

# **OFFICIAL PLAN FOR THE TOWNSHIP OF LAKE OF THE WOODS**

SEPTEMBER 1999

PREPARED BY:  
HYNDE, PAUL ASSOCIATES INCORPORATED

R. R. #1 - RMB46, FORT FRANCES, ONTARIO P9A 3M2

PHONE: (807)274-2192 FAX: (807)274-0651

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179 KING STREET, ST. CATHARINES, ONTARIO L2R 3J5

PHONE: (905)641-2300 FAX: (905)641-2382

**DECISION**  
**With respect to an Official Plan**  
**Subsection 17(34) of the Planning Act**

I hereby approve all the Official Plan for the Township of Lake of the Woods, adopted by By-law No. 48, subject to the following modifications:

1. Section 2.3.4(k) – Subdivision of Land, Page 8 is hereby modified by deleting it in its entirety and replacing it with the following:

**“(k) In the Rural area a maximum of 3 new severed lots per original land holdings as of the date this plan was adopted, can be considered, exclusive of the retained part, provided all the above matters can be suitably addressed.”**

2. Section 2.13.1 – Mobile Home Parks, Page 12 is hereby modified by deleting it in its entirety and replacing it with the following:

**“An amendment to this plan will be required prior to the establishment of a mobile home park, this shall include addressing the adequacy of municipal servicing including water and sanitary sewage systems.”**

3. Section 2.19.1 – Sensitive Areas, page 14 is hereby modified by deleting the words “rare and endangered” in the third line (replaced) with the following:

**“endangered and threatened”.**

4. Section 2.19.2 – Sensitive Areas, Page 15 is hereby modified by:

- a) adding the following phrase between the words “areas” and “or” in the first line:  
**“identified on Schedules “A-1” and “A-2,”;**

- b) adding the following sentence at the end of the paragraph:

**“Notwithstanding the above, no development shall be permitted in significant portions of the habitat of endangered and threatened species”.**

5. Section 2.19.5 – Page 15 is hereby modified by adding the following after the word “Evaluator” at the end of the policy:

**“, whose work is approved by the Ministry of Natural Resources”.**

6. Section 2.20.1 – Waste Disposal Sites and Contaminated Sites, Page 15 is hereby modified by adding the following after the word “use” in the second sentence:

**“, and are identified on Schedules “A-1” and “A-2”.**

7. Section 3.3.14 c) Page 23 is hereby modified by deleting the first two lines and replacing the with the following:

**“(c) a site plan agreement pursuant to Section 41 of the Planning Act, and/or other agreements, as required. The agreement(s) will address the following matters, but not limited to:”**

8. Section 3.3.14, Page 23 is amended by deleting the subsection (d) in its entirety and re lettering the remaining policies accordingly.

9. Section 3.3.18 c) – Rural Area, Page 24 is hereby modified by deleting it in its entirety and replacing the with the following:

**“(c) 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.”**

Dated at Toronto this 8<sup>th</sup> of April, 2000.

“Originally signed by Audrey Bennett”  
Director  
Provincial Planning and Environmental  
Services Branch  
Ministry of Municipal Affairs and Housing

File No.: 59-OP-0062  
Municipality: The Township of Lake  
Of the Woods  
Subject Lands: Entire Municipality

Date of Decision: April 8, 2000  
Date of Notice: April 11, 2000  
Last Day of Appeal: May 1, 2000

**NOTICE OF DECISION**  
**With respect to an Official Plan**  
**Subsection 17 (34) and 21 of the Planning Act**

A decision was made on the date noted above to approve all of the Official Plan for the Township of Lake of the Woods as adopted by By-law No. 48.

**Purpose and Effect of the Official Plan**

The Official Plan provide policies to guide future development to areas where it is most suited and to protect the physical and natural resources of the municipality. A copy of the decision is attached.

**When and How to File a Notice of Appeal**

Any appeal to the Ontario Municipal Board must be filed with the Minister of Municipal Affairs and Housing no later than 20 days from the date of this notice as shown above as the last day of appeal.

The appeal should be sent to the attention of the Area Planner, at the address shown below and it must, 1) set out the specific part of the proposed official plan amendment to which the appeal applies, 2) set out the reasons for the request for the appeal, and 3) be accompanied by the fee prescribed under the Ontario Municipal Board Act in the amount of \$125.00, payable to the Minister of Finance, Province of Ontario.

**Who Can File a Notice of Appeal**

Only individuals, corporations or public bodies may appeal decisions of the Ministry of Municipal Affairs and Housing to the Ontario Municipal Board. An appeal may not be filed by an unincorporated association or group. However, an appeal may be filed in the name of an individual who is a member of the association or group.

**When the Decision is Final**

The decision of the Minister of Municipal Affairs and Housing is final if a Notice of Appeal is not received on or before the last date noted above.

**Other Related Applications:** The Comprehensive Zoning By-law

**Getting Additional Information**

Additional information about the application is available for public inspection during regular office hours at the Minister of Municipal Affairs and Housing at the address noted below or from the office of the municipality noted above.

**Mail Address for Notice of Appeal**

Minister of Municipal Affairs and Housing  
Provincial Planning Services Branch

777 Bay St 14<sup>th</sup> Flr Toronto ON M5G 2E5

Submit notice of appeal to the attention of Peter Kakalettris, Area Planner  
Tele: (416) 585-6014 or 1-800-935-0696 Fax: (416) 585-4245

THE CORPORATION OF THE TOWNSHIP OF LAKE OF THE WOODS

BY-LAW NO. 48

Being a by-law to adopt an Official Plan for the Township of Lake of the Woods.

WHEREAS the Council of the Township of Lake of the Woods deems it expedient to adopt an Official Plan for the municipality, in accordance with the provisions of the Planning Act 1990;

NOW THEREFORE the Council of The Corporation of the Township of Lake of the Woods HEREBY ENACTS:

1. The Official Plan for the Township of Lake of the Woods, being the attached text and schedules is adopted.
2. The Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing for the approval of the Official Plan for the Township of Lake of the Woods.
3. This by-law shall come into force and take effect on the day of the enactment thereof.
4. This may be referred to as the "Official Plan Adoption By-law"/

ENACTED this 19<sup>th</sup> day of October 1999.

(Originally signed)  
VALERIE PIZEY Mayor

P W GILES Clerk

I hereby certify that the above is a true copy of By-law No 48 as enacted by the Council of the Corporation of the Township of Lake of the Woods on the 19<sup>th</sup> day of October 1999.

(Originally signed)

P W GILES  
Clerk: Patrick W Giles

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## ***SECTION 1 - INTRODUCTION***

### **1.1 BASIS**

The Township of Lake of the Woods is a recently restructured municipality comprised of 2 former municipal Townships, namely the Township of Morson and the Township of McCrosson and Tovell, and a large area of former unorganized territory made up of islands and the southwest section of the Aulneau Peninsula in the southern half of Lake of the Woods. The mainland portion of the Township is located in the Rainy River District, while the islands and that portion of the Aulneau Peninsula in the Township are located in the Kenora District. The Township is located approximately 32 kilometers north of the Town of Rainy River and 150 kilometers south of the Town of Kenora. Located within the Township is the Village of Bergland and the Village of Morson, the administrative, business and residential centres of the Township.

The Township of Lake of the Woods can be described as a rural township having an economy based on natural resources and the tourism industry. The Villages of Bergland and Morson are comprised of a mix of residential, commercial, institutional, and recreational uses while the Village of Morson is comprised primarily of residential uses. The rural area is comprised of a mix of uses including rural residential, vacation homes and other rural uses such as industrial uses, agriculture and natural resource land uses while the island area is comprised mainly of a natural, wilderness and open space area with limited number of vacation homes and tourist commercial uses.

The establishment of a strong and diversified economic base providing growth and future development opportunities throughout the Township is of importance to the Municipal Council and the residents of the Township of Lake of the Woods. The Township is recognized for its natural areas, scenic qualities and recreational opportunities, that combined, result in a substantial demand for recreational and tourist commercial opportunities and a significant demand for recreational and tourist commercial opportunities and a significant potential for growth in the tourism sector. Also, the natural areas and scenic qualities of the Township make it a popular location for personal recreational retreats and vacation homes.

This is the first Official Plan for the new Township. There is a desire on behalf of the Township to provide for a formalized planning framework upon which future decisions on land use issues can be based. The Official Plan can also be used as a tool to promote growth and development in the Township.

In addition, the Provincial government is in the process of delegating planning approval authority and decision making powers to local municipal governments throughout the Province. The authority to approve consents was delegated to the Township in December, 1998. It is anticipated that the delegation of authority for subdivision approval authority and exemption from minister's approval authority of Official Plan amendments will occur over the short term. In order to be in a position to make informed decisions on planning matters, and effectively use this new authority, the Township of Lake of the Woods finds itself in need of an Official Plan to guide future development and provide a mechanism for decision making and control against land use conflicts and undesirable development.



