
6. Whether there are any easements or restrictive covenants affecting the subject land.
7. If the answer to section 6 is yes, a description of each easement or covenant and its effect.
8. The following information, with respect to the land intended to be severed and the land intended to be retained:
  - (a) The frontage, depth and area, in metric units;
  - (b) The existing and proposed uses of the land;
  - (c) The existing and proposed buildings and structures on the land;
  - (d) whether access to the land will be,
    - (i) by a provincial highway, a municipal road that is maintained all year or seasonally, another public road or a right of way, or
    - (ii) by water;

- (e) if access to the land will be by water only, the parking and docking facilities to be used and the approximate distance of these facilities from the land and the nearest public road;
  - (f) whether water will be provided by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake or other water body or other means; and
  - (g) whether sewage disposal will be provided by a publicly owned and operated sanitary sewage system, a privately owned and operated individual or communal septic system, a privy or other means.
9. The current designation of the subject land in the applicable official plan.
10. If known,
- (a) whether the subject land has ever been the subject of an application for approval of a plan of subdivision under section 51 of the Act or a consent under section 53 of the Act; and
  - (b) if the answer to clause (a) is yes, the file number of the application and the status of the application.
11. Whether any land has been severed from the parcel originally acquired by the owner of the subject land.
12. If the answer to section 11 is yes, the date of the transfer, the name of the transferee and the uses of the severed land.
13. If known,
- (a) whether the subject land is the subject of any other application under the Act, such as an application for an amendment to an official plan, a zoning by-law or a Minister's zoning order, an application for a minor variance or an application for an approval of a plan of subdivision or a consent; and
  - (b) if the answer to clause (a) is yes, the file number of the application and the status of the application.
14. A sketch showing the following, in metric units:
- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
  - (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
  - (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
  - (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;

(e) the approximate location of all natural and artificial features (*for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks*) that,

(i) are located on the subject land and on land that is adjacent to it, and

(ii) in the applicant's opinion, may affect the application;

(f) the current uses of land that is adjacent to the subject land (*for example, residential, agricultural or commercial*);

(g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;

(h) if access to the subject land will be by water only, the location of the parking and boat docking facilities to be used; and

(i) the location and nature of any easement affecting the subject land.

15. Whether the application is consistent with policy statements issued under subsection 3 (1) of the Act.
16. Whether the subject land is within an area of land designated under any provincial plan or plans.
17. If the answer to section 16 is yes, whether the application conforms to or does not conflict with the applicable provincial plan or plans.
18. If the applicant is not the owner of the subject land, the owner's written authorization to the applicant to make the application.
19. An affidavit or sworn declaration by the applicant that the information required under this Schedule and provided by the applicant is accurate.
20. Any other information and material that may be required by the Municipality.

## APPENDIX D

### Appendice Rider

Does not form part of the Official Plan. Does not require an Official Plan amendment to change.

Information and material to be provided for Minor Variances

Pursuant to Ontario Regulation 200/96

Reference should be made to an original copy of the relevant regulation for accuracy.

This information may be modified, replace, deleted, etc. at any time.

### INFORMATION AND MATERIAL TO BE PROVIDED IN AN APPLICATION UNDER SECTION 45 OF THE ACT

1. The name, address and telephone number of the owner of the subject land and of the agent if the applicant is an agent authorized by the owner.
2. The current designation of the subject land in any applicable official plan.
3. The current zoning of the subject land.
4. The nature and extent of the relief from the zoning by-law.
5. The reason why the proposed use cannot comply with the provisions of the zoning by-law.
6. The description of the subject land, such as the municipality, concession and lot numbers, registered plan and lot numbers, reference plan and part numbers and name of street and number.
7. The frontage, depth and area of the subject land.
8. Whether access to the subject land is by a provincial highway, a municipal road that is maintained all year or seasonally, another public road or a right of way or by water.
9. If access to the subject land is by water only, the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public road.
10. The existing uses of the subject land.
11. Whether there are any buildings or structures on the subject land.
12. If the answer to item 11 is yes, for each building or structure the type of building or structure, the setback from the front lot line, rear lot line and side lot lines, the height in metres of the building or structure and the dimensions or floor area of the building or structure.
13. The proposed uses of the subject land.
14. Whether any buildings or structures are proposed to be built on the subject land.

