SHUNIAH OFFICIAL PLAN

By-law No. 1678

Council Res. 514/96 *APPROVED AUGUST 1996*

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PART I

1.0 INTRODUCTION

1.1 Intent of the Plan

This Official Plan serves to create a vision of the long term development of the Township of Shuniah, and to specifically implement this vision by providing guidance, policies, and objectives with a focus upon development expected to occur over the next ten years. Such objectives relate to the physical development of the township and reflect the relevant economic, social and environmental concerns. The basic intent of this Plan is to create a future development strategy for the Township which will sensitively manage the resources of the area for the continued use and enjoyment by residents and visitors.

It is the purpose of this Plan to guide current and future development initiatives and to designate those areas where the protection of existing natural resources is important. The policy statements in this document reflect this desire to guide rather than regulate land-use decisions.

The policy statements found within this Plan establish a framework through which Council can assess the merits of proposals for development, exercise their powers to pass zoning by-laws and can recommend subdivisions and/or grant consents for conveyances of land. As a result, uncertainty regarding the future development of the Township will be reduced as the Plan will establish a desirable and stable land use pattern along with development guidelines for new development.

1.2 Structure of the Plan

The first part of the Plan is administrative and descriptive in nature as it states the general intent and purpose of the policies within this document. Part Two states relevant policies to guide development in the following land-use designations:

- Community - Hazard Lands
- Rural - Shoreline Residential

- Highway Commercial

Each designation includes general objectives and specific policies which clearly outline those uses which are permitted within each designation.

Part Three establishes policies to guide Council with respect to heritage resources, natural resources, community improvement, transportation systems, severance, implementation and administration, and the review process of the Plan.

1.3 Components of the Plan

This Official Plan for the Township of Shuniah consists of the written text of Sections 1 through 18 and Schedules A, B, C and D. Although not considered as part of the Plan, the Background Study, completed in conjunction with this Plan, may be helpful and is intended to be referred to for additional information.

1.4 Title

This document shall be known as: "THE OFFICIAL PLAN OF THE TOWNSHIP OF SHUNIAH".

2.0 CONCEPT

2.1 Basis

This Plan is based in part on data collected in the background study of the Township of Shuniah. Sources for this information include various Provincial Ministries, surveys of land use, Statistics Canada, previous studies for the Township and local government officials. The Plan has been prepared following discussions with Council, Staff and members of the public. The detailed information used in the development of this Plan takes the form of background studies which have been published separately.

2.2 Assumptions

The following assumptions are basic to the Plan:

a) The Township will experience steady growth in the permanent population over the next 10 years:

b) The process of rationalization of the development pattern for the township will achieve threshold population levels that has begun, and will continue to support a variety of local commercial and institutional activities.

c) The industrial, commercial and tourism sector will all provide more employment opportunities in the municipality. This change will provide for a more stable, year-round economy;

d) There will continue to be interest in developing properties along the shoreline of lakes in the Township;

e) There will be a continuation of the trend to develop housing on large lots in the Township;

f) The trend toward an aging community will continue in Shuniah resulting in increased need for community facilities and services for retired persons;

g) Council will undertake a review process every five years during the life of this plan to study the effectiveness of the policies and the accuracy of the assumptions and forecasts upon which the Plan is based.

2.3 Residential

Shuniah is a primarily rural municipality on the fringe of a large urban centre, the City of Thunder Bay. Due to the lack of availability of large rural residential lots across the wider area, the Township has in the past and will in the future continue to experience pressure for the development of new residential lots both through the severance and plan of subdivision process.

The historical pattern of development has resulted in housing being concentrated in shoreline residential areas, many of which were originally seasonal cottages but which have now converted to permanent dwellings. In addition, homes have been built along many areas of Lakeshore Drive which was, until the early 1970's, the Trans-Canada Highway. Due to the existence of several terraces north and south of Lakeshore Drive, a number of concentrations of homes have resulted in areas with excellent views of Lake Superior adjacent to the few north-south roads that connect Lakeshore Drive with the new Trans-Canada Highway (the only other east-west road of any length in the Township).

It is the intent of the Township of Shuniah to now begin the process of rationalizing this development pattern. Through the application of policies to direct new residential development to infill existing concentrations of housing and the encouragement of large lot residential development.