The current population in the Township of Lake of the Woods is 432 persons (1996 Census Canada). This is considered to be the permanent or year round population. There is however a transient or temporary population, particularly during the summer months, associated with those people that reside in their vacation homes during part of the year for which it is difficult to ascertain a number for. However, it is estimated that during the summer months, the population of the Township is close to double the year round population. In addition, the population during the winter months also experiences an increase and it is expected to continue to grow with the increase interest and growth in winter recreational opportunities and the conversion of vacation homes for year round recreational use. There are no persons that reside on the islands on a year round basis. The current year round population is on the mainland.

For the most part, the permanent population of the Lake of the Woods has experienced a relatively stable growth rate. However, the population did experienced a slight decline of 4.4% between 1991 and 1996 (Census Canada) representing a loss of 20 persons during this 5 year period. The population of Lake of the Woods in 1996 represented 1.8% of the total population of the District of Rainy River. Due to the small population of Township, it is difficult to project with confidence the future population of the Township. However, if it is assumed that the Township maintain the same proportionate share of the District's population over the next 25 years, i.e. 1.8% of the District's overall population, information from the Ministry of Finance *Ontario Population Projection to 2021* can be used to extrapolate a population projection of the permanent year round population of the Township of Lake of the Woods.

It is anticipated that the population in Lake of the Woods will remain relatively stable and the Township will experience an overall low growth rate. The following table highlights the population growth projections over the next 30 years:

<b>POPULATION PROJECTION</b>		
<b>YEAR</b>	<b>LAKE OF THE WOODS POPULATION</b>	<b>DISTRICT OF RAINY RIVER POPULATION</b>
1996	432	23,000
2001	468	26,000
2011	504	28,000
2021	559	31,000

This projection represents a growth of in the permanent population of 1.16% per year over the 25 year time frame or an increase in population of 126 persons over 25 years. It is estimated that 53 new dwelling units are required to accommodate this growth. The population projections should be confirmed every 5 years to ensure they remain relevant and reflect the current trends in the Township. Due to the small size of population of Township of Lake of the Woods any one factor, i.e. mortality rate, birth rate, economic conditions, residential conversions, migration, etc. can have a significant impact on the population and will affect the population projections. While a population projection for 25 years has been provided above as an overall projection for the Township, the planning time to frame for this Official Plan is 15 years in order for the Plan to evolve and respond over time to changing growth and development issues, political climate, economic trends and the dynamics of the Township. The Official Plan shall be reviewed every 5 years to ensure that it remains relevant for the needs of the Township.

The Villages of Bergland and Morson will continue to be the residential and business centres for the Township. Approximately one third of the population (144 persons) presently resides in the Villages with the remainder living in the rural area of the Township. It is expected that both Villages will continue to be the centre for residential development. However, the Rural area is an important residential area and will also continue to be a desired location for rural residential development and vacation homes. Other community facilities and commercial development are also considered appropriate for development in both of the Villages.

It is also anticipated with there will be an increase in the demand of vacation homes and tourist commercial operations in the Township over the long term. The Township is a popular location for these type of uses combined with outdoor recreational pursuits. The Township has also been experiencing a trend in conversions of vacation homes to year round permanent residential dwellings. In the Rural areas, opportunities are also available for rural residential development consistent with the rural character of the Township.

Rural residential development in the form of rural subdivisions may also be permitted provided the development can be safely serviced by private individual septic and water systems. Areas with vistas of the Lake and Little Grassy River, other scenic locales and areas in proximity to former historical rural residential settlement areas are examples of locations in the Township that may be appropriate for rural residential subdivision development, subject to servicing, design and other locational considerations. The areas along the shoreline of the Lake and along the islands are also suitable locations for vacation homes and tourist commercial operations subject to appropriate servicing considerations and impact on the natural environment.

Natural resource industries and to a lesser extent agriculture are important components of the local economy. The maintenance and enhancement of the rural character and environment of the Township is important to the residents of Lake of the Woods.

Within the Township there are uses that have existed prior to this Plan which may not be compatible with future residential development or other sensitive uses, but which are of economic importance to the Township, i.e. industrial uses. Future development in proximity to these uses should be designed to consider these existing uses so that they can continue to function without conflicts or adverse impacts on the new use. Alternatively, new industrial uses may be proposed adjacent to existing residential uses or sensitive uses. These new industrial uses should be designed and buffered from adjacent sensitive uses to ensure that land use conflicts with adjacent uses are minimized.

Decisions regarding land use planning matters will be guided by the policies contained in this Plan. This Plan will be reviewed by Council at a minimum every 5 years to determine if the population and growth projections remain relevant and the policy guidelines and framework for development continues to reflect the needs of the Township. As the Township grows and experiences various types of development and change, amendments may be required to address the changing needs of the Township.

## 1.2 GOALS OF THE PLAN

1.2.1 The goals and objectives of this Plan form the foundation of planning principles and provide direction to manage change, guide future development and develop detailed policies and programs that stimulate economic growth, protect the environment and public health, promote the use of natural resources for the economic use and environmental benefits and reduce costs by restricting development in areas where there is risk of health, safety or property damage. The goals reflect the present and future needs and values of the Township and the residents of the Township.

1.2.2 The goals of this Official Plan are to:

- (a) protect the identity and characteristics of the Township and maintain the quality of life while at the same time provide opportunities for 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 over the next 15 years;
- (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, forest resources, natural heritage resources and cultural and archaeological resources, while development opportunities are not overly restricted;
- (f) provide policies that guide development that is environmentally compatible, supports sustainable development and minimizes land consumption and allows for the expansion and diversification of the local economic base;
- (g) inform the residents of the Township of Lake of the Woods of the policies that affect the development of land;
- (h) provide a guiding framework for decisions of Council, local boards, committees and other authorities;
- (i) provide Official Plan coverage on all lands under the jurisdiction of the Township; and
- (j) provide policies that have regard to the Provincial Policy Statement in support of local conditions and circumstances.

### 1.3 OBJECTIVES

- 1.3.1 The Township is committed to encouraging new development that maintains the quality of life, protects the identity and characteristics of the Township and maintains or improves the health of existing businesses and diversifies the economy.
- 1.3.2 The Township shall have regard for the importance of natural resources including water resources, forest resources, local aggregate resources, local agricultural resources and natural heritage resources. These resources are to be protected from incompatible development.
- 1.3.3 The Township shall encourage the creation of housing which is affordable and meets the needs of 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.
- 1.3.4 The Township shall have regard and consideration for the natural amenity features of the Lake of the Woods which provides opportunities for the establishment of water related tourist operations and activities and are considered a desirable locations for residential development both permanent year round residential uses and vacation homes.
- 1.3.5 The Township shall have regard to the conservation of significant cultural heritage resources, including heritage buildings, archaeological resources, cemeteries and cultural heritage landscapes.
- 1.3.6 With this Plan, the Township has achieved the goal of establishing a policy framework for the future that addresses the circumstances facing the Township of Lake of the Woods and has regard for the Provincial Policy Statement in consideration of local conditions and circumstances.

### 1.4 OFFICIAL PLAN

- 1.4.1 This document constitutes the Official Plan of the Township of Lake of the Woods and has been prepared in accordance with the provisions of The Planning Act.
- 1.4.2 This Plan applies to all lands within the municipal boundary of the Township of Lake of the Woods.

## **Section 2 – General Provisions**

### **2.1 GENERAL**

- 2.1.1 The following land use policies apply to all lands in the Township of Lake of the Woods unless specifically mentioned for exclusion.
- 2.1.2 This Plan makes no distinction between cottages or seasonal residential uses and year round residential uses for the purposes of regulating land use. Residential conversions from seasonal to year round use, whether they be occupied year round as full time occupied dwellings or as vacation homes used throughout the year, will be permitted subject to the policies of this Plan. Where residential uses are permitted, vacation homes are permitted. In addition, there will be no change in the level of service provided by the Township as conversions to year round occupancy take place.
- 2.1.3 The Township will not accept ownership or responsibility for the operation or maintenance of communal water and sewage systems. 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 or will be privately owned, operated or maintained by a condominium corporation or single owner subject to an agreement with another public body. Developments proposed to be serviced by communal water or sewage systems will require an amendment to this Plan.

### **2.2 LAND USE COMPATIBILITY**

- 2.2.1 As much as possible land use conflicts should be avoided. The encroachment of sensitive land uses and industrial uses on one another is discouraged. Buffering and separation distances in accordance with the Provincial guidelines shall be incorporated through site specific zoning by-laws amendments when industrial uses are proposed in proximity to sensitive uses or when residential uses and other sensitive uses are proposed in proximity to existing industrial uses to minimize potential adverse effects, such as noise, odour, vibration, particulate and other contaminants on the sensitive use(s). Mitigation measures such as setbacks, fencing and landscaping may be required to minimize potential adverse impacts on the sensitive use(s).
- 2.2.2 Development will generally be directed away from hazardous lands or sites unless it can be demonstrated that the hazard will not result in public health, safety or potential property damage, that no new hazards are created or existing hazards aggravated, and no adverse environmental impacts will result from the development to the satisfaction of the Province and the Township.
- 2.2.3 Development on, or adjacent to lands affected by man-made hazards and contaminated sites, will be permitted if rehabilitation or restoration measures to address and mitigate the hazard have been implemented and there is no adverse effect. An environmental audit or decommissioning report shall be completed and a site restoration plan prepared and implemented by a qualified consultant in accordance with the Province's guidelines and in consultation with the Township prior to development approval being granted.

