

**Lake of the Woods  
OFFICIAL PLAN  
5 August, 2014**

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## SECTION A INTRODUCTION

### A1 THE STRUCTURE OF THE OFFICIAL PLAN

This Official Plan is a policy document accompanied with Schedules and is divided into nine (9) sections described below.

**PART A Introduction** introduces the Official Plan, describes goals and objectives, and explains the role of the Official Plan and the administrative framework of the Ontario land use planning system.

**PART B General Policies** contains a set of broad development policies that apply to all land use designations.

**PART C Land Use Policies** establishes land use designations and policies to guide the planning decision making process for the use of land for the next 20 years.

**PART D Servicing** contains policies related to water supply and sewage disposal.

**Part E Transportation** contains policies related to roads, highways and related transportation networks.

**PART F Natural and Cultural Heritage Features** contains policies that need to be considered in areas having, but not limited to, habitats of significant wildlife, fish and endangered and threatened species, wetlands, ecologically sensitive areas and cultural and archeological heritage resources.

**PART G Mineral Aggregate Resources** contains policies relating to planning and implementation of new or expanding areas containing aggregate resources, mineral resources, wayside pits and quarries and portable concrete and asphalt plants.

**Part H Implementation** contains policies and planning tools related to the implementation of the Official Plan, as well as requirements for development applications.

**PART I Interpretation** contains policies related to the interpretation of the Official Plan.

**PART J Schedules** contains the following Schedules:

- **Schedule A-1** – Land Use Designations
- **Schedule A-2** – Settlement Areas
- **Schedule A-3** – Ecologically Sensitive Area/Natural Heritage Features
- **Schedule A-4** – Development Constraints
- **Schedule A-5** – Development Constraints in Settlement Areas

## **A2 PURPOSE OF THE OFFICIAL PLAN**

The *Ontario Planning Act* requires municipalities to prepare and adopt an Official Plan to provide guidance on matters related to land use development. The purpose of the Township of Lake of the Woods Official Plan is to establish guiding principles, goals and objectives, and policies to manage and direct physical development and the effect of change on the social, cultural, economic, and natural environment for the twenty (20) year planning horizon (i.e. until 2032).

This Official Plan is consistent with the Provincial Policy Statement, and in particular to the new policies adopted in 2005 relating to matters such as intensification and employment lands. Furthermore, this Official Plan reflects matters of provincial interest identified in the *Planning Act* and reflects changes enacted through recent changes in the planning legislation.

It is acknowledged that municipal planning is conducted within a provincial regulatory framework. The Province of Ontario issues Provincial Policy Statements periodically to provide direction on matters of provincial interest. The decisions of the Township shall be consistent with the Provincial Policy Statement that is in effect on the date of Council's decision. The Township encourages both the federal and provincial levels of government to follow this Plan in all of their land use decisions and initiatives, or to work with the Township to develop a suitable amendment prior to development.

The Official Plan is also consistent with the Growth Plan for Northern Ontario, released in 2011. This Growth Plan was prepared under Ontario's Places to Grow Act (2005), which authorizes the Province to identify and designate growth plan areas, and to develop strategic growth plans for these areas. The Growth Plan for Northern Ontario is an economic development plan, an infrastructure investment plan, a labour market plan, and a land-use plan. It is intended to be used as a strategic framework that will guide decision-making in Northern Ontario for the next 25 years. It is structured around six theme areas: economy, people, communities, infrastructure, environment and Aboriginal peoples, with a number of policies are established for each theme. The Official Plan of the Township of Lake of the Woods shall align with these themes.

In accordance with the requirements of the *Planning Act*, the Official Plan will be reviewed every five (5) years and may be amended by the Township to reflect changing circumstances or new priorities. The main implementation tool, the Zoning By-Law, will be updated within three years of each Official Plan update.

The policies contained herein, together with any land use and Schedule(s) and any amendment(s), which are adopted and finalized pursuant to the *Planning Act*, constitute the Official Plan of the Township of Lake of the Woods.

## **A3 BASIS OF THE OFFICIAL PLAN**

The Township of Lake of the Woods came into existence on January 1, 1998, following the amalgamation of the former Township of McCrosson and Tovell, and Township of Morson, as a

result of a two-step province-wide municipal restructuring process. The second phase of the restructuring programme incorporated a large area of unorganized territory consisting predominantly of islands and a portion of the Aulneau Peninsula in the southern half of the Lake of the Woods.

The Township is located with the geographic boundary of the Rainy River. The Township is located approximately 30 kilometres north of the Town of Rainy River and 150 kilometres south of the City of Kenora. The Canada-US border forms the westerly boundary of the Township while the Township of Sioux Narrows-Nestor Falls forms the easterly boundary. Much of the area surrounding the Township of Lake of the Woods is unincorporated territory, including the unincorporated Townships of Spohn, Pratt, Sutherland, and the islands in Lake of the Woods.

Water is also an important component of the Township with the most northerly and westerly portion of the Township located within the southern half of Lake of the Woods. Also, the Little Grassy River flows through the former Township of McCrosson and Tovell and the Village of Morson is located along the shores Eleanor Lake in the former Township of Morson, just north of the Big Grassy River. Associated with the water are tourist recreation uses and activities and vacation homes that contribute to the way of life in the Township. The Historic Boundary Waterway route follows along the shore of Lake of the Woods.

The Villages of Morson and Bergland serve as the residential and commercial service centres in the Township. The Village of Morson has a restaurant and lounge, places of worship, a cemetery and community centre. The Township operates the wharf. The Village is surrounded by several tourist resorts and marinas which serve both the tourist population and the local population. Also there is a number of construction firms located throughout the area. The Village of Bergland has an elementary public school, two places of worship, a general store, a cemetery, community centre, and community playground. It is the residential hub of the southerly portion of the Township. Bergland is located along the picturesque setting of the Little Grassy River.

Historically, this area was also very important as a First Nations settlement and migration area. Today, the area is recognized as an area that represents the history of the First Nations of North America. Artifacts from Aboriginal cultures have been found here that date back several thousands of years. There are a number of First Nations reserves located throughout the Township on the mainland and on several islands, including the Big Grassy, Big Island and Lake of the Woods Reserves.

The Assabaska Ojibway Heritage Park located north of the Village of Bergland is managed and under the jurisdiction of the Big Grassy and Onegaming First Nations. A Provincial Park which includes Bigsby Island, Dawson Island and Splitrock Island is located on the Lake. These Parks also contributes to a healthy tourist trade for local bait suppliers, general stores and lodges in the area. The mainland portion of the park contains camping facilities, boat launch and swimming area.

The Township Lake of the Woods recently purchased land and developed Oscar's Bay Beach Park, which is located on Frenchman's Rock Road and Oscar Bay. The park includes a beach, picnic tables, a covered pavilion, and nature/cross country trails.

#### **A4 SETTLEMENT AREA**

Settlement areas are defined in the 2005 Provincial Policy Statement as choice areas for growth because of their vitality and regeneration potential. The patterns of development of settlement areas promote the efficient use of land and resources; make appropriate use of the infrastructure and public service facilities; and minimize negative impacts to air quality and climate change, and provide opportunities for intensification and redevelopment.

The Township of Lake of the Woods has two (2) settlement areas: the Village of Bergland Settlement Area and the Village of Morson Settlement Area. These Settlement Areas shall be the focus of growth and development. The Village of Bergland Settlement Area and the Village of Morson Settlement Area, similar to the rest of the Township, rely on private wells and individual septic tanks as servicing systems. Although the focus of growth will be directed to the settlement areas, it is anticipated that limited rural development will occur through land severances.

It is not anticipated that the Township will experience significant growth over the lifespan of this Plan. There is sufficient land within the existing settlement areas to accommodate any anticipated growth and, as such, it is not required to revisit the boundaries of the settlement areas.

#### **A5 STATEMENT OF PRINCIPLES**

The Official Plan is the principal land use policy document for the Township of Lake of the Woods. It represents a formal statement by Council and captures the collective concerns and thoughts of the population, as opportunities for public input have formed important steps in shaping this Plan.

This document rests on the following principles:

- a) effective, efficient and consistent decision making and administration of public affairs can be achieved through the development and implementation of a set of goals, objectives, and policies;
- b) municipal planning, although conducted within a provincial framework of legislation, is a municipal responsibility;
- c) public involvement in the development and application of plans is an essential component of the municipal planning process;
- d) change must be managed to protect resources, promote efficient, cost-effective development, and land use patterns which stimulate economic growth, protect the environment, and public health.

#### **A6 GOALS OF THE PLAN**

The goals and objectives of this Plan form the foundation of planning principles and provide direction to guide future development and provide direction for the preparation of detailed

policies and programs. The goals reflect the present and future needs and values of Council and the residents of the Township:

- a) protect the identity and character of the Township while providing opportunities for residential growth and appropriate development;
- b) establish policies which manage and direct physical change and the effects on the social, economic and natural environment of the Township;
- c) recognize the historical and cultural fabric of the Township and foster the rural lifestyle and quality of life experienced by the residents of the Township;
- d) secure the health, safety, convenience and welfare of the residents of the Township by restricting development that causes environmental, health and safety concerns;
- e) ensure the Township's resources are rationally used and that both natural and cultural heritage features are protected including water resources, mineral resources, forest resources, natural heritage resources and cultural heritage and archaeological resources while development opportunities are not overly restricted;
- f) provide policies which will encourage the expansion and diversification of the local economic base;
- g) provide policies that guide development that is environmentally compatible and supports sustainable development;
- h) inform the residents of the Township of Lake of the Woods of the policies that affect the development of the land;
- i) provide a guiding framework for implementing by-laws and for decisions of local boards, commissions, committees and other authorities; and
- j) provide policies that are consistent with the Provincial Policy Statement based on local conditions and circumstances.

## **A7 OBJECTIVES**

The Township is committed to actively seeking and encouraging new development that maintains the quality of life of its residents and improves the health of existing businesses and diversifies the economy. This Official Plan represents a step in this process.

The Township shall:

- a) promote compact development by directing new development in the settlement area;
- b) encourage patterns of development which facilitate the provision of local services;
- c) encourage the creation of housing, which is affordable and meets the needs of a full range of households in the Township;
- d) 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 and functions of ecosystems;
- e) ensure the preservation of agricultural activities and agricultural land where they presently exist in the Rural Area;
- f) permit limited residential development in the Rural Area, where lot size and configuration can support private water supply and sanitary sewage systems, and where the development would be compatible with the character of the land use in the surrounding area;

- g) protect natural and cultural heritage resources and areas, archaeological sites and areas of archaeological interest, surface water and groundwater features;
- h) protect the Lake of the Woods ecosystem and the shoreline from development which would adversely affect it and detract from the viability of existing tourist commercial uses and the enjoyment and safety of other existing uses;
- i) protect and enhance the quality of Lake of the Woods, and its watershed, for the long-term;
- j) minimize negative impacts to air quality and climate change by encouraging energy efficient buildings and development;
- k) protect and preserve hazard lands, ecologically sensitive areas, and important natural resources such as fish and wildlife habitat areas, wetlands, minerals and aggregates;
- l) encourage recreational opportunities that are compatible with the natural environment and are economically feasible;
- m) have regard for the importance of natural resources including forest and mineral resources within the Township with respect to their contribution to the economic and social well being of its residents.
- n) encourage the creation of housing which is affordable, accessible, adequate and appropriate to a full range of households in the Township and shall encourage that an adequate supply of land is available to meet the housing needs of its residents.

## **A8 EFFECT OF THE OFFICIAL PLAN**

This document constitutes the Official Plan of the Township of Lake of the Woods and has been prepared in accordance with the provision of the *Planning Act*. This Plan applies to all lands within the municipal boundary of the Township of Lake of the Woods. Once this Official Plan is adopted and finalized pursuant to the *Planning Act*, no public or private work shall be undertaken and, except as provided for under the *Planning Act*, no By-Law shall be passed for any purpose that does not conform to the policies of this Plan. With this Plan, the Township has achieved the goal of establishing a policy framework consistent with the Provincial Policy Statement that will give consideration to the unique circumstances of the Township.

## **A9 HOW TO READ THIS OFFICIAL PLAN**

The introductory paragraphs of each Section area meant to provide context for the subsequent policies. The policies provide specific direction and are to be implemented through a variety of mechanisms, including the Zoning By-law. Italicized terms throughout the text refer to statutory provincial Acts. The Official Plan must be read as a whole since more than one Section or Schedule may apply to a particular area or matter. Areas having a Natural/Cultural Heritage Resources and Development Constraints are also subject to the underlying policies.

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## **SECTION B GENERAL POLICIES**

### **B1 GENERAL POLICIES**

The following land use policies apply to all lands in the Township of Lake of the Woods. When considering proposals for Official Plan Amendments, Zoning By-Law Amendments, Site Plan Control Agreements, Consents, Minor Variances, Subdivisions, Condominium Applications, or any other form of development requiring approval from the Township, the following policies shall be considered.

For specific developments, whenever it is deemed appropriate, the Township shall refer to other agencies for the purposes of technical assistance related to these general development policies.

### **B2 VILLAGE OF MORSON SETTLEMENT AREA and VILLAGE OF BERGLAND SETTLEMENT AREA**

The boundaries of the Village of Morson Settlement Area and the Village of Bergland Settlement Areas' land use designations are identified on Land Use designation Schedules A, of the Official Plan. It is expected that these settlement areas will be the main focus of growth and development.

The following policies apply to the Village of Morson Settlement Area and the Village of Bergland Settlement Area:

- a. Development shall generally be directed to the Village of Morson Settlement Area and the Village of Bergland Settlement Area; the revitalization of these areas shall be encouraged.
- b. The Village of Morson Settlement Area and the Village of Bergland Settlement Area contain only one Land Use designation as identified in Schedule A of this Official Plan and is subject to the policies and evaluation criteria in the Land Use Policies Section and other policies of this Plan.
- c. Within the Village of Morson Settlement Area and the Village of Bergland Settlement Area, development through infill and intensification is strongly encouraged, while maintaining appropriate levels of public health and safety.
- d. The Township shall set a target of 15% of all new residential development to take the form of infilling and intensification within the Village of Morson Settlement Area and the Village of Bergland Settlement Area.