This form of development will promote the establishment of large enough populations to support a variety of commercial and institutional facilities. By developing in and adjacent to existing neighbourhoods future municipal costs for the provision of a variety of services can be utilized and a sense of community fostered.

2.4 Institutional

In order to further establish a sense of community and identity, and to create a physical focus of development the Township may establish a new municipal office adjacent to the MacGregor Recreation Centre.

This site is centrally located to the Township's population base and may, in the future, act as a catalyst for the development of a variety of commercial and institutional facilities in the area.

2.5 Commercial

In addition to the development of commercial facilities to serve the Township's neighbourhoods, every effort will be made to encourage the development of highway commercial facilities adjacent to the intersections of the Trans Canada Highway 11/17 with Highways 527 and 587 and at the intersection of Lakeshore Drive with Highway 11/17. The Plan also provides for tourist commercial development in appropriate areas.

2.6 Industrial

It is the Township's intention to encourage the growth and development of industrial uses consistent with the natural resource base of the Township. Shuniah can offer

prospective users large tracts of land with excellent highway access and no adjacent incompatible uses.

2.7 Natural Resources

There are natural resources in the area which play a key role in the economic base of the wider region. These natural resources consist of lands with timber, mineral aggregate and significant mineral potential. In addition, there are sensitive components of the environment such as wildlife and fish habitat which offer recreational potential yet require protection from conflicting land uses. Policies within this Plan are designed to ensure that these resources are realized to their full potential yet are also managed sensitively to minimize land use conflicts.

2.8 Community Improvement

This Plan establishes policies to specify the intentions of the Township regarding improvements to the community.

2.9 Tourism

Every effort will be made to increase potential economic activity in the tourism sector recognizing the potential contribution to the Township economy.

2.10 Hazard Lands

The policies of the Plan recognize that there are lands within the study area which are prone to periodic flooding and/or are otherwise unsuitable for development. The Plan contains policies to ensure that any affected development proposal is scrutinized on a site specific basis to determine potential hazards or impacts upon the floodplain.

2.11 Environmental Objectives

a) The Township intends to discourage developments which are incompatible with adjacent land uses. Through the planning process the Township should ensure that land uses which create excessive noise, vibration, dusts, and odours adjacent to residential uses, should not be approved unless the developer is able to demonstrate that the concerns can be mitigated.

b) The Township intends to protect the surface and groundwater supplies of the Township from incompatible uses.

c) The Township intends to plan and implement municipal undertakings in a sound environmental manner consistent with the requirements of the Environmental Assessment Act.

d) The Township will require a full assessment of sites for redevelopment which may contain contaminants that are a health risk to humans. These sites include, but are not limited to municipal and private domestic waste disposal sites, industrial solid and liquid waste disposal sites, fuel depots and service stations.

PART II

This part of the Plan applies to those lands falling within the Township of Shuniah shown on Schedules "A" and "B" to this Plan.

3.0 COMMUNITY RESIDENTIAL

3.1 Objectives

3.1.1 To protect and enhance the residential character of existing neighbourhoods.

3.1.2 To preserve the semi-rural character of the Township.

3.1.3 To allow for new residential development.

3.1.4 To encourage the maintenance and improvement of existing and new commercial and institutional facilities to serve the residents of the neighbourhoods.

3.2 Policies

3.2.1 Permitted Uses

Those areas designated as "Community Residential" are as shown on Schedule "A" and "B" to this Plan. Permitted uses in areas so designated shall include low density residential uses, compatible public and institutional uses and commercial uses serving the basic needs of the residential use. Examples of these include churches, community centres, day care centres, group homes, libraries, schools, senior citizen housing, public recreational facilities, convenience stores, post offices, restaurants and similar small scale commercial uses. In addition, tourist commercial accommodation facilities such as campgrounds, lodges and resort hotels may be permitted in appropriate locations.

Commercial uses may be permitted within the "Community Residential" designation after an amendment to the implementing zoning by-law has been passed. This is to ensure that the character of the neighbourhoods are maintained and enhanced. Council will give consideration to the criteria listed in Section 3.3 and 3.4 in considering proposals for commercial uses.

3.2.2 Standards

Within the "Community Residential" designation, development will be similar in frontage, lot size and setbacks in order to maintain the character and existing pattern of development in the existing neighbourhoods. The implementing zoning by-law will establish adequate standards relating to lot size, minimum floor area, height, lot coverage and minimum separation distance.