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

## 2.3 SUBDIVISION OF LAND

2.3.1 The subdivision of land by plan of subdivision shall be permitted provided that:

- (a) the plan is considered to serve the public interest;
- (b) the plan is not deemed premature;
- (c) the lands can be provided with adequate services and utilities and safely serviced;
- (d) the applicant shall provide a report prepared by a qualified consultant indicating that there is adequate water quality and quantity is available to meet the Ontario Drinking Water Objectives to service the subdivision when the development consists of more than 5 lots;
- (e) the applicant shall provide a ground water impact assessment report for sewage systems prepared by a qualified consultant for any development except those that front on the water where the lots are less than 1.0 hectare in area;
- (f) the development is not likely to adversely affect the economy or financial position of the Township if such subdivision is approved;
- (g) the development is appropriate and suitable for the location proposed and no adverse land use or environmental impacts will result from the development;
- (h) the development is not incompatible with the natural heritage features and areas;
- (i) the development is directed away from hazard lands and sites; and
- (j) development and site alteration will not be permitted within floodways.

2.3.2 It is the intent that plans of subdivisions for residential purposes will be permitted within the Village areas. In the Rural areas and Island areas plans of subdivisions for residential uses may be permitted provided development is in keeping with the rural needs and character of the Township in conformity with the policies of this Plan. Plans of subdivision for industrial and commercial uses will be permitted if such plans are located in an area suitable for development and in conformity with the policies of this Plan.

2.3.3 Plans of subdivisions for residential purposes that have water access only will be permitted in the Rural and Island area provided there is suitable public parking, boat launching and wharfage facilities, and waste disposal facilities to service the new development and it is understood that the Township has no intention of extending road services to these areas in the future.

2.3.4 The subdivision of land by consents shall be permitted in accordance with the policies of this Plan and provided that:

- (a) the retained and severed lot(s) can be adequately and safely serviced by private individual septic systems and a potable water supply. The public health authority should be consulted prior to consent approval being given to obtain support for the consent proposal;

- (b) the soil, drainage conditions and topography are suitable for the proposed use and permit the proper siting of buildings and the installation of private septic disposal systems;
- (c) the lands front onto a public road that is maintained year round by the Province or the Township and is of an acceptable standard of construction;
- (d) where access is proposed from a provincial highway, the Province shall be consulted prior to consent approval being given to obtain input and support regarding access and entrance permit requirements;
- (e) no traffic hazard is created by the consent and safe access/egress to the retained and severed lot(s) is feasible;
- (f) the consent does not result in land use conflicts with existing nearby uses;
- (g) the requirements of the Minimum Distance Separation I criteria will be adhered to when a consent is being proposed in proximity to existing livestock operations;
- (h) the lot size and configuration shall be suitable for the proposed use and, where possible, be consistent with adjacent development;
- (i) adequate protection and preventative services for persons and property are available including health, welfare, fire and police;
- (j) the consent does not result in land locked parcel(s) being created; and
- (k) **SEE MODIFICATION NO 1.** in the Rural area a maximum of 3 new severed lots per land holding as of the date this Plan was adopted, can be created, exclusive of the retained part, provided all of the above matters and other policies of this Plan can be suitably addressed.
- (l) the development is not incompatible with the natural heritage features and areas;
- (m) the development is directed away from hazard lands and sites; and
- (n) development and site alteration will not be permitted within floodways.

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

- (a) that any necessary land for road widening, allowances or easements be dedicated to the Province or the Township;
- (b) that the applicant improve road access, grading, drainage, etc. to a standard satisfactory to the Township and/or the Province; and
- (c) any other condition reasonable to the granting of the consent.

2.3.6 Notwithstanding the policies of this section, consents may be granted for the following technical purposes:

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

## 2.4 PROVINCIAL HIGHWAYS

2.4.1 In addition to the requirements of the Township of Lake of the Woods, all development adjacent to provincial highways is subject to the setback requirements and permits of the Ministry of Transportation. In addition, the management and removal of storm water on properties adjacent to provincial highways requires the approval of the Ministry of Transportation.

## 2.5 ARCHAEOLOGICAL AND CULTURAL HERITAGE RESOURCES

- 2.5.1 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.
- 2.5.2 The Township will attempt to support and maintain a cultural heritage resource information base for municipal plan review purposes, including heritage site inventories for buildings and other areas, cemeteries, known pictograph sites, available archaeological site data or archaeological potential mapping, and results of archaeological assessments. Where feasible, the Township will attempt to participate in the conservation and maintenance of significant cultural heritage resources which are under Township ownership and/of stewardship.
- 2.5.3 Development proposed in areas known to have a potential for archaeological resources shall be assessed by qualified archaeologist licensed under the Ontario Heritage Act to determine the nature and extent of the resource prior to development approval being granted. Any archaeological assessment report conducted by a licensed archaeologist must be in compliance with the guidelines set out by the Province.
- 2.5.4 If an archaeological assessment determines that significant archaeological resources are present on a site, the resource shall be documented and conserved to the satisfaction of the Province through excavation or on-site preservation prior to final approval of the development proposal. A zoning by-law protecting the identified archaeological resource may be considered by Council.
- 2.5.5 The Ontario Heritage Act may be utilized to conserve, protect and enhance any identified cultural heritage resources in the Township. Council may by by-law designate for protection and conservation individual properties and/or districts of historic and/or architectural value or interest.
- 2.5.6 A Local Architectural Conservation Advisory Committee (LACAC) may be established under the Ontario Heritage Act to advise and assist Council on matters related to Parts IV and V of the Act. In addition, similar heritage advisory committees may be established to advise and assist Council on other matters of cultural heritage conservation and heritage facilities.
- 2.5.7 Council shall consult the appropriate government agencies, including the Ministry of Citizenship, Culture and Recreation and the Ministry of Consumer and Commercial Relations when an identified human cemetery including a marked or unmarked human burial is affected by land use development. The provisions under the Ontario Heritage Act and the Cemeteries Act shall apply.

## 2.6 ACCESSORY USES

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



2.6.2 Guest cabins for sleeping accommodation only may be permitted as accessory use for a residential use including a vacation home, provided they contain no cooking and washroom facilities.

2.6.3 Accessory dwellings or guest accommodation above boat houses are not a permitted accessory use in any land use designation.

## 2.7 DRAINAGE

2.7.1 The management and removal of storm water on private property is the responsibility of the property owner and must be managed to the satisfaction of the Province and the Township in accordance with the Drainage Act or the Ontario Water Resources Act. Municipally owned drainage works shall be planned in accordance with the appropriate Class Environmental Assessment requirements of the Environmental Assessment Act.

2.7.2 No development shall be permitted which would interfere with or reduce the drainage or flood water storage capacity of any natural watercourse or where the watercourse represents a hazard to the proposed development.

2.7.3 A storm water drainage report or other water quality assessment which demonstrates that the function and quality of existing watercourses and the quantity and quality of ground water resources is not adversely affected may be required prior to approving development which impacts on these resources. Where adverse impacts are anticipated, mitigative measures during and after construction to control sedimentation, erosion and flooding will be required.

2.7.4 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 Province in accordance with the provisions of the Lakes and Rivers Improvement Act and/or the Public Lands Act and the Ontario Water Resources Act.

## 2.8 CROWN LANDS

2.8.1 The Ministry of Natural Resources is responsible for the administration of Crown Land, including acquisition, disposition, and management of Crown lands and waters pursuant to the Public Lands Act. The Ministry endeavours to administer all Crown lands and waters in the best public interest and is encouraged to have regard for the policies of this Plan and to consult with the Township of Lake of the Woods with respect to the use and disposition of Crown lands and waters.

2.8.2 Authorization for occupation or use of Crown Lands is required from the Province.

2.8.3 The Township recognizes that resource management activities on Crown Lands are desirable for environmental, social and economic reasons. Resource management activities shall be conducted in accordance with the standards and guidelines established by the Province.

## 2.9 HOME INDUSTRIES AND HOME OCCUPATIONS

2.9.1 Generally, home occupations shall include home based occupations or professions which are conducted entirely within a dwelling unit, while home industries are conducted primarily within an accessory building.

2.9.2 Neither home industries or home occupations shall be offensive or create a nuisance as a result of noise, odour, traffic generation or other means.

2.9.3 The home industry or home occupation shall be secondary to the main use of the property and not generate adverse or incompatible effects with the surrounding area.

2.9.4 The severance of a dwelling unit from a home industry may be considered appropriate if adequate buffering is available between the dwelling and the home industry to provide protection to the residential use and shall be in accordance with the consent policies contained in Section 2.3 of this Plan.

## 2.10 GROUP HOMES

2.10.1 Group homes are permitted in all areas where residential uses are permitted.

## 2.11 GARDEN SUITES

2.11.1 Garden suites shall be permitted as temporary accommodation for a maximum of ten (10) years pursuant to Section 39 of The Planning Act in conjunction with an existing residential dwelling subject to the following provisions:

- (a) the garden suite shall not be permitted to separate by consent from the main residential dwelling on the lot;
- (b) the design, mass and location of the garden suite should compliment the main residential dwelling and streetscape;
- (c) the garden suite should utilize and connect to the services used by the main dwelling provided clearance from the Northwestern Health Unit is obtained to permit the garden suite to connect to the septic system servicing the main dwelling; and
- (d) an agreement between the homeowner and the Township is required identifying the name of the person who is to live in the garden suite, when the garden suite will be removed and acknowledging that the garden suite will not be severed from the main residential dwelling.