### **B3 LAND USE COMPATIBILITY**

As much as possible land use conflicts should be avoided. The encroachment of sensitive land uses and larger facilities (such as industries, resource extraction activities, waste management systems, sewage treatment facilities and transportation infrastructure and corridors) on one another is highly discouraged. Whenever a change in land use is proposed, consideration will be given to the effect and impact of the proposed land use on surrounding existing land uses and future development potential.

Where planning approvals are required to accommodate the establishment or expansion of either major facilities or residential / other sensitive land uses, proposals will be reviewed in accordance with the requirements of Ministry of the Environment (MOE) guidelines to ensure that land uses will be appropriately designed, buffered, and/or separated from each other to prevent adverse effects from odour, noise, and other contaminants, and minimize the risk to public health and safety.

Where proposed developments may result in potential compatibility concerns, proponents may be required to provide supporting technical studies, prepared in accordance with MOE guidelines, to assist in the evaluation of proposed developments and, where applicable, to determine influence areas, address potential impacts, and identify appropriate separation distances and other mitigation measures.

In the event that contamination is known or suspected as being present on a property, or where a change in use to a more sensitive land use has been proposed, final planning approval will be contingent upon the preparation and filing of a Record of Site Condition to the electronic Registry, as required by O. Reg 153/04.

The Township of Lake of the Woods will evaluate the compatibility of development applications on the basis of the following evaluation criteria.

- a. **Traffic and Road Capacity:** Roads should adequately serve the proposed development, with sufficient capacity to accommodate the anticipated traffic generated.
- b. **Vehicular Access:** The location and orientation of vehicle access and egress should address matters such as the impact of noise, headlight glare and privacy loss on adjacent development or development on the opposite side.
- c. **Outdoor Amenity Areas:** The development should respect the privacy of outdoor amenity areas of adjacent residential units and minimize any undesirable impacts through the siting and design of buildings and the use of screening, lighting, buffering or other design measures to mitigate negative externalities.
- d. **Parking Requirements:** The development should have adequate on-site parking to minimize the potential for spillover parking on adjacent areas. Opportunities to reduce parking requirements and promote increased usage of walking and cycling should be encouraged.
- e. **Noise and Air Quality:** The development should be located and designed to minimize the potential for significant adverse impacts on adjacent sensitive uses related to noise, odours, and other emissions.
- f. **Loading Areas, Service Areas, and Outdoor Storage:** The operational functions and visual appearance of loading facilities, service areas, including waste disposal areas, parking and areas for outdoor storage of goods and/or materials should be mitigated using a variety of methods (i.e. location, containment, berms, landscaping, and/or screening). These uses should be located away from residential streets.

#### **B4 ENERGY CONSERVATION AND GREEN ENERGY**

- a. The Township of Lake of the Woods shall encourage and support energy conservation, combined heat and power, alternative and renewable energy sources

developed in accordance with this Plan and the provincial *Green Energy Act*. Proposed developments will be encouraged to locate in areas where their impacts on adjacent lands are minimized and mitigated to the greatest extent possible. Where feasible and practical, power generation facilities which are primarily buildings (e.g. co-generation plants and solar panel farms) will be encouraged to locate on brownfield sites. When evaluating proposals for alternative energy generation facilities the Township will consider the following:

- Location of facility;
  - Size and scale of proposed facility;
  - Potential for land use compatibility issues with adjacent land uses;
  - Potential for adverse impacts; and
  - Potential for perceived risks to human health and safety.
- b. More flexibility in zoning and site planning may be considered in order to accommodate variances in building orientation, landscaping designs, lot coverage, renewable energy projects, or building characteristics to provide for increased energy efficiency.
- c. Developments which fall under the jurisdiction of the *Green Energy Act* do not require an Amendment to this Plan.
- d. For highway safety purposes, wind turbines located adjacent to a provincial highway will be set back a minimum distance measured from the limit of the highway property line equal to the distance of the height of the wind turbine structure plus the length of one blade.

## **B6 ACCESSORY USES**

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.

- a. Guest cabins and accessory dwellings above boat houses are not permitted accessory use and in any land use designation.

## **B7 DRAINAGE**

Municipal, Requisition and Petition Drains authorized under the Drainage Act are to be designed, constructed and maintained in accordance with the Ontario Ministry of Agriculture, Food and Rural Affairs' Best Management Practices to avoid significant detrimental effects on farmland or water resources, wetlands, natural areas or wildlife habitat.

New development shall consider the impacts of stormwater quality and quantity on the lands and waters downstream. Stormwater Management Plans consistent with the intent and objectives of the Ministry of the Environment's Stormwater Management Planning and Design Manual shall be required as a condition of development approval for any plan of subdivision, industrial development proposal, or any other large-scale non-residential development within the Municipality.

Proposed developments may be required to incorporate stormwater management practices directed to minimizing stormwater volumes and contaminants, and increasing or maintaining the extent of vegetated and pervious surfaces. In some cases, proposed stormwater management facilities may require approval under the Ontario Water Resources Act.

- a. A drainage/stormwater management report/plan shall be prepared by the proponent with the assistance of a qualified engineer licensed in the Province of Ontario, reviewed and approved by the Ministry of Transportation for those developments, located adjacent to, or in the vicinity of, a provincial highway where drainage would impact the highway and/or downstream properties.
- b. No development shall be permitted which would interfere with or reduce the drainage capacity of any natural watercourse or where the watercourse represents a hazard to the proposed development.
- c. 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 provision of the *Lakes and Rivers Improvement Act* and/or the *Public Lands Act* and the Ministry of the Environment in accordance with the *Ontario Water Resources Act*.

## **B8 CROWN LANDS**

The Township recognizes that resource management activities on Crown Lands are desirable for environmental, social and economic reasons.

- a. 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 Lake of the Woods with respect to the use and disposition of Crown Lands.
- b. Authorization for occupation or use of Crown Lands is required from the Province.
- c. Resource management activities shall be conducted in accordance with the standards and guidelines established by the Ministry of Natural Resources.
- d. Development proposals on lands adjacent to Crown Lands shall be reviewed in consultation with the Ministry of Natural Resources.
- e. Mineral exploration and mining are approved activities on Crown lands.
- f. Under the *Mining Act*, the Ministry of Northern Development and Mines is responsible for the administration of mineral rights.

## **B9 HOME OCCUPATIONS AND HOME INDUSTRIES**

- a. Home occupations are permitted in the Rural Areas and Village Areas. A wide range of activities may be permitted, provided that the use is accessory and incidental to the principal residential use and the area occupied by such a use shall be limited to a maximum of 25 per cent of the gross floor area of the dwelling.
- b. Home industries are permitted in the Rural Areas. The activities permitted as home industries shall be established in the Zoning By-law provided that the uses are accessory and incidental to the principal use. Uses that would impact negatively on a provincial highway will not be permitted.

- c. Entrances serving home industries located adjacent to provincial highways require approval of the Ministry of Transportation. Typically, the Ministry of Transportation will require that the property owner obtain an entrance permit and a sign permit if necessary. As a condition of these permits, the Ministry of Transportation requires the property owner to acknowledge that the use of their existing entrance cannot be converted to a commercial entrance in the future without the review and approval of the Ministry of Transportation, and that an additional entrance will not be permitted to accommodate the home occupations, industry or business. In addition, the Ministry of Transportation would not support a future severance that would result in a separate entrance to a business and one for the retained parcel.

## **B10 GROUP HOMES**

Council recognizes that group homes provide care for people with physical, social or mental handicaps. Group homes shall be permitted in all areas where residential uses are permitted. A group home may be defined as a single housekeeping unit in a residential dwelling in which up to six residents (excluding staff or receiving family) live as a family under responsible supervision consistent with the needs of its residents. The home must be licensed and/or approved under Provincial statutes and in compliance with municipal by-laws. The operation of such homes would be limited to immediate and former residents and family members of the Township of Lake of the Woods.

## **B11 BED AND BREAKFAST**

Bed and Breakfast establishments may be permitted in areas where residential uses are permitted, and based upon the following criteria:

- a. A Bed and Breakfast shall be located on an open road maintained year round by the Township 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.
- c. A Bed and Breakfast establishment shall be located in an existing residential dwelling; and,
- d. Should external expansion be required to the existing single-detached dwelling to accommodate the proposed tourist facility, the character of the surrounding Residential Area shall be maintained.
- e. Entrances serving bed and breakfasts located adjacent to provincial highways require approval of the Ministry of Transportation. Typically, the Ministry of Transportation will require that the property owner obtain an entrance permit and a sign permit if necessary. As a condition of these permits, the Ministry of Transportation requires the property owner to acknowledge that the use of their existing entrance cannot be converted to a commercial entrance in the future without the review and approval of the Ministry of Transportation, and that an additional entrance will not be permitted to accommodate the home occupations, industry or business. In addition, the Ministry of Transportation would not support a future severance that would result in a separate entrance to a business and one for the retained parcel.

## **B12 ACCESSORY DWELLING UNIT**

One Accessory Dwelling Unit may be permitted, in addition to the principal dwelling unit, in single-detached dwelling and semi-detached dwellings through a Zoning By-law amendment. The following criteria shall be considered when evaluating proposals for the creation of accessory dwelling units:

- a. The floor area of the accessory unit is equal to, or less than, the gross floor area of the principal unit without any modification to the building's bulk or massing;
- b. The Accessory Dwelling Unit is not located in an attached garage;
- c. One additional unit on-site parking space is provided exclusively for the accessory dwelling unit;
- d. The outdoor private amenity area is adequate for the amenity and leisure needs of all occupants;
- e. The Accessory Dwelling Unit meets the requirements of the Zoning By-law, the Ontario Building Code and Fire Code;
- f. The impact of the development on the natural environment;
- g. A lot may not have both an Accessory Dwelling Unit and a Garden Suite, and
- h. Evidence is to be provided to demonstrate sufficient potable water supply as determined by a qualified well technician, and;
- i. Evidence is to be provided to demonstrate sufficient capacity of the septic system as determined by the Northwestern Health Unit.

## **B13 GARDEN SUITES**

- a. Garden suites are temporary self-contained portable dwelling units for elderly, sick or disabled family members designed to meet the housing needs of aging parents, a handicapped family member or other similar individual(s) who may require nearby support from the occupants of the primary dwelling unit on the lot.
- b. Zoning By-laws may be enacted pursuant to the *Planning Act* to permit the temporary use of self-contained portable dwelling units (garden suites) within yards of existing dwellings as a form of temporary accommodation. The time period shall not exceed twenty (20) years from the day of the passing of the by-law.
- c. The following criteria shall be considered when evaluating proposals for garden suites:
  - i) The lot size and layout in terms of accommodating the garden suite without unreasonable loss of private outdoor amenity area;
  - ii) The compatibility of the garden suite with adjacent properties and the surrounding land uses in terms of aesthetics, privacy, sun-shadowing, noise and odours;
  - iii) The impact of the development on the natural environment;
  - iv) Adequacy of services to accommodate the electricity, sewage treatment and potable water supply needs of the garden suite; and
  - v) Adequacy of on-site parking.
- d. As a condition of approval of a garden suite, Council shall require an agreement between the Township and the owner and/or tenant addressing such matters as:
  - i) the installation, maintenance and removal of the suite;
  - ii) the period of occupancy of the suite by any of the persons named in the agreement; and,

- iii) the monetary or other form of security that Council may require for actual or potential costs to the Township related to the garden suite.

#### **B14 MOBILE HOME PARKS**

Mobile home parks shall be permitted subject to an amendment to the Official Plan and provided the development can be safely and adequately serviced with water and sanitary sewage services.

- a. The development of mobile home parks and any future expansion of a mobile home park shall be subject to site plan control pursuant to the requirements of Section 41 of the *Planning Act*, and will include, but not limited to, the following considerations:
  - i) entrances and exits and road widening;
  - ii) on-site parking for residents and visitors;
  - iii) on-site open space and recreational activity areas;
  - iv) landscaping, fencing and buffering;
  - v) The impact of the development on the natural environment;
  - vi) size, orientation and spatial separation of the mobile home sites;
  - vii) emergency access;
  - viii) on-site servicing including water and sewage works, grading and storm water management; and
  - ix) outside storage.

#### **B15 COMMUNITY GARDENS**

The Township recognizes the reality of rising food costs and the growing emergence and interest for locally grown food. The Township shall encourage community gardens as important resources to the community and as an attractive alternative source of food for residents. The Township shall support community gardens by:

- a. promoting community gardens in all development and redevelopment initiatives;
- b. permitting community gardens in all areas permitting a residential use; and
- c. identifying sites, including parks, vacant municipally-owned lands, for the establishment of community gardens.

#### **B18 FORESTRY**

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

- income from forest products;
- recreation;
- education;
- soil and water conservation;
- wildlife habitat;
- buffers between land uses; and
- natural amenities.

- a. Property owners are encouraged to seek the assistance of a Registered Professional Forester in the management of their forest resources.
- b. The maintenance of forest cover along river and stream banks is encouraged and reforestation in areas where forest resources have been depleted is encouraged.
- c. MNR is responsible through the Crown Forest Sustainability Act for managing trees on Crown land and trees on private land that are reserved to the Crown.

## **B19 PUBLIC WORKS**

Any public works undertaken in the Township of Lake of the Woods shall conform to the policies of this Plan, in accordance with Section 24 of the *Planning Act* and shall be planned and implemented in accordance to the requirements of the Municipal Engineers Association's Municipal Class Environmental Assessment.

## **B20 UTILITY CORRIDORS**

Notwithstanding any policy in this Official Plan, public utilities, including hydro facilities, shall be permitted in all land use designations without an Official Plan Amendment.

## **B21 INFRASTRUCTURE**

### **B21.1 LANDS FOR EASEMENTS AND EMERGENCY ACCESS**

- a. Where land is required for utility easements or emergency access, such land shall be obtained for the appropriate agency in the course of approving land severances, plans of subdivision and condominium, or redevelopment applications.

### **B21.2 LANDS FOR PUBLIC BUILDINGS**

- a. When land is required for public buildings, the applicant may be requested to set aside appropriate sites for purchase by the relevant agency. Arrangements for the acquisition of such sites should be made conditions of development approval.

### **B21.3 COMMUNICATIONS TOWERS**

The Township of Lake of the Woods recognizes that the installation of communication towers is required to supply, improve, and maintain the quality of modern services.