Development shall proceed based on a servicing options report approved by Ministry of the Environment and Energy. No development should occur which would adversely affect neighbouring sewage disposal or water supplies.

All developments proposing multiple unit residential dwellings may be permitted within the "Community Residential" designation after an amendment to the implementing zoning by-law has been passed. However, before a zoning by-law amendment is passed by Council, a hydrogeological study shall be conducted by the proponent at his own expense to the satisfaction of the Township and the Ministry of Environment and Energy. This report, prepared by a qualified consultant, shall demonstrate that:

- there is adequate water supply in quantity and quality to service this development;

- the development will not negatively impact downstream ground water requirements; and,

- that the development will not result in cross contamination between on site and downstream wells.

3.2.3 Home Occupations

Given the rural character of the Township and the dispersed nature of the population, a broad range of home occupations may be permitted in the "Community Residential" designation subject to the implementing Zoning By-law.

3.2.4 Subdivision and Development Policies

In any residential development, the lot sizes shall be directly related to the site's topography, vegetation, soil and drainage characteristics, the governing criteria being to retain a rural character in the development in conformity with the scale and character of adjacent residential uses. Land severance policies, and policies identifying the appropriateness of when a plan of subdivision is required and under what circumstances are contained in Section 13, Land Division.

a) All plans of subdivision, commercial and tourist commercial uses proposed in the "Community Residential" designation shall meet the following criteria:

i) Dwellings shall be screened by trees and other vegetation from external roads and properties and from each other as much as possible;

ii) The land forms and physical features on the site shall be maintained to ensure that the natural rather than man-made character of the site predominates;

iii) Stream, ponds, marshes, and woodland habitats for natural wildlife shall be protected;

iv) The natural characteristics of watercourses will be maintained in a manner consistent with sound water management practices;

v) Streams and ground water recharge areas will be protected from domestic waste discharge;

All lots shall have direct access onto an internal local subdivision road, that is public owned and maintained.

b) Council may require any proposed plan of subdivision, commercial or tourist commercial development to be supported by:

i) A detailed landscape analysis of the site undertaken by a landscape architect or person having similar qualifications, the analysis is also to include topographic mapping;

ii) A plan indicating the area within the project on which buildings can be located within the lots, the locations of roads, utilities, and landscape elements both existing and proposed;

iii) An engineering report for road construction, hydrogeological assessment or other needs and servicing plan relating to proposed water supply, sewage disposal and storm drainage facilities to the satisfaction of the Ministries of the Environment, Transportation, Natural Resources and/or Conservation Authority or their delegates and the Township.

Development shall be serviced by individual private septic tank and tile field systems or any other acceptable form of private sewage disposal which shall be approved by the District Health Unit or the Ministry of the Environment and Energy; and

iv) A report commissioned by the proponent, required by the Ministry of the Environment and Energy to demonstrate that there is an adequate supply of water to service the use and meets the standards for potability under the Ontario Drinking Water Objectives of both chemical and bacteriological parameters.

3.3 Commercial and Service Uses

Commercial and service uses may be permitted provided they are placed in a separate zone in the zoning by-law in addition to the policies in subsection 3.2.4. Application for such uses will be reviewed by Council on the basis of the following criteria:

a) the uses should be of a small scale and/or convenience nature to serve the day to day needs of the surrounding neighbourhoods;

b) the uses should be located on arterial roads or on a site which will not generate large volumes of traffic on local streets;

c) the uses should be well buffered from adjacent residential uses, by landscaping and/or fencing;

d) the uses should be compatible with the residential area in terms of the design of any buildings or structures, the design and location of any signs, and the treatment of parking and yard areas; and,

e) the uses should, whenever possible, be grouped to provide a commercial area to serve a residential neighbourhood.

f) The criteria of subsection 3.2.4. shall be adhered to.

In addition to the above policies, commercial and service development may be subject to the site plan control provisions of Section 41 of the Planning Act.