## 2.12 BED AND BREAKFAST

2.12.1 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 establishment shall have sufficient site area to accommodate onsite outdoor amenity area, adequate on-site parking and provide adequate buffering for any adjacent use;
- (b) a Bed and Breakfast establishment shall be located in an existing residential dwelling; and

- (c) should external expansion be required to the existing dwelling to accommodate the proposed tourist facility, the character of the residential use should be maintained.

## 2.13 MOBILE HOME PARKS **SEE MODIFICATION NO 2.**

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

2.13.2 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 be limited to, the following considerations:

- (a) entrances and exits and road widenings;
- (b) on-site parking for residents and visitors;
- (c) on-site open space and recreational activity areas;
- (d) landscaping, fencing and buffering;
- (e) size, orientation and spacial separation of the mobile home sites;
- (f) emergency access;
- (g) on-site servicing including water and sewage works, grading and storm water management; and
- (h) outside storage.

## 2.14 CAMPING AND TRAILER PARKS

2.14.1 Camping and trailer parks shall be permitted without an amendment to this Plan in the Rural and Village areas and provided the development can be safely serviced with water and sanitary sewage services and they are appropriately buffered from residential uses.

2.14.2 New camping and trailer parks shall be subject to site plan control, pursuant to the requirements of Section 41 of The Planning Act, and will include but not be limited to the following considerations:

- (a) entrances and exits and road widenings;
- (b) on-site parking for visitors;
- (c) on-site open space and recreational activity areas including swimming areas and boat launches;
- (d) landscaping, fencing and buffering;
- (e) size, orientation and spacial separation of the camp and trailer sites;
- (f) size and location of office and accessory buildings;
- (g) emergency access;
- (h) on-site servicing including water and sewage works, grading and storm water management;
- (i) traffic circulation;
- (j) months of operation;
- (k) outside storage;
- (l) protection of natural heritage features; and
- (m) protection of natural hazards.

## 2.15 WAYSIDE PITS AND QUARRIES

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

- (a) in Village of Bergland and Village of Morson;
- (b) within 90m of an existing residential use, including a vacation home; and
- (c) where severe environmental disruption will occur.

2.15.2 The opening of wayside pits and quarries shall be permitted without an amendment to this Plan provided that the Township of Lake of the Woods is given adequate notice and an opportunity to comment regarding the opening of the pit or quarry.

2.15.3 Progressive rehabilitation of wayside pits and quarries is encouraged and the Ministry of Transportation shall ensure that wayside pits and quarries used for its purposes are rehabilitated in consultation with the Township.

## 2.16 PORTABLE ASPHALT PLANTS

2.16.1 Portable asphalt plants used by a public road authority or their agents, shall be permitted throughout the Township, subject to the approval of the Ministry of the Environment, except for the following locations:

- (a) in the Village of Bergland and Village of Morson;
- (b) within 300m of an existing residential use, including a vacation home; and
- (c) where severe environmental disruption will occur.

2.16.2 Portable asphalt plants shall be permitted without an amendment to this Plan provided the Township of Lake of the Woods is given adequate notice and an opportunity to comment regarding the location of the plant.

2.16.3 Portable asphalt plants shall be removed from the site upon completion of the road project and the site shall be rehabilitated to its former condition.

## 2.17 AGGREGATE RESOURCE AREAS

2.17.1 Located in the Rural area of the Township are aggregate extractive sites that are a local source of aggregate, however are not considered to contain significant or large deposits of aggregate. Existing mineral aggregate operations shall be protected from incompatible land uses. A Certificate of Approval is required from the Ministry of Environment for the operation of aggregate processing equipment including crushers and screening plants.

2.17.2 The Township of Lake of the Woods will endeavor to undertake an Aggregate Resources 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, including the identification and placing of such areas on Schedules "A-1" and "A-2" in an "Aggregates" designation.

2.17.3 Development adjacent to existing aggregate operations will be permitted provided that the development does not restrict access to the aggregate resource. If access to the aggregate resource is restricted as a result of the development, the development may be permitted provided that:

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

2.17.4 Rehabilitation of exhausted pits and quarries is be encouraged and may be implemented through a site rehabilitation plan. Site rehabilitation plans shall be prepared to the satisfaction of the Township.

## 2.18 FORESTRY

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

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

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

2.18.3 The maintenance of forest cover along river and stream banks is encouraged and reforestation in areas where forest resources have been depleted is encouraged.

2.18.4 Certain areas of the Township are highly susceptible to damage caused by forest, brush and/or grass fires. Forest fire prevention and hazard reduction activities are desirable for environmental, economic and social reasons.

2.18.5 Development of land adjacent to or within high fire risk areas should 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.

## 2.19 SENSITIVE AREAS

2.19.1 Sensitive areas are natural areas that may be impacted by development and have been identified for natural and ecological functions and include such areas as wetlands, wildlife and fish habitat areas, sites with (**SEE MODIFICATION NO 3** rare and endangered) plant, animal or fish species, and areas that have life science or earth science values related to protection, scientific study or education. Fish, plant and wildlife species on the endangered species list are protected by the Endangered Species Act.

- 2.19.2 Development may be permitted in sensitive areas **(SEE MODIFICATION 4(a))** or adjacent to sensitive areas provided that it is demonstrated to the satisfaction of the Township that there will be no negative impact on the natural feature or ecological function of the natural feature and possible mitigation measures that may be required to protect against negative impacts are subject to the approval of the Township. A report from a qualified consultant may be required to identify the impact on the natural features, possible mitigation measures and where appropriate, the recommendations of the consultant's report may be incorporated into a site plan agreement or zoning by-law amendment. The Ministry of Natural Resources should be consulted for technical advice and input prior to development approval being granted**(SEE MODIFICATION 4(b))**.
- 2.19.3 Agricultural activities are permitted to continue in sensitive areas and on adjacent lands.
- 2.19.4 New utilities/facilities should be located outside of the sensitive area.
- 2.19.5 The Ministry of Natural Resources is responsible for identifying and classifying wetlands. Presently no wetlands have been classified in the Township as provincially significant. Provincially significant wetlands will be added by an amendment, at the time they are classified by the Ministry of Natural Resources or a Qualified Wetland Evaluator. **(SEE MODIFICATION 5)**

## 2.20 WASTE DISPOSAL SITES

- 2.20.1 Development shall be prohibited on all waste disposal sites located in the Township, including closed sites. Waste disposal sites are considered an industrial use. **(SEE MODIFICATION 6)**
- 2.20.2 Development proposed within 500 meters of an existing or closed waste disposal cell shall not be approved under a plan of subdivision, consent or building permit 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 to the satisfaction of the Ministry of Environment and the Township of Lake of the Woods.
- 2.20.3 Prior to approving development to allow residential, institutional, recreational or parkland uses on lands which may have been contaminated by previous uses, a Record of Site Condition may be required to determine the extent of possible contamination, prepared by a qualified consultant in accordance with the Ministry of Environment guidelines and accepted by the Ministry of the Environment. If site restoration is required, it shall be completed prior to development approval being given and in accordance with a site remediation plan prepared consistent with the Ministry of Environment guidelines.

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

### **3.1 GENERAL**

- 3.1.1 Land use designations have been established for Township of Lake of the Woods. These land use designations have related functions and do not ordinarily conflict with one another. The Land Use Plan as detailed on Schedules "A-1" and "A-2" illustrate the land use designations. Schedules "A-1" and "A-2" should be read together in conjunction with the policies of Section 3.
- 3.1.2 The intent of this section of the Plan is to promote the optimum land use function by minimizing land use conflicts and providing an attractive development pattern consistent with existing land uses and economic development of the Township.

### **3.2 VILLAGE AREA**

- 3.2.1 The Village area is that area located within the Village of Bergland and the Village of Morson.

3.2.2 It is the objective of this Plan to:

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

#### **Permitted Uses**

- 3.2.3 The permitted uses in the Village area include residential uses, rooming, boarding and lodging houses including bed and breakfast establishments, garden suites, group homes, home occupations and home industries.
- 3.2.4 Community recreational facilities, churches, 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 area provided there is no adverse or negative impact on the surrounding residential uses with respect to noise, traffic, parking, etc.

- 3.2.5 Local convenience commercial uses, retail business uses, offices, personal services, restaurants, hotels, and automotive and equipment sales, service and retail and tourists related commercial uses may be permitted within the Village area. 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.
- 3.2.6 Industrial uses which are not noxious or offensive in nature or would not create a nuisance are permitted in the Village area subject to a zoning by-law amendment and may include light manufacturing, processing, assembling, fabricating, servicing and storage of goods and raw materials, warehousing, wholesaling and service sector industries including transportation and communications.