- a. Communication towers of 16.5 metres in height or greater are designated as a structure under the Ontario Building Code and will be subject to building permits, as well as regulations under the Zoning By-law.
- b. The Zoning By-law cannot prevent a telecommunication tower from being constructed because the Federal Government has the approval authority under the *Radio Communications Act*. Nevertheless, Industry Canada recognizes the importance of considering the potential impact of communication towers on the community and requires any proponent seeking to establish a communications tower to work with the

municipality, seek input from the community, and meet various standards set out in the *Radio Communications Act*.

## **B22 DEVELOPMENT ADJACENT TO WATERBODIES AND WATERCOURSES**

- a. Where permitted by all other applicable policies of this Plan, development and site alteration may be permitted within and adjacent to fish habitat, provided that it has first been demonstrated that there will be no negative impacts on the natural features or the ecological functions for which the area is identified. Prior to development, approvals and permits will be required from the Ministry of Natural Resources and the Department of Fisheries and Oceans Canada.
- b. Preservation of water quality is a significant consideration in reviewing any development proposal adjacent to a watercourse or lake. On-site septic disposal systems should be located at least 30 meters from a watercourse or water body.
- c. Proposals for development within 30 metres of the high water mark of any watercourse or water body which contains fish habitat, as determined by the Department of Fisheries and Oceans (DFO), will be evaluated for their potential impacts on fish habitat. Council may require the submission of an Environmental Impact Statement (EIS), prepared in accordance with the Environmental Impact Statements of this Plan, to address potential impacts on fish habitat.
- d. Where development will result in the harmful alteration, disruption, or destruction of fish habitat, prior authorization from the federal Department of Fisheries and Oceans is required under the federal *Fisheries Act*.
- e. When considering application for waterfront development, Council shall ensure that cultural heritage resources, both on shore and in the water, are not adversely affected. When necessary, Council will require satisfactory measures to mitigate any negative impacts on significant cultural heritage resources.

## **SECTION C LAND USE POLICIES**

### **C1 GENERAL**

This section of the Official Plan establishes policies to guide development and growth on Schedules A. These policies identify the range of permitted uses for the Township, provide policies on where these uses should locate, and establish development standards that will be applied when development approvals are required. The policies of this section should be read in conjunction with other policies contained in this Plan.

### **C2 VILLAGE AREA**

The Village areas are those areas located within the Village of Morson Settlement Area and Village of Bergland Settlement Area and is shown on Schedule A-2 of this Plan.

It is the objective of this Plan to:

- ensure that an adequate supply of land to accommodate residential growth and the demands for residential development in the Village of Morson Settlement Area and Village of Bergland Settlement Area for at least ten years (10) is provided;
- ensure that new residential development or redevelopment is physically compatible with the surrounding area and land use conflicts are minimized;
- ensure, wherever possible, in the design of residential developments, the protection and enhancement of the natural environment and amenities;
- encourage residential development to locate in the Village of Morson Settlement Area and Village of Bergland Settlement Area;
- promote opportunities for residential intensification and redevelopment of lands within the Village of Morson Settlement Area and Village of Bergland Settlement Area;
- encourage the provision of a sufficient level and variety of commercial activity within the Township to satisfy the consumer demands of the residents;
- ensure that commercial development does not have negative impacts on adjacent land use, particularly residential uses; and
- minimize the impact of industrial uses on surrounding areas, particularly on residential uses and on the natural environment.

#### **C2.1 PERMITTED USES**

- a. The permitted uses in the Village Areas include residential uses, rooming, boarding and lodging houses including bed and breakfast establishments, group homes, home occupations and home industries.
- b. Accessory dwelling units shall be a permitted use.
- c. Garden suites are permitted and will be evaluated based on their compatibility in terms of scale, design and fit with the physical character of the residential community.
- d. Community recreational facilities, places of worship, nursery schools and day care and senior centres, medical centres, elementary and secondary schools, other public and private institutional uses may be permitted in the Village areas provided there is no adverse impact on the surrounding uses with respect to noise, traffic, parking, etc.

- e. Local convenience commercial uses, retail business uses, offices, personal services, restaurants, hotels, tourist related commercial uses may be permitted within the Village areas. The commercial uses shall be of a size and scale that is compatible with the surrounding residential uses and shall be subject to Site Plan Control pursuant to Section 41 of the *Planning Act*.
- f. Industrial uses which are not noxious or offensive in nature or would not create a nuisance are permitted in the Village areas and would include manufacturing, processing, assembling, fabricating, servicing and storage of goods and raw materials, warehousing, wholesaling and services sector industries including transportation and communications, and government services.

## **C2.2 RESIDENTIAL DEVELOPMENT**

- a. It is the intent of this Plan that the Village of Morson Settlement Area and Village of Bergland Settlement Area will be the focus for residential development. Residential development may occur by plan of subdivision, consent to sever new lots or as intensification. Where more than three new lots plus a retained lot are being created a plan of subdivision is necessary as stated in the provision of Section 51(24) of the *Planning Act*.
- b. New lots for residential uses in the Village of Morson Settlement Area and Village of Bergland Settlement Area should be of an appropriate size and configuration to permit the installation of a private water supply and private sewage disposal system approved by the Northwestern Health Unit. An average lot size of 1 hectare is recommended, with no lot smaller than 0.8 hectare in area for privately services residential lots. Any smaller lot size should require the submission of appropriate technical documentation that demonstrates that a smaller lot size will provide sufficient attenuation and be protective of the groundwater resource.
- c. The following standards of residential amenity shall be provided for with any residential development or redevelopment:
  - i) the provision of adequate access and parking for the development;
  - ii) the provision of on-site landscaping, parks and amenity areas;
  - iii) the provision of adequate separation distances and the placement of buffer features between residential uses and different types of land uses; and
  - iv) the development is to be adequately served by community facilities such as parks, commercial uses, places of worship and school sites.
- d. New residential and sensitive uses shall be designed to consider pre-existing uses such that those existing uses can continue to function without ongoing conflicts between the new and prior existing uses.
- e. All new lot development on individual systems shall be based on the availability of sufficient reserve capacity for the treatment/disposal of hauled sewage / septage.
- f. The residential uses anticipated shall generally include single-detached and two-unit dwellings with a maximum net density of 2 units per acres.
- g. The Zoning By-law shall identify appropriate setbacks between proposed sensitive uses and existing non-compatible uses. Mitigation measures such as setbacks, fences and landscaping, shall be employed to minimize impacts. Prior to a decision to amend the Zoning By-law, MOE's *D-series Guidelines for Land Use Compatibility (D-1 and D-6)* shall

be applied the appropriate technical studies carried out, and the recommendations from these studies implemented.

- h. Prior to approving new residential development, Council shall be satisfied that the new uses can be adequately serviced with fire protection and frontage or legal access to a public road maintained by the municipality year around.

**C2.3 SMALL SCALE COMMERCIAL DEVELOPMENT**

- a. Commercial uses are subject to Site Plan Control pursuant to Section 41 of the *Planning Act*.
- b. The size of local commercial uses shall be limited in the Zoning By-law to ensure that these uses are compatible with the built form of the surrounding residential area.
- c. Residential uses may be permitted above or behind commercial uses subject to the following criteria:
  - i) the residential use shall not detract from the prime function of the commercial use;
  - ii) amenity areas shall be provided for the residential use and shall be separate from any public amenity provided in conjunction with the commercial use; and
  - iii) sufficient parking will be provided for the residential use and the commercial use.
- d. Effort shall be made to minimize the number of entrances and exits to and from roads and to segregate service and customer traffic. Where appropriate, access or service roads, and joint entrances between commercial uses shall be encouraged to minimize potential traffic conflicts.
- e. When considering an application to establish a commercial use or uses, the Township shall have regard for the following:
  - i) the compatibility of the proposed use with the surrounding area;
  - ii) the ability to provide adequate setbacks and appropriate landscaping and buffering provisions to adjacent residential and institutional uses;
  - iii) the physical suitability of the site for the proposed use;
  - iv) the adequacy of the road system to accommodate access;
  - v) the suitability of the site to accommodate parking and loading facilities;
  - vi) the convenience and accessibility of the site for both pedestrian and vehicular traffic;
  - vii) the suitability of the soil and ground water conditions regarding the provision of a potable water supply and private sewage disposal system; and
  - viii) The adequacy of utilities to service the proposed use(s).
- f. The Zoning By-law shall identify appropriate setbacks between proposed sensitive uses and existing non-compatible uses. Mitigation measures such as setbacks, fences and landscaping, shall be employed to minimize impacts. Prior to a decision to amend the Zoning By-law, MOE's *D-series Guidelines for Land Use Compatibility (D-1 and D-6)* shall be applied the appropriate technical studies carried out, and the recommendations from these studies implemented.
- g. Where new development is proposed within 500 metres of a principle main line, the

proponent shall provide a detailed noise study to the satisfaction of CN Rail. Where a new development is proposed within 100 metres of a principle main line, the proponent shall provide noise feasibility and detailed studies to the satisfaction of CN Rail.

**C2.4 SMALL SCALE INSTITUTIONAL DEVELOPMENT**

- a. Institutional uses that provide local public services such as schools, public offices, places of worship are examples of small scale institutional uses serving the daily needs of the community. These uses are encouraged to be located where residents can walk from their homes and should be evaluated according to the following criteria:
  - i) adequate parking is provided;
  - ii) adequate buffering is provided;
  - iii) the soil and ground water conditions are suitable for the provision of potable water supply and private sewage disposal system; and
  - iv) a development agreement pursuant to Section 41 of the *Planning Act* may be required;

**C2.5 SMALL SCALE INDUSTRIAL DEVELOPMENT**

- 1. The small scale industrial development area is intended to promote development through the expansion of the existing industrial base and stimulation of new industrial growth.
  - a. Industrial uses shall have regard for the proximity of residential uses, exposure to major roadways and Highway 600, 619 & 621 and the degree to which the industrial use affects the physical and aesthetic characteristics of the natural environment.
  - b. Industrial uses are subject to Site Plan Control pursuant to Section 41 of the *Planning Act*.
  - c. The Zoning By-law shall regulate industrial uses through the establishment of appropriate performance standards of development and shall address matters for creating a compatible environment for industries free from interference and restriction by other uses and the protection of adjacent uses from the effects of industry.
  - d. Wherever industries abut residential, institutional, recreational or other similar uses, adequate buffering will be required by measures such as landscaping, plantings, fencing, and separation distances in order to minimize the impact of the industrial activity including visual appearance.
  - e. Industrial uses which are exposed to Highway 600, 619 & 621 shall be developed in an attractive manner to provide a positive statement to the Township. To achieve this, building and site design shall have consideration of the following design standards:
    - i) open storage shall be prohibited unless it can be landscaped and screened to mask the open storage areas will not detract from the intended character of the area;
    - ii) parking and loading areas will generally be restricted to side and rear yards;
    - iii) all industrial activities will be encouraged to locate within wholly enclosed buildings unless it is essential for an activity to locate outdoors, in which

case the industrial use will be suitably screened and buffered from the Highway;

- f. Development or redevelopment of industrial uses shall comply with the applicable standards and approval requirements of the Ministry of the Environment regarding noise, air emissions, odours, water supply, sewage treatment and the storage, containment and disposal of waste.

## **C2.6 PARKS AND OPEN SPACES**

- a. Recreational uses and development shall complement the natural environment and the Village of Morson Settlement Area and Village of Bergland Settlement Area.
- b. The Township shall encourage accessibility for the physically challenged in the design and development of parks, open space areas and recreational facilities.

## **C3 RURAL AREA**

It is the intent of this Plan to protect the rural character and environment of the Rural Area of the Township of Lake of the Woods. 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 Area land use designation in which these uses can be accommodated in accordance with the specific policies of this Plan and through the implementation of the Zoning By-law and Zoning amendments would provide enough flexibility in determining the appropriate uses of land. Permitted uses in rural areas located in municipalities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses

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 consistent with the rural character of the Township. Cultural Heritage Landscapes can also be defined and used to encompass the rural character and environment.

The Rural Area designation includes the following Crown land use areas:

- Agriculture Hinterland General Use Area (G2581)
- Nestor Falls / Morson General Use Area (G2585)

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

- maintain the low density rural character of the Township;
- provide flexibility by permitting a variety of land uses;
- to allow development of natural resources and economic activities in a manner compatible with the rural character; and
- to protect existing agricultural operations from incompatible land, encourage the preservation of agricultural lands for agricultural purposes and ensure their long term viability.

- a. 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 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). In addition, new and/or expansions to existing livestock operations shall comply with the Minimum Distance Separation II criteria (as amended from time to time).