15. If the answer to item 14 is yes, for each building or structure the type of building or structure, the setback from the front lot line, rear lot line, and side lot lines, the height in metres of the building or structure and the dimensions or floor area of the building or structure.
16. The date the subject land was acquired by the current owner.
17. The date the existing buildings or structures on the subject land were constructed.
18. The length of time that the existing uses of the subject land have continued.
19. Whether water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake or other water body or other means.
20. Whether sewage disposal is provided to the subject land by a publicly owned and operated sanitary sewage system, a privately owned and operated individual or communal septic system, a privy or other means.
21. Whether storm drainage is provided by sewers, ditches, swales or other means.
22. If known, whether the subject land is the subject of an application under the Act for approval of a plan of subdivision or a consent.
23. If the answer to item 22 is yes, and if known, the file number of the application and the status of the application.
24. If known, whether the subject land has ever been the subject of an application under section 45 of the Act.
25. A sketch showing the following:
  - i. The boundaries and dimensions of the subject land.
  - ii. The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines.
  - iii. The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
  - iv. The current uses on land that is adjacent to the subject land.
  - v. The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.
  - vi. If access to the subject land is by water only, the location of the parking and docking facilities to be used.

- vii. the location and nature of any easement affecting the subject land.
- 26. An affidavit or sworn declaration by the applicant that the information required under this Schedule and provided by the applicant is true.
- 27. Any other information and material that may be required by the Municipality.

## APPENDIX E

### Appendice Rider

Does not form part of the Official Plan. Does not require an Official Plan amendment to change.

### Guidelines for Site Rehabilitation Plans of Aggregate Extraction Site

This information may be modified, replace, deleted, etc. at any time through a public process of the Planning Board.

1. Consult with the Ministry of Transportation and the Ministry of Natural Resources.
2. No material except topsoil or subsoil is brought on to the site for sloping, grading and other rehabilitation purposed of the site, unless the overburden form the site is insufficient for those purposes.
3. All topsoil and subsoil stripped in the operation/extraction of the site is used in the rehabilitation of the site.
4. Adequate vegetation is planted and maintained to control erosion of any topsoil replaced on the site.
5. When the site is rehabilitated the excavation face of:
  - (a) any pit has a slope at least three horizontal metres for every vertical metre
  - (b) any quarry has a slope at least two horizontal metres for every vertical metre.
6. The rehabilitated site is in accordance with recommended practices and procedures.
7. No aggregate, overburden, topsoil or subsoil, except material in an earth berm, is moved from the excavation setback area.

## APPENDIX F

### Appendice Rider

Does not form part of the Official Plan. Does not require an Official Plan amendment to change.

Information and material to be provided for an Environmental Impact Study. This information may be modified, replace, deleted, etc. at any time through a public process of the Planning Board.

1. Consult with the Ministry of Natural Resources.
2. Project Description:
  - (a) a description of the proposal and rationale for the undertaking including site plans.
  - (b) identify existing and surrounding land uses and ownership patterns including location maps.
  - (c) identify existing and proposed official plan designation and zoning.
  - (d) identify and describe alternative forms of development.
  - (e) site plan representation of alternative methods of development.
3. Description of the Resource:
  - (a) as complete as possible provide description of the resource, i.e. biological description, special features, etc.
  - (b) describe the functions of the resource.
  - (c) descriptions of the social and economic value and uses of the resource.
  - (e) an explanation of the methods used to determine the effects of the proposed development of the resource.
4. Impacts of the Proposed Development:
  - (a) describe the extent the resource is affected by the proposed development, directly and indirectly.
  - (b) description of possible environmental effects of the development on the resource.
  - (c) an evaluation of future impacts of the proposed development, including subsequent demand for future development that may be general from approval of the development proposal.
  - (d) potential conflicts with existing site specific resource management practices in effect.
  - (e) actions that may be necessary to prevent, change, mitigate or remedy the effects of the development;
    - (i) the alternative methods to carry out the development;
    - (ii) the alternative forms of the proposed development.

5. Summary:
- (a) potential impacts in relation to the criteria outlined in policy statements, the Official Plan or similar body of information.
  - (b) potential advantages and disadvantages to the proposed development.
  - (c) alternative methods to carrying out the proposed development.
  - (d) mitigation measures.
  - (e) development approval measure necessary to secure advantages and minimize disadvantages of the proposed development.