#### Residential Development

- 3.2.7 It is recognized that the Village area is the area where residential development is encouraged and will primarily locate. Residential development or redevelopment shall be either by plan of subdivision or by consent. Consents to sever individual parcels will be permitted when development by plan of subdivision is not necessary to implement the policies of this Plan and the provisions of Section 51(24) of The Planning Act.
- 3.2.8 The following standards of residential amenity shall be provided for with any residential development or redevelopment:
- (a) the provision of adequate access and parking for the development;
  - (b) the provision of on-site landscaping, parks and amenity areas;
  - (c) the provision of adequate separation distances and the placement of buffer features between residential uses and different types of land uses; and
  - (d) the development is to be adequately served by community facilities such as parks, commercial uses, churches and school sites.
- 3.2.9 New lots for residential uses in the Village 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 public health authority and shall not be smaller than 0.4 ha (1 acre) in area.
- 3.2.10 The Township may require appropriate measures, i.e. fencing, berming, etc. to reduce the effects of noise, dust, visual intrusion, vibration and other undesirable impacts of new residential development or redevelopment and other environmentally incompatible land uses in consultation with the Province.

#### Institutional Development

- 3.2.11 Institutional uses that provide local public services such as schools, public offices, churches, medical centres and day care and senior centre facilities may be permitted in the Village area in accordance with the following:
- (a) adequate parking is provided;
  - (b) adequate buffering is provided;
  - (c) the soil and ground water conditions are suitable for the provision of a potable water supply and private sewage disposal system; and



- (d) an agreement pursuant to Section 41 of The Planning Act may be required;

#### Recreational/Open Space Development

- 3.2.12 Recreational uses and development shall compliment the natural environment and the Village area.
- 3.2.13 The Township shall encourage accessibility for the physically challenged in the design and development of parks, open space areas and recreational facilities.

#### Commercial Development

- 3.2.14 When considering an application to establish a commercial use or uses, the Township shall have regard for the following:
  - (a) the compatibility of the proposed use with the surrounding area;
  - (b) the ability to provide adequate setbacks and appropriate landscaping and buffering provisions to adjacent residential and institutional uses;
  - (c) the physical suitability of the site for the proposed use;
  - (d) the adequacy of the road system to accommodate access;
  - (e) the suitability of the site to accommodate parking and loading facilities;
  - (f) the convenience and accessibility of the site for both pedestrian and vehicular traffic;
  - (g) the suitability of the soil and ground water conditions regarding the provision of a potable water supply and private sewage disposal system; and
  - (h) the adequacy of utilities to service the proposed use(s).
- 3.2.15 Commercial uses are subject to site plan control pursuant to Section 41 of The Planning Act.
- 3.2.16 The Township may consider accepting cash-in-lieu for parking spaces from new commercial developments or commercial redevelopments if adequate parking exists in the vicinity of the proposed development.
- 3.2.17 Residential uses may be permitted above or behind commercial uses subject to the following criteria:
  - (a) the residential use shall not detract from the prime function of the commercial use;
  - (b) amenity areas shall be provided for the residential use and shall be separate from any public amenity area provided in conjunction with the commercial use; and
  - (c) parking shall be provided for the residential use in conjunction with the requirements for the commercial use.
- 3.2.18 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, joint entrances between commercial uses shall be encouraged to minimize potential traffic conflicts.

## Industrial Development

- 3.2.19 The industrial uses are intended to promote development through the expansion of the existing industrial base and stimulation of new industrial growth.
- 3.2.20 Industrial uses shall have regard for the proximity of residential uses, exposure to major roadways and Highway 11 and the degree to which the industrial use affects the physical and aesthetic characteristics of the natural environment.
- 3.2.21 Industrial uses are subject to site plan control pursuant to Section 41 of The Planning Act.
- 3.2.22 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.
- 3.2.23 Industrial uses which are exposed to Highway 11 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:
- (a) open storage shall be prohibited unless it can be landscaped and screened to shield the open storage areas from view and will not detract from the intended character of the area;
  - (b) parking and loading areas will generally be restricted to side and rear yards;
  - (c) 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;
  - (d) development or redevelopment of industrial uses shall comply with the applicable standards of the Ministry of the Environment and Energy regarding emissions and noise; and
  - (e) where possible, joint entrances or service roads shall be encouraged to minimize traffic conflicts.

## 3.3 RURAL AREA

- 3.3.1 It is the intent of this Plan to protect the rural character and environment of the Rural area of the Township. The Township is capable of supporting development that is resource and non-resource based. It is not realistic to attempt to precisely define where these uses may best occur. Rather, a general Rural land use designation in which these uses can be accommodated in accordance with the specific policies of this Plan, would allow flexibility in determining the appropriate uses of land.
- 3.3.2 The Rural area is characterized as a low density, multi-purpose area in which a variety of land uses can be accommodated in a compatible manner consistent with the rural character of the Township.

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

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

3.3.4 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 will comply with the Minimum Distance Separation I criteria, as amended from time to time. In addition, new and/or expansions to existing livestock operations will comply with the Minimum Distance Separation II criteria, as amended from time to time.

#### Permitted Uses

3.3.5 Permitted uses in the Rural area include rural residential dwellings, farm related residential dwellings, agriculture, greenhouses, horticulture, recreational uses, institutional uses, commercial uses, including tourist 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.

#### Residential Development

3.3.6 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 (Section 2.3) and provided that:

- (a) the new uses should be a reasonable distance and oriented away from industrial uses to minimize the adverse effects of odour, dust, noise, vibration and other contaminants. The Province should be consulted to obtain input with respect to separation distances and buffering requirements for residential development adjacent to industrial uses;
- (b) the new uses adjacent to aggregate operations shall be located a minimum of 60 meters from the side and rear lot lines abutting the aggregate operation. Existing lots of record that cannot accommodate this standard shall be reviewed on a site specific basis and may be considered appropriate provided the intent of the separation distance and buffering is maintained;
- (c) the new uses should not conflict with existing agricultural facilities and will comply with the Minimum Distance Separation I criteria, as amended from time to time;

- (d) new lots 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 system approved by the public health authority. As a guideline, the minimum lot is 0.4 hectares (1 acres) rural residential lots, provided it can be demonstrated to the satisfaction of public health authority 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 public health authority's requirements; and
- (e) 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.

3.3.7 Plans of subdivisions for rural residential purposes or vacation homes greater than 5 lots shall require a planning justification study that addresses the need and scale of the proposed development based on the following considerations:

- (a) demand for the type of development proposed;
- (b) the amount of developable land available within existing rural residential areas;
- (c) an evaluation of other sites available to accommodate the development within other areas of the Township;
- (d) an evaluation of servicing considerations and the identification of the most appropriate means to service the development in consideration of long term servicing impacts, and impact on surrounding land uses;
- (e) the scale and design of the development is compatible with the surrounding development and rural character in general;
- (f) any necessary infrastructure and public facilities can be provided or are available to service the development in an efficient manner; and
- (g) the impact the development will have on the natural environment and the identification and analysis of mitigation measures needed to address possible adverse impacts the proposed development may have on the natural environment.

#### Agricultural Development

3.3.8 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.

3.3.9 Permanent or portable farm help houses may be permitted for farm help where the size and/or nature of the farming 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 public health authority that the septic system serving the principal 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.

## Institutional Development

3.3.10 Institutional uses that provide local public services such as schools, public offices, and churches may be permitted in the Rural area in accordance with the following:

- (a) adequate parking is provided;
- (b) adequate buffering is provided where necessary;
- (c) the soil and ground water conditions are suitable for the provision of a potable water supply and private sewage disposal system;
- (d) an agreement pursuant to Section 41 of The Planning Act may be required; and
- (e) the lands to be developed be rezoned in conformity with the Comprehensive Zoning By-law.

## Recreation/Open Space Development

3.3.11 Lands used for public or private recreational purposes may be permitted in the Rural area in accordance with the following provisions:

- (a) 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;
- (b) a site plan agreement pursuant to Section 41 of The Planning Act may be required; and
- (c) the lands to be developed be rezoned in conformity with the Comprehensive Zoning By-law.

3.3.12 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.

## Commercial and Industrial Development

3.3.13 Commercial and industrial uses providing personal, professional or retail services, or relating to agriculture or a natural resource, and recreational tourist commercial uses may be permitted in the Rural area provided that:

- (a) only dry uses are permitted on lots services by private individual sewage and water services. 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 sewage originating from human body waste, toilet waste, waste from showers and tubs, liquid and waterborne kitchen and sink water and laundry waste. Domestic waste does not include plant or chemical effluent used in a manufacturing process. Other uses may be permitted provided it can be demonstrated by the proponent to the satisfaction of the public health 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 uses:

- (b) the use is located on a provincial highway or on an open road maintained year round by the Township;
- (c) 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;
- (d) there is no adverse impact on the amenity and character of the rural environment;
- (e) adequate parking and loading facilities are provided;
- (f) a site plan agreement pursuant to Section 41 of The Planning Act is required; and
- (g) the lands to be developed be rezoned in conformity with the Comprehensive Zoning By-law.