- b. Permitted uses in the Rural Area (non-Crown Lands) include: rural residential dwellings, farm related residential dwellings, agriculture, greenhouses, horticulture, recreational uses, institutional uses, commercial uses and industrial uses including extraction and processing of peat for horticulture or fuel purposes, waste disposal sites, pits and quarries. It is also the intent of the Rural designation to permit and encourage such rural uses as forestry, resource management and conservation uses, trapping and hunting, commercial fishing, baitfish harvesting, wildrice harvesting and sustenance fishing by local First Nations.
- c. Crown lands in these areas are subject to the policies and regulations of the Ministry of Natural Resources' Crown Land Use Policies. The permitted land uses in these areas must be consistent with provincial land use direction. Peat extraction is *not* permitted on Crown Land in either General Use Area, and commercial fishing is *not* permitted in Nestor Falls / Morson General Use Area.
- d. Rural residential development and vacation homes shall be permitted in the Rural designation on existing lots of record and on lots created through the consent and subdivision process in accordance with the policies of this Plan and provided that:
  - i) new rural residential uses should be a reasonable distance and are oriented away from industrial uses to minimize the adverse effects of odour, dust, noise, vibration and other contaminants. The Ministry of the Environment may be consulted to obtain input with respect to separation distances and buffering requirements for residential development adjacent to industrial uses. MOE's D-series Guidelines for Land Use Compatibility (D-1 and D-6) shall be applied and the appropriate technical studies carried out, and the recommendations from these studies implemented;
  - ii) new rural residential uses adjacent to areas of high or moderate aggregate potential within 1000 metres of aggregate extraction, or lands zoned to permit aggregate extraction shall be subject to the policies contained in Aggregate and Mineral Resources Section of this Plan.
  - iii) 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);
  - iv) new lots for rural residential uses should be an appropriate configuration and minimum area necessary for the use permitted and the installation of a private water supply and sanitary sewage disposal approved by the Northwestern Health Unit. As a guideline, new rural residential lots that are privately serviced are recommended to be an average of 1.0 hectares in size, with no lot smaller than 0.8 hectares, provided that it can be demonstrated to the satisfaction of the Health Unit and the Township that adequate area is available to permit the installation of a private septic system and potable water supply in accordance with the Northwestern Health Unit requirements. Any smaller lot size shall require the submission of appropriate technical

- documentation that demonstrates that a smaller lot size will provide sufficient attenuation and be protective of the groundwater resource;
- v) all new lot development on individual systems shall be based on the availability of sufficient reserve capacity for the treatment/disposal of hauled sewage / septage; and
  - vi) rural residential development shall be of a scale and density that is appropriate for the Rural Area and not result in a concentration of development that may lead to the demand for services over and above what the Township provides to the Rural Area.
- e. Garden suites may be permitted in the Rural Area pursuant to the policies contained in the Garden Suite Section of this Plan.
  - f. Agricultural parcels and farm operations shall be maintained in units which are large enough to maintain flexibility to adapt to changing economic conditions of the agricultural industry.
  - g. Permanent or portable farm help houses may be permitted for farm help where the size and/or nature of the agricultural operation makes the employment of such help necessary and where these additional dwellings do not have significant negative effect on the tillable area of the farm or its viability. Farm help houses shall be constructed/erected in close proximity to the principal farm buildings so that the farm help house is considered to be an integral part of the farming operation. The farm help house may share services with the principle residence provided clearance is obtained from the Northwestern Health Unit that the septic system serving the principle residence has adequate capacity to accommodate the farm help house. A farm help house shall not be constructed/erected with the intention of severing it from the farming operation in the future.
  - h. Institutional uses that provide local public services such as schools, public offices, and places of worship may be permitted in the Rural Area subject to an amendment to the Zoning By-law in accordance with the following:
    - i) adequate parking is provided;
    - ii) adequate buffering is provided where necessary;
    - iii) the soil and ground water conditions are suitable for the provision of potable water supply and private sewage disposal system; and,
    - iv) an agreement pursuant to Section 41 of the *Planning Act* is required.
  - i. Lands used for public or private recreational purposes may be permitted in the Rural Area subject to amendment to the Zoning By-law in accordance with the following provisions:
    - i) 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; and
    - ii) a site plan agreement pursuant to Section 41 of the *Planning Act* may be required.
  - j. In areas intended for recreational use in the vicinity of the Lake of the Woods or Little Grassy River shoreline, the Township shall cooperate with the Ministry of Natural Resources or other relevant agencies, in their efforts to establish recreational facilities and functional water oriented open space network.
  - k. Lands used for forestry purposes as defined by the *Forestry Act* include 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.

- I. Small scale processing of forest products, such as portable sawmill operations, are considered an industrial use and may be permitted provided that no equipment or machinery is located:
  - i) within 60 meters of a residential lot or a lot used for recreational, institutional or commercial uses;
  - ii) within 30 metres of any road or road allowance; and
  - iii) a Site Plan Agreement pursuant to Section 41 of the *Planning Act*, and/or other agreements, as required. This shall include agreements governing hours of operation for forest products and sawmill operations that are adjacent to residential or sensitive land uses.
- m. Small scale commercial and industrial uses providing personal, professional or retail services, or relating to agriculture or a natural resource, and recreational commercial uses may be permitted in the Rural Area subject to an amendment to the Zoning By-law provided that:
  - i) only dry uses are permitted on lots serviced by private individual sewage and water services. For the purpose of this section, dry uses are considered to be uses which use water for domestic purposes only and which result in the production of domestic sewage. Domestic sewage includes: human body waste, toilet waste, waste from showers and bathtubs, liquid and waterborne kitchen and sink water, and laundry waste. Domestic waste shall not include plant or chemical effluent of any type used in a manufacturing process;
  - ii) other uses may be permitted provided it can be demonstrated by the proponent, to the satisfaction of the Northwestern Health Unit and the approval authority, that there is an adequate supply and source of water, an acceptable treatment of waste water is provided and there is no adverse environmental impact on surrounding properties and uses which would prevent issuance of Environmental Compliance Approval under the Ontario Water Resources Act. Small sewage treatment systems will be approved by the local Health Unit pursuant to the requirements of the Ontario Building Code while large systems come under the jurisdiction of MOE. MOE approval may also be required for large volume water takings and large sewage disposal systems;
  - iii) the use is located on provincial highway or on an open and maintained road year around by the Township;
  - iv) buffering to the satisfaction of the Township shall be provided where a commercial or industrial use is located adjacent to a residential or recreational use;
  - v) there is no adverse impact on the amenity and character of the rural environment as established by the comprehensive Zoning By-law;
  - vi) adequate parking is provided;

vii) a site plan agreement pursuant to Section 41 of the *Planning Act* is required

#### **C4 ISLAND AREA**

The Island Area on Schedule A-1 includes the islands and that portion of the Aulneau Peninsula in the Lake of the Woods that are within the Township's jurisdiction. The majority of the Island Area is Crown Land. Activities on Crown Land must be consistent with the land use direction in the Crown Land Use Policy Atlas as well as the *Provincial Parks and Conservation Reserves Act*, and may require MNR approval.

##### **C4.1 GENERAL**

- a. It is the objective of this Plan to:
  - i) provide opportunities for development on the islands that is compatible with the natural environment and amenities of the Lake;
  - ii) to encourage development with a recreational and/or educational aspect on the islands;
  - iii) to minimize the impact of new development may have on the natural environment and water quality of the Lake; and
  - iv) to provide adequate sewage services for island developments.
- b. The permitted uses in the Island area include residential uses, tourist commercial uses, recreational uses, parks, open space, conservation uses and fisheries.
- c. Access to the islands is restricted to water access only.
- d. All new lot creation in the Island area shall be either by consent or by plan of subdivision.
- e. Suitable public parking, boat launching and wharfage facilities and waste disposal facilities on the mainland shall be provided for all new development on the Island area.
- f. Any new development on the islands below the 324.6 GSC elevation shall be subject to the policies of the Lake of the Woods Control Board.
- g. Development will be planned in accordance with all applicable legislation and will avoid degrading water quality or harming fish habitat.

##### **C4.2 RESIDENTIAL DEVELOPMENT**

When considering an application to establish a residential use or uses, the Township and the applicant shall have regard for the following provisions:

- a. The need for the type of development proposed;
- b. The ability to provide adequate setbacks and appropriate landscaping and buffering provisions to reduce nutrient loading of the Lake;
- c. An evaluation of servicing considerations and the identification of the most appropriate means to service the development in consideration of long term environmental impacts;
- d. New lots for island residential uses should be an appropriate configuration and minimum area necessary for the use permitted and the installation of a private water supply and sanitary sewage disposal approved by the Northwestern Health Unit. As a guideline, new island residential lots should be a minimum of 0.4 hectares, provided that it can be demonstrated to the satisfaction of the Health Unit and the Township that

- adequate area is available to permit the installation of a private septic system and potable water supply in accordance with the Northwestern Health Unit requirements;
- e. The physical suitability of the site for the proposed use; and
  - f. The location and suitability of the mainland site to accommodate the proposed parking, docking and waste disposal facilities.

#### **C4.3 TOURIST COMMERCIAL DEVELOPMENT**

When considering an application to establish a tourist commercial use or uses, the Township and the applicant shall have regard for the following:

- a. The compatibility of the proposed use with the surrounding natural area;
- b. The ability to provide adequate setbacks and appropriate landscaping and buffering provisions to reduce nutrient loading of the Lake;
- c. The physical suitability of the site for the proposed use;
- d. The location and suitability of the mainland site to accommodate the proposed parking, docking and waste disposal facilities;
- e. An evaluation of servicing considerations and the identification of the most appropriate means to service the development in consideration of long term environmental impacts;
- f. New lots for island tourist commercial uses should be an appropriate configuration and minimum area necessary for the use permitted and the installation of a private water supply and sanitary sewage disposal approved by the Northwestern Health Unit. As a guideline, new island tourist commercial lots should be a minimum of 0.4 hectares, provided that it can be demonstrated to the satisfaction of the Health Unit and the Township that adequate area is available to permit the installation of a private septic system and potable water supply in accordance with the Northwestern Health Unit requirements;
- g. The adequacy of utilities to service the proposed use;
- h. Tourist commercial uses are subject to Site Plan Control pursuant to Section 41 of the *Planning Act*; and,
- i. Recreational uses and development should increase public access to the islands and shall complement the natural environment and amenities of the Lake. Those uses that provide for educational opportunities are encouraged.

#### **C5 HAZARD LAND**

The main objective of the Hazard Lands designation is to direct development away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and to avoid creation of new or aggravation of existing hazards. Hazard areas due to risk of flooding, erosion and slumping should not permit uses such as mineral exploration, agriculture, or forest harvest. Permitted activities such as fisheries management, wildlife management and waterfowl production require detail.

- a. The floodplain extent of Lake of the Woods is defined by the elevation of 324.6 metres (CGVD28) above sea level. All land within 30 metres of the floodplain extent is considered Hazard Land. All land within 30 metres of the edge of the bank of the Big Grassy River and Little Grassy River is also considered Hazard Land. Development or site alteration shall not be permitted on Hazard Land.

- b. Development and site alteration should be directed away from hazard land. For lands designated Hazard Lands, the permitted uses may include shoreline protection works, floodplain protection works, fisheries management, wildlife management, waterfowl production, forestry, agriculture, mineral exploration and public and private parks including boat launch facilities, but must be assessed on a case by case basis to ensure new hazards are not created, existing hazards are not aggravated, and no adverse environmental impacts will result.
- c. 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 provision of the Lakes and Rivers Improvement Act and/or the Public Lands Act and the Ministry of the Environment in accordance with the Ontario Water Resources Act. Where required under the federal Fisheries Act, written authorization from the Department of Fisheries and Oceans Canada must also be obtained.
- d. Development shall not be permitted unless a geotechnical study, prepared and signed by a qualified engineer, has demonstrated to the satisfaction of the Ministry of Natural Resources that existing hazards will not be aggravated and new hazards will not be created. As a general principle, where a site exhibits environmental or ecological values, non-engineered solutions are preferred wherever practical. Existing uses shall be recognized despite the natural hazardous characteristics of the land. Further expansions to such uses will, however, be discouraged unless they involve the following:
  - i) reconstruction and/or minor alterations to existing buildings or structures, or storage sheds, which are approved by the Ministry of Natural Resources and the Lake of the Woods Control Board; and
  - ii) Additions or extensions, including new structures to existing agricultural operations which are not likely to incur significant flood damage or result in impediments to flow or floodwater storage, and which are approved by the Ministry of Natural Resources and the Lake of the Woods Control Board.
- e. On hazardous sites, the following uses shall not be permitted:
  - i) Institutional uses associated with hospitals, nursing homes, pre-school, school nurseries, day care or schools;
  - ii) Essential emergency services such as those provided by fire, police, and ambulance stations and electrical substations; and
  - iii) Uses that associated with the disposal, manufacture, treatment or storage of hazardous substances.
- f. Any applications to redesignate the Hazard Lands Area will be carefully reviewed and shall not adversely impact on the natural environment. The Township, shall, in conjunction with the Ministry of Natural Resources, and the Lake of the Woods Control Board, require the proponent of an application to submit a geo-technical study by a qualified engineer to address the following considerations:
  - i) a description of the natural environment and existing physical characteristics, including a statement of environmental quality;
  - ii) a description of the proposed development and potential effect on the natural environment;

- iii) a description of the costs and benefits in terms of economic, social, and environmental terms of any engineering works and/or resource management practices needed to mitigate the potential effects; and
  - iv) an evaluation of alternatives including other locations for the proposal.
- g. There is no public obligation to either change the designation of or to purchase any lands within the Hazard Lands Area, particularly if the environmental hazard would be difficult or costly to mitigate or overcome.
- h. Any applications to redesignate the Hazards Land Area shall be carefully reviewed. For Hazard Land subject to flooding or erosion, the Township shall, in conjunction with the Ministry of Natural Resources and the Lake of the Woods Control Board, require the proponent of the application to submit an engineering report that is sealed by a professional engineer which supports the proposal and identifies the flooding hazard limit line and the 100-year erosion limit line.
- i. When considering the development of land or the approval of activities, the Municipality shall require measures to be incorporated into the design of the proposal which will minimize damage resulting from a fire, including:
  - i) the application of FireSmart principles for new dwellings, sub-division lots, cottage developments such as utilizing non combustible building materials, and maintaining clearances and clearings around structures;
  - ii) compliance with the Forest Fire Protection Act, for example:
    1. the disposal of refuse on land being cleared is carried out as per Ont. Reg.207/96;
    2. all camps, mines, mills, garbage dumps within 300m of forest area shall have the area surrounding the site cleared of flammable fuels for at least 30m or as directed by an officer.
    3. no person shall operate within 300m of a forested area any burner, chimney, engine or incinerator or other spark emitting outlet that is not provided with an adequate device for arresting sparks.
- j. Certain areas within the municipality are highly susceptible to damage caused by forest, brush and/or grass fires. Wildfire prevention and hazard reduction activities are desirable for environmental, economic and social reasons. The Ministry of Natural Resources shall be consulted to determine locations of high hazard areas and information on how fire risk can be minimized.
- k. The Township recognizes the need to provide forest, brush and/or grass fire suppression capability. Fire suppression will be carried out according to the Municipal Forest Fire Management Plan and reflected in an agreement with the Ministry of Natural Resources.
- l. Development of land adjacent to or within high fire risk areas shall incorporate design measures and construction techniques which will minimize damage resulting from a forest, brush or grass fire. Such measures may include identifying access and escape routes, layout of fire breaks, use of fire resistant construction materials and building and property maintenance consistent with FireSmart principles and guidelines.

## **C7 WASTE DISPOSAL SITE**

The existing Waste Disposal Sites are illustrated on Schedule A-2 and Schedule A-4.