3.4 Tourist Commercial Uses

Tourist Commercial Uses such as campgrounds, resorts, lodges and other similar forms of establishments may be permitted in areas designated as "Community Residential" through the rezoning process. Tourist Commercial uses shall be subject to the site plan control provisions of Section 41 of The Planning Act. In considering applications for such uses Council shall have regard for the following:

a) landscaping or fencing shall form an integral part of commercial development to provide screening where necessary;

b) all commercial uses shall be developed in a coordinated and comprehensive manner. Wherever possible, commercial uses should be grouped and access points and parking facilities shared; sites for such uses should be large, appropriately located and result in minimal impacts on adjacent residents;

c) adequate off-street parking facilities shall be provided. Parking standards may be reduced for mixed-uses developments;

d) the criteria of subsection 3.2.4.

4.0 RURAL

4.1 Objectives

4.1.1 To regulate the use of the land in the Township in a way that preserves the rural character and prevents the intrusion of land uses which are incompatible with the resource activities of the area.

4.1.2 To recognize and protect areas of high capability in mineral aggregate, forestry, mining or recreation.

4.2 Policies

4.2.1 Permitted Uses

Those areas designated as "Rural" are shown on Schedules "A", and "B" to this Plan. Permitted uses include agricultural production, forest management, recreation, conservation works, parkland, fisheries resource management, mineral exploration and mining, wayside pits, pits and quarries, quarries, and commercial fur harvesting, very limited residential dwellings, industrial developments, utility corridors, waste disposal sites, accessory uses, portable asphalt plants, and cemeteries.

4.2.2 Residential

Only limited new residential development may be permitted and shall be required to locate in the vicinity of other residential uses. No residential uses shall be permitted on any islands without amendment to this Plan.

4.2.2.1 Limited residential development is permitted on existing lots of record or through the consent process.

4.2.3 Industrial Development

New industrial development may be permitted in the "Rural" area through the process of rezoning. This type of development will be limited to those uses which require extensive amounts of space, serve the needs of the rural area, or are considered incompatible uses in the more developed areas of the Township.

The industrial uses of land in the "Rural" designation shall be for manufacturing, processing, servicing and/or storing of goods and raw materials. Limited retail sales of products manufactured on the same premises may be permitted as a complementary use. Industrial uses shall have frontage on a maintained municipal or provincial roadway subject to the Ontario Ministry of Transportation. In addition, buffering and setbacks may be required as a condition of site plan approval from Council.

The development of pits and quarries for commercial purposes is permitted in areas designated as "Rural" and may be permitted subject to rezoning and the related policies of this Plan in Section 10.2.2.

Zoning amendments for such industrial uses shall have regard for nearby residential uses and/or for residential uses that may be located along access roads that will be used to service such activities.

4.2.4 Tourist Commercial Uses

Tourist commercial uses such as campgrounds, lodges, resorts and ski centres may be permitted in areas designated as "Rural" subject to rezoning and Site Plan approval. Council shall ensure that such uses are well screened from surrounding lands and roadways and well buffered from "Shoreline Residential" uses.

5.0 HAZARD LANDS

5.1 Objectives

5.1.1 To protect human life and reduce property damage by controlling development on those sites designated as being hazard lands.

5.1.2 To conserve water resources and minimize water and land pollution.

5.2 Policies

5.2.1 Permitted Uses

The "Hazard Land" designation, shown on Schedules "A" and "B", applies to lands which possess physical characteristics which may cause severe property damage or loss of life if development is permitted. The physical characteristics include flood and erosion susceptibility. Abandoned mine workings may also be identified as "Hazard Lands". The uses and activities permitted within areas designated as "Hazard Lands" shall be limited to agriculture, conservation, horticultural nurseries, forestry, wildlife areas, fishery resource management, marinas, and outdoor recreational activities. Mining structures and mineral aggregate extraction may also be permitted uses through a zoning by-law amendment.

5.2.2 Construction Restrictions

No buildings or structures, nor the placing or removal of fill of any kind whether it originates on site or elsewhere shall be permitted in "Hazard Lands" designated areas. An exception to this occurs where such buildings, structures or fill are to be used in flood or erosion control and have been approved by the Township Council in consultation with the Ministry of Natural Resources and the Lakehead Region Conservation Authority. Also, buildings or structures required for approved marina uses may also be permitted though not for human habitation.

"Approved Marina Uses" shall mean any use allowed by the Conservation Authority and Ministry of Natrual Resources in the Hazard Lands and could include a building, structure or place containing docking facilities where boats are berthed, stored, launching ramp, marine railway, dock or boat house but would not include any building for human habitation. It Could also include a water intake, pumphouse, (refuelling facilities, pumpout facilities).