3.3.14 Aggregate extraction operations shall be permitted in the Rural area provided that:

- (a) the operation is compatible with surrounding land uses;
- (b) adequate buffering is provided;
- (c) **(SEE MDFCTIN NO 7)**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:
  - i) hours of operation;
  - ii) location of proposed buildings, machinery and equipment;
  - iii) setbacks, landscaping and buffering;
  - iv) storm water management;
  - v) existing and anticipated final grades of excavation;
  - vi) access/egress;
  - vii) haulage routes;
  - viii) improvements/maintenance to Township roads as a result of increased truck traffic on existing roads; and
  - ix) site rehabilitation.
- (d) **(SEE MDIFICTIN NO 8)**there is a need for the aggregate extraction operations;
- (e) the Province is satisfied with respect to the disposal of liquid wastes, pumping operations and the control of air and noise pollution, among other matters;
- (f) no building, equipment, machinery or stockpiling of material is allowed:
  - i) within 30 meters of a lot line of an adjacent lot used for residential, recreational, institutional or commercial purposes;
  - ii) within 30 meters of the Village area;
  - iii) within 30 meters of any road or road allowance; and
- (g) no excavation of material is allowed:
  - i) within 60 meters of a lot line of an adjacent lot used for residential, recreational, institutional or commercial purposes;
  - ii) within 60 meters of the Village area;
  - iii) within 30 meters of any road or road allowance; and
- (h) a quarry with blasting operations is to be setback a minimum of 450 meters from a residential building.

3.3.15 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 the Ministry of the Environment through the issuance of a Certificate of Approval.

- 3.3.16 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 in consultation with the Township and with the Ministry of the Environment through the issuance of a Certificate of Approval.
- 3.3.17 Forestry activities includes the production of wood and wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, recreation and protection and production of water supplies. The processing of forest products is considered an industrial use and subject to the policies of 3.3.13.
- 3.3.18 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:
- (a) within 60 meters of a residential lot or a lot used for recreational, institutional or commercial uses;
  - (b) within 30 meters of any road or road allowance; and
  - (c) **SEE MDIFCTION NO 9** a site plan pursuant to Section 41 of the Planning Act is required.

#### 3.4 ISLAND AREA

- 3.4.1 The Island Area on Schedules “A-1” and “A-2” includes the islands and that portion of the Aulneau Peninsula in the Lake of the Woods that are within the Township’s jurisdiction.
- 3.4.2 It is the objective of this Plan to:
- (a) provide opportunities for development on the islands that is compatible with the natural environment and amenities of the Lake;
  - (b) to provide opportunities to enhance and increase the awareness of the recreational and educational aspect of development on the islands;
  - (c) to minimize the impact of new development may have on the natural environment and water quality of the Lake; and
  - (d) to provide adequate sewage services for island developments.

#### Permitted Uses

- 3.4.3 The permitted uses in the Island area include residential uses, tourist commercial uses, recreational uses, parks, open space, conservation uses and fisheries.

#### Development Policies

- 3.4.4 Access to the islands is restricted to water access only.
- 3.4.5 All new lot creation in the Island area shall be either by consent or by plan of subdivision.
- 3.4.6 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.

- 3.4.7 Any new development on the islands below the 324.6 GSC elevation shall be subject to the policies of Section 3.5.2.
- 3.4.8 Development that degrades the water quality to unacceptable standards or impairs fish habitat areas shall be restricted.
- 3.4.9 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) an evaluation of servicing considerations and the identification of the most appropriate means to service the development in consideration of long term environmental impacts;
  - (c) the physical suitability of the site for the proposed use; and
  - (d) the location and suitability of the mainland site to accommodate the proposed parking, docking and waste disposal facilities.
- 3.4.10 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; and
  - (f) the adequacy of utilities to service the proposed use.
- 3.4.11 Tourist commercial uses are subject to site plan control pursuant to Section 41 of The Planning Act.
- 3.4.12 Recreational uses and development should increase public access to the islands and shall compliment the natural environment and amenities of the Lake. Those uses that provide for educational opportunities are encouraged.

### 3.5 HAZARD LANDS

- 3.5.1 On lands designated Hazard Lands on Schedules "A-1", "A-2" and "A-3", the permitted uses shall be shoreline protection works, floodplain protection works, fisheries management, wildlife management, waterfowl production, forestry, agriculture, and public and private parks including boat launching facilities.



- 3.5.2 The Lake of the Woods Control Board is responsible for the regulation of the water level and outflow of Lake of the Woods. The Board has established that all lands along the shoreline of the Lake on both the mainland and on the islands of the Lake below the 324.5 (Geodetic Survey of Canada Datum) are prone to the hazards of flooding and wave up-rush and are considered to be in the Hazard Area designation. Development below the 324.6m GSC elevation is restricted and shall be limited to non-habitable structures only, i.e. docks, boat houses, decks, etc. These structures however, will be at risk due to the flooding hazards, wind setup and wave action. The Lake of the Woods Control Board and the Province should be consulted prior to the construction of any new docks, boathouses or other structures within the floodway or below the 324.6m GSC elevation.
- 3.5.3 Certain areas of the eastern shoreline of Lake of the Woods above the 324.6m GSC elevation and the Grassy River are subject to erosion hazards and are considered to be in the Hazard Area designation. New development in areas subject to erosion hazards may be permitted subject to the findings and recommendations of an erosion potential analysis. The placement of fill and erosion protections works will be considered if they are properly designed by a qualified shoreline management engineer and there is provision for ongoing monitoring and maintenance. The Lake of the Woods Control Board and the Province shall be consulted prior to the placement of fill, erosion protection measures or development being approved in these areas.
- 3.5.4 Any development which involves the channelization, diversion, damming, walling and dredging of a natural watercourse, or the installation of a culvert, causeway or dock, is subject to the approval of the Province in accordance with the provisions of the Lakes and Rivers Improvement Act and/or the Public Lands Act and the Ontario Water Resources Act.
- 3.5.5 Existing uses shall be recognized despite the natural hazardous characteristics of the land. Expansions to such uses will, however, be discouraged unless they involve the following:
- (a) reconstruction and/or minor alterations to existing buildings or structures, storage sheds, which are approved by the Province and/or the Lake of the Woods Control Board; and
  - (b) additions or extensions, including new structures to existing agricultural operations which are not likely to incur significant flood damage or will not result in impediments to flow or floodwater storage, which are approved by the Province and/or the Lake of the Woods Control Board.
- 3.5.6 Any applications to re-designate Hazard Lands will be carefully reviewed and shall not adversely impact on the natural environment. The Township shall, in conjunction with the Province, and the Lake of the Woods Control Board, require the proponent of an application to submit a study prepared by a qualified specialist to address the following considerations:
- (a) a description of the natural environment, hazard condition and existing physical characteristics;
  - (b) a description of the proposed development and potential effect on the natural environment and hazard condition;

- (c) 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 hazard condition and potential effects; and
- (d) an evaluation of alternatives including other locations for the proposal.

3.5.7 Hazard Lands may not be considered acceptable as part of a parkland dedication pursuant to The Planning Act.

3.5.8 Property owners are encouraged to provide a coordinated approach to the use of land and management of water in areas subject to flooding and erosion in order to minimize social disruption in consultation with the Province and the Lake of the Woods Control Board.

## ***SECTION 4 - COMMUNITY SERVICES AND FACILITIES***

### **4.1 GENERAL**

- 4.1.1 The intent of this Plan is to maintain a level of public service that is appropriate for the rural character and environment of the Township of Lake of the Woods.
- 4.1.2 The objectives of this section of the Plan is to provide policies that will ensure adequate services are provided that recognize the Township's financial capabilities and not place undue strain on the Township's financial resources.
- 4.1.3 The use of alternative development standards is encouraged for new development and redevelopment provided that the standard of development allows for 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.

### **4.2 ROADS**

- 4.2.1 Safe and efficient movement of people and goods within the Township and to and from adjacent municipalities is encouraged by this Plan. The road system should safely serve the Township but should not be developed to a standard or extended beyond which would result in a burden to the residents and taxpayers of the Township.
- 4.2.2 The classification of roads in the Township are as follows:
  - (a) Provincial Highways - this system of roads applies to all numbered provincial highways under the jurisdiction of the Ministry of Transportation. Access to provincial highways is permitted provided the entrance meets the minimum safety and geometric requirements of the Ministry of Transportation; and
  - (b) 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.
  - (c) Private Roads – this system of 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 approved municipal standards and is in a condition suitable for assumption into the municipal road system.
- 4.2.3 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.
- 4.2.4 Should the construction of a new road or extension of an existing road be warranted, the road shall be designed and constructed to meet approved standards and the road shall be suitable for assumption into the Township road system.

- 4.2.5 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.
- 4.2.6 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.
- 4.2.7 Year-round maintenance will be provided on all Class M3, M4 and M5 Township roads (excluding seasonal roads) under the jurisdiction of the Township of Lake of the Woods.
- 4.2.8 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 widenings 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.

#### 4.3 WATER SUPPLY

- 4.3.1 The source of water supply in the Township of Lake of the Woods is generally from private individual wells. It is intended that the responsibility for water supply in the Township will be with each property owner.
- 4.3.2 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.
- 4.3.3 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 that private wells remain the source of water in the Village and Rural areas the Township.
- 4.3.4 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 public health authority 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.

#### 4.4 SEWAGE DISPOSAL

- 4.4.1 Private individual septic tanks and tile field systems are the means of sewage disposal in the Township. Each individual property owner is responsible for the provision of private sanitary sewage disposal approved by the public health authority or the Township as designated by the Ministry of the Environment.