- a. Development shall be prohibited on all waste disposal sites located in the Township of Lake of the Woods, including closed sites. Waste disposal sites are considered an industrial use.
- b. Development proposed within 500 metres of an existing or closed Waste Disposal Sites shall be prohibited 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 in accordance with the Ministry of the Environment guidelines and standards and to the satisfaction of the Township of Lake of the Woods.
- c. Any development within 500 metres of Waste Disposal Sites shall require the submission of technical studies, to the satisfaction of Council, to establish potential hazards, adverse effects, or health and safety risks that may result from the Waste Disposal Sites. The required technical studies shall also provide recommendations regarding the appropriate mitigation measures, including setbacks, development standards, monitoring requirements or other remedial measures to be provided to ensure the health, safety and welfare of future residents near such facilities.
- d. Should significant negative impacts be identified more than 500 metres from a Waste Disposal Sites, the study area may be expanded accordingly.
- e. No additional solid waste disposal sites are required or expansions to the existing facilities are anticipated over the life of this Plan.
- f. If additional solid waste disposal sites are required or an expansion to an existing facility is required, these sites should:
  - i) avoid areas of high ground water;
  - ii) maintain an adequate separation and buffer from all existing development;
  - iii) avoid pollution of the ground water and watercourses;
  - iv) require an amendment to the Zoning By-law; and
  - v) be approved by the Ministry of the Environment.
- g. Liquid waste disposal sites may be permitted subject to an amendment to this Plan and provided that an approval under the Environmental Protection Act has been obtained and the applicant has demonstrated that the facility may be established without adverse impacts on surrounding land uses and the natural environment.
- h. Development shall maintain a minimum 30meter buffer that is clear of flammable fuels, if the waste disposal site is within 300 meters of a forest area.

## **SECTION D SERVICING**

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 of Lake of the Woods. The objective 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.

The use of alternative development standards is encouraged for new development and redevelopment provided that the standard of development allows flexibility and adaptability in design and enhances the liveability of the proposal, provides cost efficiency in the delivery of services and supports the principles of environmental sustainability. Please refer to Ministry of the Environment guidelines and standards on potable water supplies.

### **D1 PRIVATE WATER SUPPLY**

The source of water supply in the Township is from private individual wells.

- a. It is intended that the responsibility for water supply in the Township will be with each property owner.
- b. Communal water and sewage systems are not permitted for residential uses.
- c. The Township will not accept ownership or responsibility for the operation or maintenance of communal water and sewage systems for commercial or industrial uses. Developments proposed to be serviced by communal water or sewage systems shall be permitted on the basis that the communal servicing system will be owned, operated and managed by another public body other than the Township and will not be privately owned, operated and maintained.
- d. The provision of a piped municipal water distribution and treatment system is not envisioned over the life of this Plan. The responsibility for the provision of potable water is with the individual property owners.
- e. Individual private wells serve as an adequate supply of water for the Village and Rural areas of the Township. It is intended that lot sizes remain large enough to ensure private wells remain the source of water throughout the Township.
- f. In the Island area, water supply is either directly from the Lake or from private individual wells. In order to ensure a potable water supply on the islands, development that degrades the water quality of the Lake below an acceptable standard is not permitted. The Northwestern Health Unit and the Ministry of the Environment should be consulted regarding potable water conditions on the Lake. Any surface waters used for domestic purposes should be filtered and treated prior to human consumption.

### **D2 PRIVATE SEWAGE DISPOSAL**

Each individual property owner is responsible for the provision of private sanitary sewage disposal and is approved by the Northwestern Health Unit.

- a. Private individual septic tanks and tile fields are the means of sewage disposal in the Township.
- b. 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.
- c. All new individual private sewage disposal systems require the approval of the Northwestern Health Unit.

## **SECTION E TRANSPORTATION**

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. The roads in the Township as shown on all schedules to this Plan include Provincial Highways and Township Roads and Private Roads.

- a. It is the intent of this Plan to restrict development of new roads and restrict new development to the existing road system on the mainland unless future development proceeds by plan of subdivision.
- b. Should the construction of a new road or extension of an existing road be warranted, the road shall be designed and constructed to meet approved standards and the road shall be suitable for assumption in the Township road system.
- c. The Township of Lake of the Woods is not responsible for the costs associated with the design and construction of new roads or the extension of existing roads or the costs of providing entrances from existing or new roads. These costs are the direct responsibility of the proponent for the new road, road extension or entrance.
- d. Unless it is clearly in the public interest, private roads will not be assumed by the Township into the Township road system. The Township is not responsible for upgrading of private roads to an approved standard acceptable for assumption into the municipal road system. These costs are the direct responsibility of the owner(s) of the private road.
- e. Year-round maintenance will be provided on all Township roads (excluding seasonal roads) under the jurisdiction of the Township of Lake of the Woods.
- f. The right-of-way width of Township roads shall be a minimum of 20 meters (66 feet). As a condition of development approval, the Township may require the dedication of road widening to achieve the 20 meter (66 feet) road right-of-way widths where they presently do not exist. All new roads developed by the Township shall be planned in accordance with the appropriate Class Environmental Assessment under the *Environmental Assessment Act*.

### **E1 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 centres through the Township. Access to provincial highways is restricted to allow for this primary purpose. Entrance permits are required from the Ministry of Transportation for any new entrance/access onto a provincial highway.

- a. In addition to all applicable Township requirements, all proposed development located adjacent to, and in the vicinity of, a provincial highway within MTO's permit control area under the Public Transportation and Highway Improvement Act (PTHIA), will also be subject to MTO approval. Early consultation with the MTO is encouraged to ensure the

- integration of municipal planning initiatives with provincial transportation planning. Any new areas in the municipality identified for future development that are located adjacent to, or in the vicinity, of a provincial highway or interchange/intersection within MTO's permit control area will be subject to MTO's policies, standards and requirements.
- b. Direct access onto a provincial highway will be restricted. Development shall be encouraged to utilize local roads and service roads wherever possible. Where access is a possibility, it will only be considered to those properties that meet the requirements of MTO's access management practices and principles.
  - c. A transportation study, otherwise known as a traffic impact study, will be conducted 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.
  - d. The Ministry of Transportation's policy is one highway entrance for one lot of record. Back lot development cannot use another entrance for access to a provincial highway.
  - e. Any new proposed access connection (i.e. public road or signalized intersection) onto a provincial highway shall meet MTO's access management practices and principles.
  - f. A drainage/stormwater management report/plan shall be prepared by the proponent, and reviewed and approved by MTO for those developments located adjacent to, or in the vicinity of, a provincial highway whose drainage would impact the highway and/or downstream properties via the highway right-of-way.
  - g. Outdoor storage and loading areas should be visually screened or appropriately located so as not to be visible to the traveling public.
  - h. Entrances serving home occupations and home industries located adjacent to provincial highways require the approval of the Ministry of Transportation. Typically, the Ministry of Transportation will require that the property owner obtain an entrance permit and a sign permit if necessary. As a condition of these permits, the Ministry of Transportation requires the property owner to acknowledge that the use of their existing entrance cannot be converted to a commercial entrance in the future without the review and approval of the Ministry of Transportation, and that an additional entrance will not be permitted to accommodate the home occupations, industry or business. In addition, the Ministry of Transportation would not support a future severance that would result in a separate entrance to a business and one for the retained parcel.
  - i. Any proposals for snowmobiles or trail crossings of provincial highways will require the prior approval of the Ministry of Transportation. Trails running along the right-of-way of a provincial highway are not permitted.
  - j. For highway safety reasons, wind turbines located adjacent to a provincial highway will be set back a minimum distance measured from the limit of the highway property line equal to the distance of the height of the wind turbine structure plus the length of one blade.
  - k. Access to new developments adjacent to provincial highways is subject to the policies and regulations of the Ministry of Transportation. Only those lands that are compatible

with the operation of a patrol yard will be permitted to locate adjacent to, and in close proximity to, the patrol yard located on part of Lot 2. Concession 4, McCrosson Township.

- I. Where necessary, the construction of service roads parallel to any of the provincial highways in the Township may be required in order to make more effective use of the local land resource.
- m. Small scale industries and commercial uses adjacent to Provincial Highways shall be designed in accordance with the following.
  - i) open storage areas shall be prohibited unless it can be demonstrated that appropriate landscaping and screening to shield open storage areas will not detract from the intended character of the area;
  - ii) loading areas will generally be restricted to those areas not facing the highway; and
  - iii) all industrial/commercial activities will be encouraged to locate within enclosed buildings unless it is essential for an activity to locate outdoors, in which case the industrial/commercial use will be suitably screened and buffered from the highway.

## **E2 TOWNSHIP ROADS**

This system of roads applies to all roads under the jurisdiction of the Township of Lake of the Woods. The Township is responsible for the maintenance of all roads within its jurisdiction. The primary purpose of Township roads is to facilitate local travel 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.

- a. Should the construction of a new road or extension of an existing road be warranted, the road shall be designed and constructed to meet approved standards and the road shall be suitable for assumption into the Township road system.
- b. The Township of Lake of the Woods is not responsible for the costs associated with the design and construction of new roads or the extension of existing roads or the costs of providing entrances from existing or new roads. These costs are the direct responsibility of the proponent for new road, road extension or entrance.
- c. Unless it is clearly in the public interest, private roads will not be assumed by the Township into the Township road system.
- d. Some roads under the jurisdiction of the Township are maintained only on a seasonal basis, i.e. during the summer months, and are considered to be

summer roads only. All new development of roads or seasonal roads will be restricted.

- e. The right-of-way width of Township roads shall generally be a minimum of 20 metres. As a condition of development approval, the Township may require the dedication of road widening to achieve the 20 metre road right-of-way widths where they presently do not exist.

### **E3 PRIVATE ROADS**

Private Roads applies to those roads not under the jurisdiction of the Province or the Township but rather are privately owned and maintained and provide access to private properties. Private roads will not be assumed by the Township as part of the Township road system unless the road is designed and constructed to meet municipal standards and is in a condition suitable for assumption into the municipal road system.

## SECTION F NATURAL AND CULTURAL HERITAGE FEATURES

The Township of Lake of the Woods shall encourage the conservation, protection and rehabilitation of archaeological and cultural heritage resources, and encourage public awareness, participation and involvement in the conservation of these resources.

A natural heritage system is an ecologically based delineation of nature and natural function encompassing the following natural features:

- **Significant Wildlife Habitat** are areas where plants, animals or other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.
- **Fish habitat** means spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.
- **Wildlife habitat for endangered and threatened species** means the habitat that is necessary for the maintenance, survival and/or recovery of naturally occurring or reintroduced populations of endangered species or threatened species, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part of its life cycle.
- **Significant wetlands** are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface and that are ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of a natural heritage system.

### F1 SIGNIFICANT WILDLIFE HABITAT

Significant wildlife habitat is described in four categories:

- Habitat of seasonal concentrations of animals
- Rare vegetation communities or specialized habitat for wildlife
- Habitat of species of conservation concern, and;
- Animal movement corridors

Within Lake of the Woods, Significant Wildlife habitat can be found for bald eagle nesting sites and an important breeding area for pelicans on the Three Sisters Islands, as well as spawning areas, rare vegetation communities, high value deer concentration areas, and species of Special concern occurrences. Please refer to Schedules A-4 and A-5 for more information.

- a. No development or site alteration shall occur within or adjacent to significant wildlife habitat unless the no negative impacts test is met. The no negative impacts test shall be determined through an Environmental Impact Study.

- b. The Planning authority and or its proponents will identify and delineate Significant Wildlife Habitat consistent with direction provided in Ministry of Natural Resource's Natural Heritage reference Manual and Significant Wildlife Technical Guide.
- c. Ministry of Natural Resource is the lead agency responsible for approving the delineation of Significant Wildlife Habitat and determining sufficiency of mitigation measures contained within Environmental Impact Studies.
- d. Environmental Impact Studies must be completed by a qualified person to address impacts to Significant Wildlife Habitat.
- e. Where development and site alteration is proposed within 120 metres of a Significant Wildlife Habitat, the Township shall require the proponent to prepare an Environmental Impact Study (EIS) in accordance with the Environmental Impact Study policies of this Plan to be submitted with the development application. The EIS must be completed by a qualified, experienced professional.

## **F2 FISH HABITAT**

- a. Development and site alteration shall not be permitted within areas identified as fish habitat unless it can be demonstrated, through an Environmental Impact Study, that there will be no negative impact on fish habitat.
- b. Development and site alteration shall not be permitted on adjacent lands (120 metres) to fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts.
- c. The Ministry of Natural Resources is the lead agency for identifying known fish habitat and approving the delineation of fish habitat.
- d. The Fisheries and Oceans Canada is the delegated agency responsible for authorizing alteration, disruption and destruction of fish habitat.

## **F3 HABITAT OF ENDANGERED AND THREATENED SPECIES**

- a. The Endangered Species Act (ESA) prohibits the killing, harming, harassment, capture or taking of a species at risk, and damaging or destroying their habitat. The protection of Significant Habitat of endangered and threatened species, especially habitat essential for reproduction or for survival at critical points in the life cycle, is fundamental for the recovery of these species at risk. Protection is necessary to prevent the extirpation of species of Ontario and to assist with their recovery.
- b. Anyone undertaking an activity is responsible for ensuring that the activity does not contravene the Endangered Species Act, 2007 and Development or site alterations must be planned and considered in accordance with the provisions of the act.
- c. Development and site alteration shall not be permitted in the habitat of endangered and threatened species, except in accordance with provincial and federal requirements.
- d. Each development or site alteration will require an appropriate level of assessment for habitat of threatened or endangered species. The assessment begins with an

NHIC Species at Risk Screening and discussion with local Ministry of Natural Resources.

- e. MNR is the lead agency responsible for approving the delineation of Significant Habitat for Threatened and Endangered species and administering the provisions of the *Endangered Species Act*.
- f. Where development or site alteration is proposed within 120m of significant habitat, the application cannot proceed unless it can be redesigned to avoid the significant habitat.
- g. Development and site alteration shall not be permitted on adjacent lands to the 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 impacts on the natural features or on their ecological functions.
- h. Where the development or site alteration is proposed within adjacent lands of the significant habitat, the application cannot proceed unless it can be demonstrated through an Environmental Impact Study (EIS) the development or site alteration will have no negative impacts on the natural features or on their ecological functions.

#### **F4 WETLANDS**

Wetlands are defined as lands that are saturated with water long enough to cause the formation of waterlogged (hydric) soils and the growth of water-loving (hydrophytic) or water-tolerant plants. Wetlands are transitional habitats, often forming the connection between aquatic and terrestrial ecosystems. They can occur where the water table is at or close to the surface, in low-lying locations, or along the edges of lakes and rivers. Many wetlands are permanently flooded, while others flood only periodically in the spring or fall. The four major types of wetlands are swamps, marshes, bogs and fens.