5.2.3 Flood Control Works

Where attempts at flood control require a redesignation of land to "Hazard Lands", such proposals require Township approval.

Where this occurs, the lands shall be redesignated by amendment to the Plan.

5.2.4 Lands under Private Ownership

Privately owned lands which are designated "Hazard Lands", may not remain so designated forever. Neither does this imply that those lands are freely accessible to the general public, nor that the Township or any public body will purchase those lands. Each application for the use of hazard lands for other purposes may be given consideration by Township Council and the Ministry of Natural Resources and the Lakehead Region Conservation Authority through the rezoning process. The following will be considered in their final decision:

i) Existing environmental and physical constraints;

ii) The potential impact of the hazards;

iii) The proposed engineering techniques and resources management techniques which may be used to alleviate these impacts; and,

iv) The social, monetary and biological costs of those engineering techniques and resource management practices in relation to the proposed land use.

Where Council and the Ministry of Natural Resources or the Lakehead Region Conservation Authority are satisfied that the lands may be developed in accordance with the above-noted criteria, the lands may be zoned and used in accordance with the policies of the abutting designation.

5.2.5 Setbacks

Building setbacks may be imposed from the boundaries of "Hazard Lands" as found in the implementing zoning by-law. The severity of the hazard will be the determining factor.

5.2.6 Mineral Aggregate Extraction and Mining in Hazard Lands

The removal or placement of fill may be permitted in conjunction with an established pit or quarry found within lands designated as "Hazard Lands" through a rezoning. This rezoning will only be granted after Council, Ministry of Natural Resources and the Lakehead Region Conservation have determined that the operation will not alter the hazard lands so as to cause detrimental impacts.

5.2.7 Non-Conforming Uses

The expansion of existing non-conforming uses located within areas designated as "Hazard Lands" shall be discouraged. Where expansion or replacement does occur. Council in consultation with the Ministry of Natural Resources and the Lakehead Region Conservation Authority shall encourage the addition of measures designed to alleviate the threat of the hazard.

5.2.8 Mine Hazards

Development should not be permitted on lands shown on Schedules "C" and "D" as "Mine Hazards" where old mines are located.

6.0 HIGHWAY COMMERCIAL

6.1 Objectives

6.1.1 To encourage the maintenance and improvement of existing commercial development and to ensure a high standard of design in all new commercial development.

6.1.2 To stimulate the growth of the tourist commercial sector by upgrading existing services and facilities.

6.1.3 To provide strategically located highway commercial establishments oriented to the needs of the travelling public.

6.1.4 To strengthen and diversify the tax base of the Township by ensuring a good mix of residential and non-residential tax assessment.

6.2 Permitted Uses

Areas designated as "Highway Commercial" are intended for uses which primarily provide goods and services to the travelling public. Permitted uses may include hotels, motels, gift shops, tourist attractions, restaurants, automobile service stations and similar uses. The areas designated as "Highway Commercial" are indicated on Schedules "A" and "B".

6.2.1 The following policies shall govern development in all commercial areas including commercial uses in areas designated as "Highway Commercial".

a) landscaping or fencing shall form an integral part of commercial development to provide screening where necessary;

b) all commercial uses shall be developed in a co-ordinated and comprehensive manner. Wherever possible, commercial uses should be grouped and access points and parking facilities shared;

c) adequate off-street parking facilities shall be provided;

d) Highway commercial development may occur on individual service; however, each development will be required to conform to standards as established for servicing by the District Health Unit and/or the Ministry of Environment.

e) Highway commercial development adjacent to provincial highways will be required to conform to MTO standards for access, building/structures and sign locations. It should be noted that, in most cases direct access will not be permitted, and that any development will require provision of service roads and/or internal street access.

6.2.2 Prior to passing an implementing Zoning By-law, Council may authorize and require an economic analysis to be carried out at the expense of the applicant to justify a

proposed commercial development and to evaluate the potential impact on existing development.

i) Before a zoning by-law amendment is passed by Council, a hydrogeological study shall be conducted by the proponent at his own expense to the satisfaction of the Township and the Ministry of Environment and Energy. This report, prepared by a qualified consultant, shall demonstrate that:

- there is adequate water supply in quantity and the quality to service this development;

- the development will not negatively impact downstream ground water requirements; and,

- that the development will not result in cross contamination between on site and downstream wells.