4.4.2 It is intended that lot sizes remain large enough and soil conditions are suitable to allow the safe and efficient operation of individual private sewage disposal systems. Private sewage disposal systems will remain the source of sewage disposal in the Village, Rural and Island areas of the Township.

#### 4.5 NON-HAZARDOUS SOLID AND LIQUID WASTE DISPOSAL

4.5.1 No additional solid waste disposal sites or expansions to the existing facilities are anticipated over the life of this Plan.

4.5.2 If additional solid waste disposal sites are required or an expansion to an existing facility is required, these sites shall be planned in accordance with the requirements of the Environmental Assessment Act and should:

- (a) avoid areas of high ground water;
- (b) maintain an adequate separation and buffer from all existing development;
- (c) avoid pollution of the ground water and watercourses; and
- (d) be approved by the Ministry of the Environment.

4.5.3 Liquid waste disposal sites may be permitted subject to an amendment to this Plan and provided the applicant has demonstrated to the satisfaction of the Ministry of the Environment that the facility may be established without adverse impacts on surrounding land uses and the natural environment. A Certificate of Approval from the Ministry of Environment is required for all liquid disposal sites.

#### 4.6 COMMUNITY FACILITIES AND SERVICES

4.6.1 The existing services provided by the volunteer fire departments, the Ontario Provincial Police and other provincial agencies are considered adequate to meet the needs of the residents of the Township.

4.6.2 The existing public facilities serving the residents of the Township fulfill the educational needs of the residents for the foreseeable future.

4.6.3 The existing community centres, recreation and open space facilities that are available to the residents of the Township are considered suitable. However, with increased population growth, in both permanent and temporary population, additional recreational and open space facilities may be required.

4.6.4 It is the intent of this Plan to encourage the provision of additional public and private recreational and open space facilities at appropriate locales for use by the Township residents and tourists, especially along the shoreline of the Lake of the Woods and the Grassy River.

4.6.5 It is the intent of this Plan, that new public and private recreational opportunities shall not provide an undue financial burden on the Township.

## **SECTION 5 - IMPLEMENTATION AND ADMINISTRATION**

### **5.1 THE TOWNSHIP'S ROLE IN IMPLEMENTATION**

- 5.1.1 This Official Plan shall be implemented by means of the powers conferred to the Township of Lake of the Woods by The Planning Act and other statutes which may be applicable. In particular, the Plan shall be implemented through:
- (a) the preparation, adoption and enforcement of zoning by-laws where deemed appropriate;
  - (b) the preparation, adoption and enforcement of other land use planning provisions such as property maintenance and occupancy standards by-laws, interim control, temporary use by-laws, holding by-laws and minor variances where deemed appropriate;
  - (c) the consent and subdivision approval process; and
  - (d) the site plan control process.

### **5.2 PUBLIC WORKS**

- 5.2.1 Any public works within 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 with the applicable Class Environmental Assessment under the Environmental Assessment Act, as amended.

### **5.3 NON-CONFORMING USES**

- 5.3.1 Where a legally existing use of land does not comply with the land use designations and policies of this Plan, it will be permitted provided that:
- (a) there is no change in use or performance standard that may aggravate or cause conflicts with adjacent complying uses;
  - (b) the use of land will not constitute a danger or nuisance to surrounding uses and persons by virtue of a hazardous nature, poor property conditions, traffic generation or similar characteristics;
  - (c) there is no pollution of air or water to the extent of interfering with the ordinary enjoyment of the property and surrounding uses;
  - (d) the use does not interfere with the desirable development of the surrounding area that is in conformity with this Plan; and
  - (e) where the existing use is discontinued for more than one (1) year, it will be permitted only in accordance with the policies of this Plan.
- 5.3.2 It is the intention that non-conforming uses will cease to exist in the long term.
- 5.3.3 Extensions or enlargements of the land, building or structure of a legal non-conforming use may be permitted provided that:
- (a) the proposed extension or enlargement will not unduly increase any existing nuisance as a result of the use, particularly as it may affect adjacent residential uses; and
  - (b) the extension or enlargement will not create any new nuisance in addition to those in existence as a result of the current use.

- 5.3.4 The repair or replacement of a legal non-conforming use may be permitted provided that:
- (a) the repair or replacement will not unduly increase any existing nuisance as result of the use, particularly as it may affect adjacent residential uses; and
  - (b) the repair or replacement will not create any new nuisance in addition to those in existence as a result of the current use.

#### 5.4 PUBLIC PARTICIPATION

5.4.1 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.

5.4.2 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:

- (a) altering the number and arrangement of any provision;
- (b) correcting punctuation or altering language to obtain a uniform mode of expression;
- (c) correcting clerical, grammatical, dimensions or typographical error;
- (d) effecting changes in format; and
- (e) consolidating previous amendments into the parent document.

#### 5.5 OFFICIAL PLAN - AMENDMENTS AND REVIEW

5.5.1 No developments or activities shall occur which contravene the intent and policies of this Plan.

5.5.2 Developments or activities deemed beneficial to the Township, but not in conformity with the Plan, shall require an amendment to the Official Plan before proceeding.

5.5.3 The Official Plan shall be amended to reflect the policies of the Township and the changing needs of the Township.

5.5.4 The Plan shall be subject to a continual review by the Township. Whenever it is necessary to refine existing policies or amend, delete or add policies based on new information or trends, this shall be done by amendment to the Official Plan.

5.5.5 The Official Plan shall be subject to a formal review by Council at least once every 5 years pursuant to Section 26 of The Planning Act.

5.5.6 Prior to considering an amendment to this Plan, the Township shall pre-consult with the Ministry of Municipal Affairs and Housing and any other person or public body that Council considers to have an interest in the amendment, pursuant to Section 17(21) of The Planning Act, to ensure that provincial interests are considered.

## 5.6 ZONING BY-LAW

- 5.6.1 A Zoning By-law may be prepared to conform with the Official Plan. The Zoning By-law divides the lands within the Township into zones, each of which will have regulations to control the use of the lands and use, character and location of buildings and structures built upon the land.
- 5.6.2 A Zoning By-law is one of the main methods of implementing the Official Plan policies and lands are zoned for purposes compatible and in conformity with the Official Plan.
- 5.6.3 Any amendments to a Zoning By-law shall be in conformity with the Official Plan.
- 5.6.4 Council may conserve and protect archaeological resources by adopting zoning by-laws pursuant to Section 34(1) (3.3) of The Planning Act, to restrict land use activities on a site containing known significant archaeological resources.

## 5.7 STREAMLINING REVIEWS OF PLANNING APPLICATIONS

- 5.7.1 The Province has implemented a "one window" planning service for provincial review and approval of municipal planning applications at the Ministry of Municipal Affairs and Housing. The "one window" approach will allow for a coordinated provincial input at the pre-adoption stage. The Ministry of Municipal Affairs and Housing will rely on the expertise of other ministries as required.
- 5.7.2 The Township is responsible for the review of consent applications and to provide a coordinated assessment and review of individual consent applications, the Township will undertake a municipal plan review regarding the protection of municipal and provincial interests and will rely on the expertise of other ministries as needed.

## 5.8 PARKLAND DEDICATION

- 5.8.1 The dedication of lands or acceptance of cash-in-lieu of the land dedication for recreational purposes as a result of new development or redevelopment of land shall be in accordance with the following requirements:
  - (a) the development or redevelopment of land for residential purposes may require a land dedication to the Township at a standard of 5% of that land being developed or redeveloped or cash-in-lieu based on 5% of the value of the land; and
  - (b) development or redevelopment of land for commercial or industrial purposes may require a land dedication to the Township at a standard of 2% of the land being developed or redeveloped or cash-in-lieu based on a value of 2% of the land.
- 5.8.2 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:
  - (a) 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;



- (b) be located within the community context to provide convenient pedestrian and vehicular access;
- (c) provide a reasonable park configuration to accommodate the dimensions and shape of large playing fields, i.e. soccer fields, baseball fields, etc.;
- (d) have adequate access;
- (e) be provided with basic service requirements; and
- (f) be developed in accordance with the Township's parkland standards.

## 5.9 IMPLEMENTING COMMUNITY IMPROVEMENT POLICIES

5.9.1 The Township of Lake of the Woods may wish to implement Community Improvement Policies where appropriate and these shall include:

- (a) use of authority granted under Section 28 of The Planning Act, to designate a Community Improvement Area, develop Community Improvement Plans and acquire and redevelop land; and
- (b) enforcement of the Property Maintenance and Occupancy Standards By-law;
- (c) encouragement of activities aimed at developing the economic viability and attractiveness of the Township including the participation in and support of Federal and Provincial community improvement programs.

## 5.10 FEES

5.10.1 Pursuant to Section 69 of The Planning Act, the Township of Lake of the Woods may prescribe tariff of fees through a Tariff of Fee By-law for the processing of applications made in respect of planning matters, such as Official Plan amendments, zoning by-law amendments, consents subdivision applications, minor variances or any other planning matter.

5.10.2 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.

## 5.11 MINOR VARIANCE

5.11.1 The Township may recommend minor variances for relief from regulations to a 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.