- a. There are some Provincially Significant Wetlands within the Township, and as such it is important to ensure their protection from potential impacts.
- b. Prior to the approval of a development or site alteration within or adjacent to a wetland that demonstrates characteristics of a provincially significant wetland, the proponent shall provide a wetland evaluation carried out by a qualified professional in accordance with the Ontario Wetland Evaluation System. The Ministry of Natural Resources is the agency responsible for approving wetland boundaries and provincially significant wetland evaluations.
- c. Development and site alteration is prohibited on or within 30 m of a wetland unless it is demonstrated through an Environmental Impact Study that the development or site alteration will not result in a negative impact on the wetland feature or its functions.
- d. If a new Provincially Significant Wetland is identified by the Ministry of Natural Resources using evaluation procedures established by the Province (as amended from time to time), the Township will prepare an Official Plan Amendment to identify its location on the Schedules of this Plan.

- e. Prohibit development and site alteration within key natural heritage features, key hydrologic features, and adjacent lands, unless it is demonstrated through a natural heritage evaluation, hydrological evaluation, or Environmental Impact Statement that the development or site alteration will not result in a negative impact on the feature or its functions.
- f. Where development or site alteration is proposed within 120 metres of the boundary of a Provincially Significant Wetland, the proponent shall provide the Township with an Environmental Impact Statement, prepared by a qualified professional, which demonstrates that there will be no negative impacts on the wetland or its ecological function. Where warranted by site and species-specific sectors, development proposals further than 120 metres from significant portions of a Provincially Significant Wetland may also require an Environmental Impact Statement.
- g. Where the Provincially Significant Wetland areas are in private ownership, public use and access to these lands for any purpose is not permitted without the consent of the owner.
- h. Existing agricultural activities are permitted in Provincially Significant Wetlands and adjacent lands.
- i. New utilities and facilities shall be located outside Provincially Significant Wetlands.

#### **F4 ECOLOGICAL SENSITIVE AREAS**

Ecological sensitive areas include some high value deer wintering areas, some fish spawning sites, some nesting areas, significant ecological areas and significant trees.

- a. Proposed development and site alteration applications that are in or adjacent to *ecological sensitive areas* identified on Schedule A-3 will be reviewed and appropriate policies applied accordingly.
- b. Ecological Sensitive Areas have special environmental attributes worthy of retention or special care but cannot be easily classified as one of the types of natural heritage features provided above. Often Ecologically Sensitive Areas are locally important rather than provincially or nationally significant.
- c. When development or site alteration is proposed in or within 120 m of an Ecologically Sensitive Area, the proponent shall consult with the Township to determine the nature of the Ecologically Sensitive Area. The Township, in consultation with the Ministry of Natural Resources, may request an Environmental Impact Study to ensure the development or site alteration will not result in negative impacts to the Ecologically Sensitive Area.
- d. Property owners are encouraged to seek the assistance of the Ministry of Natural Resources in the management of wildlife resources.
- e. Activities that maintain enhance and improve the quality of air, land, water and plant and animal life and maintain the biodiversity of indigenous natural systems and the protection of natural links and corridors used for wildlife migration are encouraged.

## **F5 CULTURAL HERITAGE RESOURCES**

The Township of Lake of the Woods will encourage the conservation, protection and enhancement of the Township's cultural heritage resources, including archaeology, built heritage and cultural heritage landscapes of cultural heritage value or interest. The Township will encourage growth and development which promotes the protection of heritage resources.

- a. All new development permitted by the land-use policies and designations of this Plan shall take into account cultural heritage resources and shall, wherever possible, incorporate these resources into any new development plans. In addition, all new development will be planned in a manner that preserves and enhances the context in which cultural heritage resources are situated. Cultural heritage resources include, but are not restricted to, archaeological sites, cemeteries and burials, buildings and structural remains of historical and architectural value, and human-made rural, village, and districts or cultural landscapes of historic interest. The *Ontario Heritage Act* and its regulations will be utilized to conserve, protect and enhance the heritage of the Township through designation by by-law of individual properties, conservation districts and/or landscapes, and archaeological sites.
- b. A Municipal Heritage Committee (MHC) may be established pursuant to Section 28 of the *Ontario Heritage Act* to advise and assist Council on matters related to Parts IV and V of the Act. In addition, Council may wish to expand the role of the heritage advisory committees to advise and assist Council on other matters of cultural heritage conservation. In accordance with Section 27 of the *Ontario Heritage Act*, the municipal clerk shall maintain a register of all property designated under Part IV and V of the *Ontario Heritage Act*. This register may also contain properties that have heritage conservation easements placed upon them and properties that are not designated, but which are considered by Council to be of cultural heritage value or interest.
- c. Council shall enter into a municipal/provincial data sharing agreement in order to obtain data and maps of registered/known archaeological sites located within the Township. In addition, data and maps of any designated or locally significant heritage buildings or structures, mapped areas of archaeological potential and/or cultural landscapes located within the Township shall be maintained as it becomes available.
- d. Council recognizes that archaeological potential will be determined for individual development applications and building permits through the use of established provincial screening criteria, or qualified mapping developed based on the known archaeological record within the Township. Archaeological potential criteria include features such as proximity to water, current or ancient shorelines, rolling topography, unusual landforms, and any locally known significant heritage areas such as portage routes or other places of past human settlement.
- e. Council will regularly update municipal archaeological resource mapping under the provisions of a municipal/provincial data sharing agreement, as new archaeological sites

- are identified from land development and on the Provincial archaeological sites database.
- f. Council, with the advice of the Ministry of Tourism, Culture and Sport, may undertake the preparation of an Archaeological Management Plan. The Plan will identify and map known archaeological sites registered with the Provincial Archaeological Sites Database, as well as areas within the Township having archaeological potential. Cultural heritage resources that are of cultural heritage value or interest encompass, but are not limited to: archaeological sites and areas of archaeological potential; buildings and other structures, cultural heritage landscapes, and cemeteries and burials.
  - g. The Township shall require an archaeological assessment by archaeologists licensed under the *Ontario Heritage Act*, in areas where there are known archaeological heritage resources and/or areas exhibiting archaeological potential within the municipal boundaries of the Township. Alterations to known archaeological sites must only be performed by licensed archaeologists, as per provisions under the *Ontario Heritage Act*. Any significant archaeological resource or site identified may be preserved in situ, to ensure that the integrity of the resource is maintained, and/or may it be systematically removed through excavation by a licensed archaeologist. The integrity of archaeological resources can be maintained by adopting archaeological zoning by-law provisions under Section 34 of the *Planning Act* or other similar provisions, to prohibit any land use activities or the erection of buildings or structures on land which contains a significant archaeological resource.
  - h. The Township shall ensure adequate archaeological assessment and consult appropriate government agencies, including the Ministry of Tourism, Culture and Sport and the Ministry of Consumer and Business Services, when an identified historic human cemetery, marked or unmarked human burial is affected by land use development. The provisions under the *Ontario Heritage Act* and the *Cemeteries Act* shall apply.
  - i. The Township shall take into account the conservation of all significant cultural heritage resources during the undertaking of municipal public works or environmental assessment projects. When necessary, satisfactory measures and/or heritage impact assessments, undertaken by a qualified heritage professional, will be required to mitigate any adverse impact to significant resources as outlined by the heritage conservation policies contained within this Plan.
  - j. Council shall encourage local utility companies to place equipment and devices in locations which do not detract from heritage attributes and which do not have a negative impact on the architectural integrity of those resources. Council shall seek the acquisition of easements on properties with cultural heritage value or interest in order to assure the preservation of these properties in perpetuity.
  - k. Council shall ensure that each municipally-owned heritage resource which is sold, leased or transferred to another owner or lessee is subject to a heritage easement agreement which will guarantee its preservation, maintenance and use in a manner which respects its cultural heritage value or interest and when appropriate, is subject to a heritage restoration agreement, which shall require that certain restoration works be carried out

- by the new owner or lessee to a standard acceptable to the Municipal Heritage Committee or other accepted heritage property standard. Council shall ensure that secondary planning studies identify cultural heritage resources, which may exist in the area under study and propose means to protect and enhance any significant heritage resources.
- I. Council shall require a marine archaeological assessment to be conducted by a licensed marine archaeologist pursuant to the Ontario Heritage Act If partially or fully submerged marine features such as ships, boats, vessels, artefacts from the contents of boats, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft and other items of cultural heritage value are identified and Impacted by shoreline and waterfront developments.
  - m. The Council shall support the reduction of waste from construction debris as a result of the demolition of buildings by promoting and encouraging the adaptive reuse of older and existing building stock.

## **SECTION G MINERAL AGGREGATE RESOURCES**

### **G1 AGGREGATE AND MINERAL RESOURCES**

It is the intent of this Plan to protect those areas with high and moderate aggregate potential for aggregate use. These areas shall be protected from land uses which are incompatible with possible future extraction of the aggregate resource. To permit continued development of the Township's extractive industry in a logical and controlled fashion, protection of areas having high quality mineral aggregate resources for long-term use shall be considered for any development proposal. In all cases, any new development should not adversely affect the viability of the extraction industry in the future.

- a. The Township of Lake of the Woods may undertake an Aggregate Resource Inventory to identify the areas with high and moderate aggregate potential for aggregate use. The study will assess the resources and recommend, as appropriate, new policy directions on the aggregate resources.
- b. Aggregate processing operations, such as crushing, screening, and washing of aggregate products are considered an accessory use to an aggregate extraction operation and may be permitted provided setbacks for buildings, machinery and equipment from lot lines is determined on a site specific basis in consultation with the Township and with appropriate approvals and permits under the Environmental Protection Act and Ontario Water Resources Act.
- c. Areas of high mineral aggregate resource potential have been identified on Schedule A-4. In known areas of mineral aggregate resource potential, land uses that preclude or hinder future access to and the use of mineral aggregate resources will only be permitted if it can be demonstrated that:
  - i) extraction would not be feasible; or
  - ii) the proposed use or development serves a greater long-term public interest than does aggregate extraction; or
  - iii) the proposed land use or development does not preclude or hinder future extraction for reasons of public health, public safety, and environmental impact.
- d. Progressive and final rehabilitation shall be required in order to accommodate new land uses, to promote land use compatibility, and to recognize the interim nature of extraction. An Official Plan Amendment may be required to permit the subsequent land use.
- e. Extractions of any size shall be undertaken in a manner which minimizes social and environmental impacts.
- f. Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

Existing mineral aggregate operations shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the Planning Act.

- g. New or expanding aggregate or mineral extraction operations should be located away from residential uses and screened from view to the greatest extent possible. New or expanded aggregate or mineral extraction operations should also not negatively impact existing and future adjacent land uses, social values, and the environment.
- h. Development in or adjacent to an area of known mineral or aggregate resources shall be located and buffered sufficiently to ensure that the extraction is not limited and that the development is not affected by the noise, dust or other health and public safety issues that are related to the extractive activity.
- i. Where planning approvals are required to allow for residential or other sensitive land uses within 1000 metres of aggregate extraction, or lands zoned to permit aggregate extraction, proponents may be required to provide supporting technical studies, prepared by a qualified professional and in accordance with MOE guidelines (as amended from time to time).
- j. No excavation, building, equipment, machinery or stockpiling of material is allowed within 30 metres of any road or road allowance.
- k. Council shall conserve cultural heritage resources when considering the establishment of new areas for mineral extraction or when considering the establishment of new operations or the expansion of existing operations. When necessary, Council will require satisfactory measures to mitigate any negative impacts on cultural heritage resources.

Where planning approvals are required to allow for new or expanded pits or quarries, proponents may be required to provide supporting technical studies, prepared in accordance with Ministry of the Environment (MOE) Guidelines (as amended from time to time), to address potential impact on lands zoned for residential or other sensitive land uses. These studies will be required to identify the actual influence area of the proposed/expanded pit or quarry, address potential impacts on surrounding land uses, and identify appropriate mitigation measures. Where potential impacts cannot be mitigated, planning approvals will not be supported.

## **G2 MINERAL AGGREGATE / RESOURCE EXTRACTION & MINE HAZARDS**

### **G2.1 MINERAL RESOURCE EXTRACTION**

- a. Council recognizes that, under the Aggregate Resources Act, the development of mineral resources on Crown Land is the responsibility of the Ministry of Natural Resources.

- b. Council recognizes that the entire Township has high mineral resource potential and therefore Council shall have regard for the availability of mineral resources to meet future local and provincial needs.
- c. Development in or adjacent to an area of known mineral resources shall be located and buffered sufficiently to ensure that the extraction is not limited and that the development is not affected by the noise, dust or other health and public safety issues that are related to the extractive activity.
- d. Where planning approvals are required to allow for residential or other sensitive land uses within 1000 metres of mineral extraction, or lands zoned to permit extraction, proponents may be required to provide supporting technical studies, prepared by a qualified professional and in accordance with MOE guidelines (as amended from time to time).
- e. No excavation, building, equipment, machinery or stockpiling of material is allowed within 30 metres of any road or road allowance.
- f. Council shall conserve cultural heritage resources when considering the establishment of new areas for mineral resource extraction or when considering the establishment of new operations or the expansion of existing operations. When necessary, Council will require satisfactory measures to mitigate any negative impacts on cultural heritage resources.

## **G2.2 AGGREGATE RESOURCE EXTRACTION**

Lands designated as Aggregate Extraction Area on Schedule A-2, Schedule A-4 and Schedule A-5 of this Plan are existing pits and quarries. It is the intent of this Plan to manage and protect aggregate resources responsibly for long-term use through regulations on current surface operations, minimizing adverse impacts on the natural environment and protecting them from incompatible uses.