7.0 SHORELINE RESIDENTIAL

7.1 Goals and Objectives

1) To identify locations within the Township where existing shoreline residential land use has occurred, and where new shoreline residential land use can occur.

2) To identify locations where such new shoreline residential land use can occur as seasonal/recreational and/or permanent residential land use, and to identify locations where seasonal/recreational residential use only should occur.

3) To set out policies and guidelines to guide the use and conversion of existing seasonal/recreational dwellings to permanent use and to guide the development of new shoreline residential uses.

4) To ensure that development is compatible with the natural environment.

5) To ensure that development does not create a financial burden or potential burden on the services and financial resources of the Township.

6) To ensure that land uses within the shoreline residential designation are compatible and that land use conflict is minimized. In this respect, it is the position of the Township that seasonal/recreational land use and permanent residential land use represents a compatible situation, and does not present an unacceptable level of conflict in those areas where it is proposed in this plan to co-exist.

7.2 Policies - New Development

1) A seasonal/recreational dwelling shall mean a building containing one dwelling unit for recreational, vacationing, or other accommodation for a part of the year, but not occupied or intended to be occupied as a permanent dwelling as a primary and principal place of residence.

2) A permanent residential dwelling shall mean a building containing one dwelling unit occupied or intended to be occupied on a year round basis as a permanent residence as a primary and principal place of residence.

3) New development shall occur primarily by plan of subdivision, however, clear and logical infill shall be permitted by the severance process. All development shall be consistent with the relevant provisions of Sections 13 and 16 of this plan.

4) For those lands that are:

. located in the shoreline residential designation and that gain access to Highway 11/17 west of or within the community of Pearl,

. located on Loon Lake,

permitted land use shall include seasonal/recreational and/or permanent residential use.

5) For those lands that are:

. located in the shoreline residential designation and gain access to Highway 11/17 east of the Community of Pearl,

. that are located on inland lakes except for Loon Lake,

permitted land use shall be limited to seasonal/recreational residential use.

6) Additional land uses that shall be permitted throughout the shoreline residential designated area shall include conservation, parkland, and forestry harvesting uses, and tourist commercial uses that do not involve the use of aircraft.

7) Backlotting of seasonal/recreational lots shall not be considered nor approved.

8) Development shall only occur on an inland lake where the Ministry of Natural Resources and the Ministry of the Environment and Energy are satisfied that the development will not result in overuse of the waterbody.

9) New development must be serviced by a public road that is open, travelled and maintained by the Township, and may include either existing road or new construction arising from the subdivision process. The acceptability of existing road, and the possible need for upgrading; and/or the construction of new road shall be to the satisfaction of the Township.

7.3 Policies -- Conversion Policies for Existing Development Prior to December 31, 1988

1) It is specifically intended for this section of the Plan, notwithstanding any text to the contrary, that the numbers and standards contained herein are absolute and are not subject to the generality or flexibility that is otherwise afforded to the text and mapping for an official plan. Any alteration to these numbers or standards shall require an amendment to this official plan.

2) The previous conversion policy and program that was implemented by the Township terminated on December 31st, 1988, and no further consideration is being made under that initiative, except that any property that successfully completed that program shall be recognized in the zoning by-law that implements this official plan.

3) Where lands within the shoreline residential designation are owned and operated as an Association;

a) The lands shall initially be zoned for seasonal/recreational residential use only (except for any lands that successfully completed the previous conversion policy of the Township). Rezoning of the Association area or part thereof to include and recognize permanent residential use may occur at such time as a specific planning program has been designed and implemented for such area. This may include one or more of a secondary plan, subdivision approval, or condominium approval.

Where such rezoning has occurred, individual units shall not be converted or otherwise used for permanent residential use until a certificate of occupancy for permanent residential use has been obtained.

b) Where a request is made to consider such a planned approach for Association lands, and to subsequently have the land rezoned to include permanent residential use, the Township will consider the following;

. individual ownership or control of the dwelling units and the association lands upon which these are located is to be encouraged.

. road allowances and existing roads must be sufficient to allow the Township to obtain acceptable levels of subsidy from the Ministry of Transportation, or must be improved to such an acceptable standard as part of the initiative.