5.11.2 The Township may also recommend minor variances to other by-laws, such as Interim Control by-laws and the Property Maintenance and Occupancy Standards By-law where it is deemed appropriate.

## 5.12 TEMPORARY USE BY-LAWS

5.12.1 Pursuant to Section 39 of The Planning Act, the Township of Lake of the Woods may approve the use of land, buildings or structures for a temporary use not considered to be of a permanent nature which shall be for uses that will not preclude the future development of any lands for their most appropriate use, as defined by the Official Plan.

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

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

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

### 5.13 HOLDING PROVISIONS

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

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

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

- (a) that servicing requirements for the subject lands are in place;
- (b) that any impacts on surrounding lands can be mitigated through the use of site plan control or other design requirements; or
- (c) that a site plan agreement has been executed in accordance with the policies of this Plan and The Planning Act.

5.13.4 It shall be the responsibility of the applicant requesting the removal of the holding symbol to demonstrate that the conditions for the removal of the holding symbol have been satisfied.

### 5.14 INTERIM CONTROL

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

5.14.2 The Interim Control By-law restricts the use of lands to its present use until the required studies are completed, at which time the Official Plan may require an amendment or a Zoning By-law may be required to reflect the findings of the study and desired use.

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

## 5.15 SITE PLAN CONTROL

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

5.15.2 The goals of implementing site plan control are to:

- (a) ensure safe and efficient vehicular and pedestrian patterns;
- (b) ensure that development will not have a detrimental visual impact on adjacent uses;
- (c) ensure industrial and commercial developments do not reduce the enjoyment of adjacent lands; and
- (d) ensure parking, lighting, storage, loading facilities and garbage disposal areas are located in a manner that does not negatively impact on traffic flows or create adverse visual impacts.
- (e) ensure on-site drainage and grading is adequately provided; and
- (f) ensure possible natural heritage features are protected and the proposed development is protected from natural hazards.

5.15.3 A Site Plan Control By-law may require site plans and/or detailed drawings of a proposed development to be submitted for approval by the Township. Such site plans and/or drawings will show any or all the required information deemed necessary from the items listed in policy 5.15.4.

5.15.4 Prior building, the applicant may be required to enter into a site plan agreement with the Township which may address one or more of the following matters:

- (a) widenings to any roads or highways that abut the lands subject to the application. Any proposed widenings requested must be shown on the site plan drawing;
- (b) provision of sufficient parking, access driveways, loading areas and similar matters;
- (c) the construction of walkways, ramps and pedestrian access;
- (d) proper lighting of buildings and lands;
- (e) the provision of adequate landscaping and buffering in the form of trees, shrubs, fences, and/or berms;
- (f) storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
- (g) the conveyance of any easements for the construction, maintenances and improvements of any drainage works and other public utilities;
- (h) adequate drainage and management of surface storm water and waste water from the lands, buildings or structures; and
- (i) the location of all buildings and structures to be erected and the location of all facilities and works to be provided in conjunction with the buildings and structures.

## 5.16 PROPERTY MAINTENANCE AND OCCUPANCY STANDARD BY-LAW

5.16.1 The Township is committed to the maintenance and development of a safe, healthy and attractive environment. The Township may adopt a By-law pursuant to Section 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 with the standards. The By-law shall require that all substandard properties be repaired in conformance with the By-law or be cleared of all buildings, debris, structures or refuse and left in a graded and leveled condition. The By-law shall specify the manner in which the By-law will be administered and enforced.

5.16.2 The above By-law may address the following items:

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

5.16.3 After passing the above By-law, a Property Standards Officer shall be appointed and a Property Standards Committee shall be established. The appointment and responsibility of the Property Standards Officer and Property Standards Committee shall be in accordance with Section 31 of The Planning Act.

## 5.17 AGENCY NAMES AND RESPONSIBILITIES AND LEGISLATION

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

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

## 5.18 LAND USE BOUNDARIES

5.18.1 It is intended that the boundaries of the land use designations, shown on the attached Schedule, be considered as approximate and absolute only where bounded by public roads, 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.

SCHEDULE A-1 LAND USE PLAN - TOWNSHIP OF LAKE OF THE WOODS (Mainland)  
SCHEDULE A-2 LAND USE PLAN – TOWNSHIP OF LAKE OF THE WOODS (island area)

***APPENDICES***

## APPENDIX A

### Definitions

**Agricultural uses:** means the growing of crops, including nursery and horticulture crops; raising of livestock and other animals for food or fur, including poultry and fish; aquaculture; peat extraction; agroforestry, maple syrup production; and associated on-farm buildings and structures.

**Areas of archaeological potential:** means areas with medium or high potential for the discovery of archaeological resources. This potential is based on the presence of a wide range of geographic and historical features which influence past settlement. Archaeological potential is confirmed through an archaeological assessment.

**Built heritage resource:** means one or more buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community.

**Contaminated sites:** means sites that have been contaminated from past activities related to, but not limited to, industrial, transportation or utility purposes including municipal and MTO refuelling yards, rail yards, waste disposal sites, land used for intensive agricultural uses such as green houses, commercial uses such as gas stations, auto repair shops, dry cleaning plants and lands where filling may have occurred..

**Cultural heritage resource:** means a defined geographic area of heritage significance which has been modified by human activities. Such an area is valued by a community and is of significance to the understanding of the history of a people or place and may include, but are not restricted to, archaeological sites, cemeteries and unmarked burials, buildings and structural remains of historic and architectural value and man-made rural and village districts or landscapes of historic and scenic interest.

**Development:** means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under The Planning Act but does not include activities that create or maintain infrastructure authorized under an environmental assessment process or works subject to the Drainage Act.

**Floodway:** means that portion of the floodplain where development and site alteration would cause a danger to public health and safety or property damage. Along the Lake of the Woods shoreline is that area below 324.6m (Geodetic Survey of Canada Datum) elevation.

**Garden Suite:** means a small self-contained secondary dwelling sometimes referred to as a "granny flat" that is designed to be portable. Each unit must have its own kitchen, bathroom and living area. In most cases the water and sewer services are connected to those of the main dwelling. The garden suite must be able to be removed when it is no longer needed.

**Group Home:** means a housekeeping unit in a residential dwelling licensed by the Province in which a maximum of 5 (5) residents, excluding staff, live as a family under responsible supervision.

**Hazardous site/hazardous land:** means unstable lands or areas subject to change as a result of naturally occurring hazards such as erosion, flooding, unstable slopes and steep banks, unstable soils or bedrock.

**Home industry:** means the use of part of a dwelling unit or an accessory building to a dwelling unit for an industrial use by one of the permanent residents of the dwelling unit which is secondary to the main use of the dwelling unit or agricultural operation and may include photography, upholstery, weaving, dressmaking, animal hospital, wood-working shop, carpentry shop, trucking operation, machine shop, blacksmith shop, etc.

**Home occupation:** means an occupation, trade, business, profession or craft which is clearly secondary to the main use of the dwelling unit and carried out entirely within part of a dwelling unit by at least one of the permanent residents of such dwelling unit and may include hairdressing, accounting/bookkeeping, medical/dental practitioner, drafting, word processing, etc.

**Infrastructure:** means physical structures that form the foundation for development. Infrastructure includes sewage and water works, waste management systems, electrical power, communications, transit and transportation corridors and facilities, and oil and gas pipelines and associated facilities.

**Livestock facilities:** means livestock barns where animals and poultry are housed including beef feedlots and associated manure storage.

**Minimum distance separation formulae:** means formulae developed by the Province to separate uses so as to reduce incompatibility concerns about odour from livestock facilities and other land uses.

**Natural heritage features:** means features and areas such as significant wetlands, fish habitat, significant portions of a habitat or endangered and threatened species, significant wildlife habitat and significant areas of natural and scientific interest which are important for their environmental and social values as a legacy of the natural landscape of an area.

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

**Residential infilling:** means the creation of a lot in an area of agricultural activity between two existing non-farm residences on separate lots which are situated on the same side of the road and not more than 100 meters apart. The creation of lots through residential infilling shall not interfere with or have negative impacts on the normal farming practices of surrounding agricultural operations.

**Residential intensification:** means the creation of new residential unit or accommodation in existing buildings or on previously developed, serviced land and includes infill, accessory apartments and rooming houses.

**Significant:** in regard to natural heritage features, mean ecologically important features,

functions, representations or amount and contributing to the quality and diversity of an identifiable geographic area or natural heritage system.

**Waste management system:** means sites and facilities to accommodate solid waste from one or more municipalities and includes landfill sites, recycling facilities, transfer stations, processing sites and hazardous waste depots.

**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.

**Wetlands:** mean lands that are seasonally or permanently covered by water as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favored the dominance of either hydrophytic or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.

**Woodlands:** means treed areas that provide environmental and economic benefits such as erosion prevention, water retention, provision of habitat, recreation and the sustainable harvest of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance.



## **APPENDIX B**

### **Background Report**

**Background report is only in written form and has not been attached hereto this version. Printed copies are available at the municipal office. 211 Fourth Street Rainy River On P0W 1L0 Phone/fax 807 852-3529 email [gilesp@tbaytel.net](mailto:gilesp@tbaytel.net) .**