- a. Aggregate Extraction Areas shall be protected from uses that may hinder the future expansion and extraction of aggregates. The protection of known aggregate resources shall take precedence over any land use that would prevent the future expansion of extraction operations.
- b. Related aggregate industrial uses such as asphalt plants, concrete batching plants and aggregate recycling operations may also be permitted provided they are compatible with adjacent land uses and setbacks and location of buildings, equipment and machinery is determined on a site specific basis and subject to an amendment to the Zoning By-law.
- c. Progressive and final rehabilitation shall be required in order to accommodate new land uses, to promote land use compatibility, and to recognize the interim nature of extraction. An Official Plan Amendment may be required to permit the subsequent land use.
- d. Aggregate extraction operations shall be permitted in the Rural area provided that:
  - i. the operation is compatible with surrounding land uses;

- ii. adequate buffering is provided;
- iii. appropriate approvals and permits under the Environmental Protection Act and Ontario Water Resources Act have been obtained;
- iv. a Site Plan Agreement pursuant to Section 41 of the Planning Act is required. The agreement shall address the following matters, but not be limited to:
  - 1. hours of operation;
  - 2. location of proposed buildings, machinery and equipment;
  - 3. setbacks, landscaping and buffering;
  - 4. storm water management;
  - 5. existing and anticipated final grades of excavation;
  - 6. access/egress;
  - 7. haulage routes;
  - 8. improvements/maintenance to Township of Dawson roads as a result of increased truck traffic on existing roads; and
  - 9. site rehabilitation.
- e. Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing mineral aggregate operations shall be permitted to continue without the need for an amendment to this Plan.
- f. Development in or adjacent to an area of known aggregate resources shall be located and buffered sufficiently to ensure that the extraction is not limited and that the development is not affected by the noise, dust or other health and public safety issues that are related to the extractive activity.
- g. Where planning approvals are required to allow for residential or other sensitive land uses within 1000 metres of aggregate extraction, or lands zoned to permit aggregate extraction, proponents may be required to provide supporting technical studies, prepared by a qualified professional and in accordance with MOE guidelines (as amended from time to time).
- h. No excavation, building, equipment, machinery or stockpiling of material is allowed within 30 metres of any road or road allowance.
- i. Council shall conserve cultural heritage resources when considering the establishment of new areas for aggregate resource extraction or when considering the establishment of new operations or the expansion of existing operations. When necessary, Council will require satisfactory measures to mitigate any negative impacts on cultural heritage resources.

## **G2.2 MINE HAZARDS**

- a. There are no known Mine Hazards or metallic mineral deposits in the Township. Abandoned Mine Sites will not be developed unless it can be demonstrated to

the satisfaction of the Township, in consultation with the Province, that the hazard no longer exists or that the development can occur without potential threat to life, property or the environment. Studies may have to be prepared by qualified professional to support the development of these lands.

- b. The Township of Lake of the Woods shall require applicant for any proposed development within 1000 metres of the Abandoned Mine Hazard Site Symbol to consult with the Ministry of Northern Development and Mines (MNDM) regarding the nature of the hazard, and any remediation measures that may be required under the *Mining Act*.
- c. Where a mine hazard exists, the Township shall require applicants with proposed development on, abutting or adjacent to lands affected by mine hazards to be supported by a study that:
  - ii. Identifies potential safety hazards;
  - iii. Demonstrates that the site can be rehabilitated to mitigate the known or suspected hazard;
  - iv. Establishes measures to address and mitigate known or suspected hazards.
- d. Development on, abutting or adjacent to lands affected by mine hazards or former mineral resource operations shall be permitted only if measures to address and mitigate known or suspected hazards are underway or have been completed.
- e. Where rehabilitation requirements are known and are feasible, known mine hazards and adjacent lands may be zoned with a Holding symbol. In these instances, rehabilitation of the site in accordance with the requirements of the *Mining Act* shall be required prior to the removal of the holding symbol. In the interim, uses permitted on such properties will be restricted to existing land uses.

### **G3 WAYSIDE PITS AND QUARRIES**

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.

- a. Wayside pits and quarries shall be permitted throughout the Township except for the following:
  - i) in the Village of Bergland and Village of Morson
  - ii) within 300 metres of an existing residential use; and
  - iii) those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities

- b. 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 Lake of the Woods is given adequate notice and an opportunity to express concern regarding the opening of the pit or quarry.
- c. A permit for a wayside pit or quarry is granted subject to the provisions of the *Aggregate Resources Act*, and as such, the public consultation process and the rehabilitation of the site must be carried out in conformity with the Act.
- d. Council shall ensure the Ministry of Natural Resources requires the rehabilitation of all wayside pits and quarries on Crown Land. The Ministry of Natural Resources is required to make this a condition under the *Aggregate Resources Act*. In assessing an application, the Ministry of Natural Resources is encouraged to have regard for the established planning policies of the Township.
- e. Council shall conserve cultural heritage resources when considering the establishment of new areas for mineral extraction or when considering the establishment of new operations or the expansion of existing operations. When necessary, Council will require satisfactory measures to mitigate any negative impacts on cultural heritage resources.

#### **G4 PORTABLE CONCRETE AND ASPHALT PLANTS**

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 concrete plant means a small portable facility with equipment designed to mix and/or crush cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process.

1. Portable asphalt plants and 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:
  - in the Village of Morson and in the Village of Bergland;
  - within 1000m of an existing residential use; and
  - Hazard Land Area; and
  - where severe environmental disruption will occur.
2. Portable asphalt plants and portable concrete plants shall be permitted without an amendment to this Plan or the Zoning By-law provided the Township of Lake of the Woods is given adequate notice and an opportunity to express concern regarding the location of the plant.
3. Portable asphalt and concrete plants are to obtain or have an existing air approval under the Environmental Protection Act.
4. Portable asphalt plants and portable concrete plants shall be removed from the site upon completion of the road project and the site shall be rehabilitated to its former condition. Sites used for portable asphalt plants and portable concrete plants within Class 1 through 3 Agricultural lands, as per the Canada Land Inventory shall be rehabilitated to their former agricultural capability.

## **SECTION H IMPLEMENTATION**

### **H1 GENERAL**

The following policies are intended to provide direction through identifying requirements and standards for the decisions of Council, and the use of before By-laws and Agreements shall implement policies outlined in this Plan.

- a. This Official Plan shall be implemented by the powers conferred upon the Township of Lake of the Woods by the *Planning Act*, (as amended from time to time) and other statutes of the Province of Ontario as applicable. The decisions of Council shall be consistent with the Provincial Policy Statement.
- b. The Plan shall be reviewed at least once every (5) five years at a meeting of Council. Should economic or social changes occur which necessitate an earlier review, or should the monitoring of the Plan identify areas that need further consideration, Council may direct such a review to be undertaken sooner but not later than the maximum 5-year period between reviews.
- c. Pursuant to Section 24(1) of the *Planning Act*, no public work shall be undertaken and no by-law shall be passed by the Township for any purpose that does not conform to the intent and policies of this Official Plan.
- d. The Township may acquire, hold, or dispose of land for the purposes of implementing any policies of this Official Plan subject to the provisions of the *Planning Act*, and any other applicable statutes of the Province of Ontario.
- e. All development agreements regarding plans of subdivision, plans of condominium, consents, variances, and site plans are required to conform to the policies of this Official Plan.

### **H2 PUBLIC PARTICIPATION**

The Township 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 and development applications pursuant to the provisions of the *Planning Act*.

- a. A minimum of one (1) public meeting in accordance with the requirements of the *Planning Act* 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.
- b. Notice of a public meeting shall be given in accordance with the regulations of the *Planning Act*.
- c. The Township may forego public notification and public meetings in connection with a technical Official Plan Amendment if such amendment will not affect the provisions and intent of the Official Plan, or amendments thereto, and may include the following matters:

- i) altering the number and arrangement of any position;
- ii) correcting punctuation or altering language to obtain a uniform mode of expression;
- iii) correcting clerical, grammatical, dimensions or typographical error;
- iv) effecting changes in format; and
- v) consolidating previous amendments into the parent document.

### **H3 PLANNING STUDIES**

The Township may undertake planning studies from time-to-time, in order to monitor progress of planning initiatives, understand new trends, ensure an appropriate response is provided for issues which may arise, or for any other purpose deemed suitable by the municipal planner or the designated person. The Township will dedicate sufficient resources, or seek partnership funding, for planning studies so that the work can be undertaken with appropriate professional diligence.

#### **H3.1 ENVIRONMENTAL IMPACT STUDY (EIS)**

- a. Where required, an Environmental Impact Study (EIS) shall be prepared by an individual(s) with appropriate environmental qualifications, and shall include, but not limited to:
  - i) A description of the existing natural environment, including natural features and ecological functions, that may be affected by the proposed development;
  - ii) A description of the potential impacts of the proposed development on the natural features and the ecological functions for which the area is identified;
  - iii) Suggested development alternatives that would avoid these impacts or, if impacts cannot be avoided recommended mitigation measures, including proposed implementation methods; and
  - iv) Recommend monitoring activities.
- b. Where required, no planning approval will be granted until an EIS has been completed to the satisfaction of Council. Where necessary, other agencies or individuals with environmental expertise may be consulted to assist in the review of EIS.
- c. Development and site alterations shall not be permitted where significant wildlife habitat, or other natural heritage features have not been designated, for:
  - i) Any development permitted under the policies of this Plan within the feature;
  - ii) Any development permitted under the policies of this Plan within 120 metres of the feature; unless an EIS demonstrates that there will be no negative impacts on the natural heritage features or on its ecological functions.

#### **H4 ZONING BY-LAW**

a. The Zoning By-law is one of the primary tools for implementing the Official Plan. In accordance with the *Planning Act*, the Zoning By-law shall be updated so that it is in conformity with the Official Plan.

##### **H4.1 SCOPE OF ZONING REGULATIONS**

- a. The Zoning By-law shall contain regulations to control the amount and type of development with respect to matters such as:
- i) Permitted uses;
  - ii) Location of uses;
  - iii) Lot areas and dimensions;
  - iv) Floor areas;
  - v) Siting of development relative to the lot;
  - vi) The portion of the site which can be occupied by buildings or structures;
  - vii) Densities of residential land uses;
  - viii) Densities of non-residential land uses;
  - ix) The bulk and massing character of buildings;
  - x) Parking requirements and loading areas;
  - xi) Landscaping requirements; and
  - xii) Other regulations or requirements which may be allowed to be controlled through a Zoning By-law as enabled by the *Planning Act*.

##### **H4.2 INTERIM CONTROL BY-LAW**

- a. Where Council has, by By-law or Resolution, directed that a study be undertaken regarding its land use planning policies or Zoning regulations for the Township or any defined area or areas thereof, it may pass an Interim Control by-law prohibiting the use of land, buildings or structures within the area defined by the By-law, except for such uses as set out in the By-law.
- b. An Interim Control By-law shall apply for a limited period of time subject to the provisions of the *Planning Act*.

##### **H4.3 HOLDING PROVISIONS**

- a. The Zoning By-law will incorporate provisions for a Holding Zoning by-law which may be applied on lands where the lands are pre-zoned for a use, but presently there exist a number of conditions which must be satisfied prior to development. Lands subject to Holding Zoning will be identified with an “H” symbol beside the land use symbol on the Zoning map.
- b. Holding provisions will be applied where there is a need for additional conditions which cannot be applied on a pre-zoning basis or through the Site Plan Approval process.
- c. The Zoning By-law may specify interim uses which may be deemed compatible and/or permissible, even though lands are subject to a Holding Provision.

- d. The Zoning By-law will be amended to remove the Holding symbol when it has been determined that the conditions requiring the Holding have been satisfied. Such conditions may include, but are not limited to:
- i) Completion of special studies related to the area, or site opportunities or constraints, or the impact of development and mitigation thereof;
  - ii) The grading of the site;
  - iii) The provision of road infrastructure, including, but not limited to, the road base, streetlights, signage and traffic control signals;
  - iv) Satisfying certain financial requirements of the municipality;
  - v) Any other matter provided for by the provisions of the *Planning Act*.

**H4.4 TEMPORARY USE BY-LAW**

Provided the general intent and purpose of the Official Plan are maintained, Council may pass By-laws to authorize the temporary use of land, buildings or structures for a purpose that is otherwise prohibited by this Plan, for renewable periods not exceeding three years, in accordance with the *Planning Act*.

In enacting a Temporary Use By-law, Council shall have regard for the following matters:

- i) Compatibility of the proposed use with surrounding land uses;
- ii) Any requirement for temporary buildings or structures in association with the proposed use;
- iii) Any requirement for temporary connection to municipal utilities;
- iv) The potential impact for the proposed use on transportation facilities and traffic in the immediate area;
- v) Access requirements for the proposed use;
- vi) Parking requirements for the proposed use, and the ability to provide adequate parking on-site; and
- vii) Any potential long-term impacts associated with the proposed temporary use.

**H4.5 NON-CONFORMING USES**

- a. 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:
- i) the zoning will not permit any change of use or performance standard that may aggravate or cause conflicts with adjacent complying uses;
  - ii) 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;
  - iii) there is no pollution of air or water to the extent of interfering with the ordinary enjoyment of the property and surrounding uses;

- iv) the use does not interfere with the desirable development of the surrounding area that is in conformity with this Plan; and
  - v) 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.
- b. Extensions or enlargements of the land, building or structure of a legal non-conforming use may be permitted by a minor variance to the Zoning By-law provided that:
- i) 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
  - ii) the extension or enlargement will not create any new nuisance in addition to those in existence as a result of the current use.
- c. The repair or replacement of a legal non-conforming use may be permitted provided that:
- i) the repair or replacement will not unduly increase any existing nuisance as a result of the use, particularly as it may affect adjacent residential uses; and
  - ii) the repair or replacement will not create any new nuisance in addition to those in existence as a result of the current use.

#### **H4.6 MINOR VARIANCE AN CONSENTS**

##### **H4.6.1 MINOR VARIANCE**

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.

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.

##### **H4.6.2 CONSENTS**

- a. The division of land by consent procedure is primarily intended to facilitate technical transfer in land titles, such as boundary correction and partial mortgage discharges, and the creation of a limited number of lots.
- b. The lot of record date will be the date the new Official Plan is adopted. Additional planning justification is needed to change the lot of record date. In the absence of acceptable planning justification the lot of record date remains as April 8, 2000, the date established in the current in effect Official Plan.
- c. Applications will be evaluated on the following minimum criteria:
  - i) consistency with the Policies of this Official Plan;
  - ii) compliance with the Zoning By-law;
  - iii) a plan of subdivision is not required;

- iv) the size and shape of lots;
  - v) road access must be by public owned and maintained road;
  - vi) the impact of the consent on the ability of adjacent lots to be developed;
  - vii) the impact of the consent on the natural environment;
  - viii) 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;
  - ix) the consent does not result in land locked parcel(s) being created;
  - x) adequacy of water supply and sewage capacity;
  - xi) all new lot development on individual systems must be based on the availability of sufficient reserve capacity for septage; and
  - xii) in the Rural Area, a maximum of 3 new severed lots per land holding as of the date of this Plan was adopted, can be created, exclusive of the retained part, provided all the above matters can be suitably addressed.
  - xiii) hauled sewage capacity is provided and land use compatibility is maintained (i.e. noise and air quality studies have been undertaken as necessary)
- d. As a condition of approval, proponents may be required to satisfy certain conditions as authorized by the *Planning Act*, including but not limited to:
- i) the dedication of parkland or cash-in-lieu of such dedication;
  - ii) the dedication of any road widening and one foot reserves as may be required by the Township;
  - iii) fulfillment of any financial requirements of the Township;
  - iv) submission of a registered reference plan; and
  - v) any other condition reasonable to the granting of the consent.

## **H5 PARKLAND DEDICATION**

- a. The dedication of lands or acceptance of cash-in-lieu of the land dedication as a result of new development or redevelopment of land shall be in accordance with the following requirements:
- i) the development or redevelopment of land for residential purposes shall be at a 5% of that land being developed or redeveloped; and
  - ii) development or redevelopment of land for commercial or industrial purposes shall be at a standard of 2% of the land being developed or redeveloped.
- b. To ensure that parkland dedications are of an acceptable quality, all sites dedicated as parkland must be accepted by the Township and satisfy the following criteria:
- i) be relatively level and are not required for drainage purposes, nor contain lands susceptible to flooding, having steep slopes or other

- physical features which are unsuitable for open space or park development;
- ii) be located within a neighbourhood or community context to provide convenient pedestrian and vehicular access;
- iii) provide a reasonable park configuration to accommodate the dimensions and shape of large playing fields (i.e. soccer fields, baseball fields, etc.);
- iv) have adequate access within the development;
- v) be provided with basic service requirements; and
- vi) be developed in accordance with the Township's parkland standards.

## **H6 PLANS OF SUBDIVISION**

Plans of subdivision will be required for lot creation in situations where lot creation by consent is not appropriate.

### **H6.1 EVALUATION OF PLANS OF SUBDIVISION**

Applications will be evaluated on the following minimum criteria:

- i) consistency with the Official Plan;
- ii) suitable provision of municipal services including but not limited to, public streets, public and private utilities, fire and police protection, parks, schools, and other community facilities;
- iii) exposure to noise and mitigation of adverse noise impacts;
- iv) integration with surrounding land uses;
- v) integration with the transportation network. Where a draft plan of subdivision is proposed adjacent to a provincial highway, the layout of the subdivision is to be designed such that the lots back onto the provincial highway and front onto a local internal street;
- vi) impacts to, and mitigation of, negative impacts on the natural environment;
- vii) optimization of the supply, means of supplying, efficient use and conservation of energy;
- viii) the provision of appropriate urban design and landscaping for the proposed development; and
- ix) compliance with applicable Township guidelines.

See section H14 for a list of additional studies.

### **H6.2 CONDITIONS OF APPROVAL**

As a condition of draft plan approval, the Township may require proponents to satisfy certain conditions prior to final approval and registration of the plan. The applicant shall be required to meet the conditions within three years, which, if not met, may cause the approval to lapse. To ensure that conditions are bound to the owner of the land, the Township shall require the proponent to enter into a Subdivision Agreement which will be registered on title.

## **H7 PLANS OF CONDOMINIUM**

Plans of Condominium will be required for the creation of units, common elements and exclusive use of common elements through the registration of a Plan of Condominium in accordance with the *Condominium Act* and the *Planning Act*.

The condominium will be developed with a minimum number of units to ensure adequate, reasonable, and independent operation of the condominium corporation.

Common elements in condominium corporations will be permitted unless the Township requires public ownership of the lands for the purposes of:

- i) pedestrian or vehicular access, including any part of a public road allowance;
- ii) the construction, maintenance and repair of public facilities and services;
- iii) safeguarding significant natural features;
- iv) planned trail systems; or
- v) the proposal is not otherwise in the public interest.

See section H14 for a list of additional studies.

## **H8 VACANT LAND CONDOMINIUM**

The same considerations and requirements for the evaluation of draft plans of subdivisions shall apply to draft plans of vacant land condominiums.

## **H9 CONDOMINIUM AGREEMENT**

As a condition of draft plan of condominium approval, the Township of Lake of the Woods may require proponents to satisfy certain conditions prior to final approval and registration of the plan. The applicant may be required to meet the conditions within a specified time period, which, if not met, may cause the approval to lapse. To ensure that conditions are bound to the owner of the land, the Township shall require the proponent to enter into an Agreement which will be registered on title.

## **H10 SITE PLAN CONTROL**

Council shall adopt a By-law to designate the entire area of the Township as a Site Plan Control Area. All types of development or redevelopment shall be subject to Site Plan Control provisions with the exception of the operation of licensed pits and quarries, single-detached, semi-detached, and additions or renovations thereto.

### **H10.1 DEVELOPMENT OR REDEVELOPMENT**

- a. For the purposes of the Plan, development or redevelopment shall be defined as the construction, erection, or placing of one or more buildings or structures on land, or the making of an addition or alteration to a building or structure that has the effect of

substantially increasing its size or usability, or the laying out and establishment of a commercial parking lot.

### **H10.2 SITE PLAN REQUIREMENTS**

Plans showing the location of all buildings, structures, and facilities to be developed, and drawings showing plan, elevation, and cross-section views for each building to be erected, will be required as part of the Site Plan Approval process. In accordance with the *Planning Act*, the requirement for the submission of drawings shall also include residential buildings containing less than twenty-five units.

### **H10.3 EVALUATION OF SITE PLAN APPLICATIONS**

The following will be considered in the evaluation of applications:

- i) location, massing, and conceptual design of buildings and structures;
- ii) location and design of vehicular and pedestrian access points;
- iii) location and design of off-street parking and loading facilities;
- iv) facilities for on-site pedestrian and vehicular circulation;
- v) road widening;
- vi) location and design of on-site exterior lighting, landscaping, buffering, fencing, outdoor storage, and garbage disposal facilities;
- vii) measures to minimize any loss of sunlight and privacy to adjacent properties;
- viii) location and design of outdoor recreational areas;
- ix) location of external facilities and works;
- x) easements over, and grading of, lands;
- xi) provisions for stormwater management and drainage;
- xii) facilities designed to have regard for accessibility for persons with disabilities;
- xiii) matters relating to exterior design including elements pertaining to character, scale, appearance and design features of buildings and their sustainable design;
- xiv) the sustainable design elements on any adjoining roadway under the Township's jurisdiction, including trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities; and
- xv) provision for the Township to enter into one or more Agreements with applicants, to ensure that development proceeds in accordance with the proposal and Township requirements.

### **H11 SITE PLAN AGREEMENT**

- a. As a condition of Site Plan Approval, the Township may require proponents to satisfy certain conditions. The applicant may be required to meet the conditions within a specified time period, which, if not met, may cause the approval to lapse. To ensure that conditions are bound to the owner of the land, the Township shall require the proponent to enter into a Site Plan Control Agreement which will be registered on title.

- b. No Building Permit shall be issued in respect of any development in the Site Plan Control Area until the plans required have been approved by Lake of the Woods Township and any agreements required to be entered into have been executed by the Township and the owners, mortgages or other encumbrances of the land.

## **H12 COMMUNITY IMPROVEMENT PLANS**

The *Planning Act* allows municipalities to identify Community Improvement Project Areas, prepare Community Improvement Plans, and provide incentive programmes which stimulate redevelopment of lands as a means to maintain the vitality of the municipality.

In considering the establishment of a Community Improvement Plan Area, the Township of Lake of the Woods will consider any of the following criteria:

- i) conditions of existing buildings;
- ii) land use issues;
- iii) aesthetic issues;
- iv) transportation or infrastructure issues;
- v) natural or human-made environmental issues;
- vi) social or community issues;
- vii) economic issues; and
- viii) Any other relevant issues which create barriers to the repair, rehabilitation or redevelopment of underutilized or dilapidated land/buildings.

Community Improvement Plans shall contain a statement of purpose, goals, objectives, a description of all programmes and/or projects, an implementation plan, and a technical appendix justifying the delineation of the area and the need for programmes. The preparation and adoption of Community Improvement Plans shall meet the minimum requirements of the *Planning Act* for public consultation.

## **H13 ZONING BY-LAW – AMENDMENTS AND REVIEW**

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 to the Township by the applicant;
- b. A planning rationale may be required by the applicant and provided to the Township along with supporting studies and plans.
- c. The Township will produce a notice to affected neighbour, advertise a public meeting as per the *Planning Act*; and hold a Statutory Public Meeting.

## **H14 PRE-APPLICATION CONSULTATION AND PRESCRIBED INFORMATION FOR PLANNING APPLICATIONS**

The *Planning Act* permits the Township to require applicants to consult with the Township prior to formal submission of planning applications. During the pre-consultation period, the Township shall determine which studies and information are required by Township staff and Council to evaluate the application. Furthermore, staff shall identify those studies that must be submitted at the time of application submission. Although the *Planning Act* does not require it, proponents are strongly encouraged to consult with the community at large, early in the planning process in order to identify potential issues, opportunities, and mitigation of potential adverse impacts, prior to finalizing the application.

- a. Depending on the nature of the proposed development and planning application, the Township may require the following studies or additional information to deem complete applications and to properly evaluate a development application:
  - i) Planning Rationale
  - ii) Cultural Heritage Evaluation Report and/or Heritage Impact Assessment
  - iii) Environmental Impact Study
  - iv) Archaeological Assessment
  - v) Traffic Impact Study
  - vi) Minimum Distance Separation
  - vii) Servicing Options Study
  - viii) Drainage/Stormwater Management Report/Plan
  - ix) Geotechnical Study
  - x) Hydrogeological Study
  - xi) Erosion and Sediment Control Plan
  - xii) Feasibility/Detailed Noise Study
  - xiii) Vibration Study
  - xiv) Sun-Shadow Study
  - xv) Fisheries Assessment
  - xvi) Shoreline Riparian Control Study
  - xvii) Confirmation of capacity to dispose of hauled sewage (if private sewage service)
  - xviii) Adequacy of water supply and sewage capacity
  - xix) Air quality assessment (e.g. dust and odour)
  - xx) Ontario Wetland Evaluation
- b. Fisheries Assessments shall be evaluated by the Ministry of Natural Resource, and, if required, referred to the Department of Fisheries and Oceans as part of the development review process.

## **H15 PROPERTY MAINTENANCE AND OCCUPANCY STANDARD BY-LAW**

- a. 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 31 of the *Planning Act*, which sets out standards for the maintenance and occupancy of property and prohibits the use of property which does not conform to the standards. The By-law shall require that all substandard properties be repaired in conformity 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.
- b. The above By-law may address the following items:
  - i) the physical condition of yards and passageways, including an accumulation of debris and rubbish and discarded motor vehicles and trailers;
  - ii) the adequacy of sanitation, including drainage, waste disposal and garbage;
  - iii) the physical condition of accessory buildings; and
  - iv) the physical condition of all buildings and dwellings.
- c. 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 31 of the *Planning Act*.

## **H16 FEES**

- a. Pursuant to Section 69 of the *Planning Act*, the Township of Lake of the Woods may prescribe tariff or fees through a Tariff of Fee By-law for the processing of applications made in respect of planning matters, such as Official Plan amendments, consents or any other planning matter.
- b. The Tariff of Fee By-law shall prescribe the fees to be charged for processing applications in respect of planning matters and shall also indicate the authority to which the fee is payable.
- c. Property Maintenance and Occupancy Standards By-law provisions will be utilized wherever possible for the protection of cultural heritage resources. Council shall ensure that the application of this by-law is not detrimental to the conservation of heritage resources. Council may also amend this bylaw to prescribe minimum standards for the maintenance of heritage attributes for properties designated under the Ontario Heritage Act.

## **SECTION I INTERPRETATION**

The Official Plan should be read as a whole to understand the comprehensive and integrative nature of the policy framework for decision making in the Township of Lake of the Woods over the planning horizon to the year 2032.

Section A to H and Schedules A-1, A-2, A-3, A-4 and A-5 constitute the Official Plan. Both the introduction in the various sections and the numbered policies are policy.

Where reference is made in the Official Plan to other documents, such as provincial or federal Act, or other legislation, or to other documents that are not part of the Plan, it is understood that it is the latest approved version of the legislation or document that is being referenced, unless otherwise specified.

Minor amendments to the Official Plan and Zoning By-law such as number changes, cross-referencing, and typographical errors are permitted without adopting an amendment provided the intent of the Official Plan and Zoning By-law does not change.

### **I1 LAND USE BOUNDARIES**

It is intended that the boundaries of the land use designations, shown on Schedules A-1 and A-2 of this Plan be considered as approximate and absolute only where bounded by public 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.

### **I2 USES**

Examples of permitted uses as included in this Plan are intended to illustrate a range of activities in each respective land use designation. Specific uses and related regulations for an area shall be defined by the Zoning By-law.

### **I3 AMENDMENTS TO THE OFFICIAL PLAN**

An amendment to any of the Schedules in this Plan or to the text of this Plan is required to permit the establishment of uses other than those permitted in this Plan. No developments or activities shall occur which contravene the intent and policies of this Plan.

- a. 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.
- b. The Official Plan shall be subject to a formal review at least once every 5 years pursuant to Section 26 of the *Planning Act*.

- c. In considering an amendment to any of the Schedules in this Plan with a view of designating additional areas for a particular use or changing the designated uses of particular area, or changing the policies of this Plan, Council shall have regard to the following criteria:
- i) 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.
  - ii) In general, applications for an Official Plan amendment shall proceed as follows:
    - a complete Official Plan Amendment application shall be submitted to the Township by the applicant;
    - a planning rationale may be required from the applicant and provided to the Township, along with supporting studies and a copy of the complete application for their review;
    - advertise a notice of a public meeting;
    - a public meeting is held;
    - the Township will review the application and send a recommendation to the Ministry of Municipal Affairs and Housing; and
    - the applicant will be advised of the Minister's decision.

#### **I4 REFERENCES TO STATUS AND AGENCIES**

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 programmes, 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.

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.

## **SECTION J SCHEDULES**

The Official Plan includes two schedules:

- Schedule A-1 – Land Use Designation
- Schedule A-2 – Settlement Areas
- Schedule A-3 – Sensitive Areas/Natural Heritage Features
- Schedule A-4 – Development Constraints
- Schedule A-5 – Development Constraints in Settlement Areas