. any private railway crossings associated with the access road must become public crossings.

. roads are at a standard that permits the safe maneuvering of municipal fire fighting equipment.

. vehicular access must be provided to each dwelling unit.

c) When considering the issuance of a certificate of occupancy for permanent residential use, the Township shall require that;

. an exclusive use area with a minimum 30 metres width and 1,800 square metres area existing for each unit.

. the dwelling is separated by at least 7.6 metres from any neighbouring dwelling and meets exterior cladding requirements of the Building Code.

. the dwelling is located at least 45 metres from the centre line of any nearby railway.

. a current (less than 5 years old) certificate of approval is obtained from the Thunder Bay District Health Unit or such other authority as has such jurisdiction, stating that the

dwelling is serviced by an appropriate subsurface sewage disposal system. Where such a certificate can not be produced, a letter of compliance from the Ministry of Environment and Energy is required, stating that the sewage system servicing the dwelling, as installed, conforms to Ontario Regulation 374/81 under the Environmental Protection Act.

. a water supply with a minimum capacity of 18 litres per minute for a one hour period and of acceptable bacteriological quality. Should a surface supply be utilized, it must be disinfected prior to consumption.

4) Where lands within the shoreline residential designation are not owned and operated as an Association;

a) Such lands shall be zoned initially for seasonal/recreational and/or permanent residential use.

b) Seasonal/recreational units shall not be converted or otherwise used for permanent residential use unless/until a certificate of occupancy for permanent residential use has been obtained.

c) When considering the issuance of a certificate of occupancy for permanent residential use, the Township shall require that;

. the lot has frontage on a public road that is open, travelled and maintained year round.

. an exclusive use area with a minimum 30 metres width and 1,800 square metres area exists for each unit.

. the dwelling is located 4.5 metres from a side lot line, or alternatively is separated by at least 7.6 metres from any neighbouring dwelling and meets exterior cladding requirements of the Building Code.

. the dwelling is located at least 45 metres from the centre line of any nearby railway.

. a current (less than 5 years old) certificate of approval is obtained from the Thunder Bay District Health Unit or such other authority as has such jurisdiction, stating that the dwelling is serviced by an appropriate subsurface sewage disposal system. Where such a certificate can not be produced, a letter of compliance from the Ministry of Environment and Energy is required, stating that the sewage system servicing the dwelling, as installed, conforms to Ontario Regulation 374/81 under the Environmental Protection Act.

. a water supply with a minimum capacity of 18 litres per minute for a one hour period and of acceptable bacteriological quality. Should a surface supply be utilized, it must be disinfected prior to consumption.

. notwithstanding the above lot requirements, conversion may be considered on the following registered plans on the basis of one dwelling on two lots;

MacKenzie Registered Plan 803

MacKenzie Registered Plan 758

Sunnyside Registered Plan 756

Amethyst Lots 1 to 48 only Registered Plan 756

Crescent Beach Registered Plan 764

Birch Beach Registered Plan 694

Bell Harbour Registered Plan 823

5) Prior to the approval of any conversion or shoreline construction applications, the Township shall consult with the Lakehead Region Conservation Authority. Approval from the Authority must be received for all conversion and shoreline construction applications.

7.4 Tourist Commercial Use

1) Tourist Commercial uses such as campgrounds, motels, marinas, lodges, resorts, recreational trailer parks, ski centres, may be permitted in areas designated as Shoreline Residential, subject to an amendment to the zoning by-law provided that;
a) The use does not detract from the enjoyment of the area.

b) There is a clear and justifiable need for such a commercial facility at the proposed location.

c) Adequate buffering shall be provided between the proposed commercial use and the shoreline residential areas.

d) The lot can accommodate appropriate sewage treatment standards and potable water to the satisfaction of the Ministry of the Environment and Energy or its delegate.

e) Adequate parking is available for staff and customers.

f) An accessory dwelling may be permitted where the lot has frontage onto a publicly owned and maintained street and where the occupant of the dwelling is involved in the security and/or operation of the facility.

g) Council shall have regard for the criteria in Sections 3.2.4 and 3.4.

PART III

GENERAL POLICIES

8.0 MOBILE HOME PARKS

8.1 Objectives

8.1.1 New mobile homes parks shall not be allowed in any designation in Shuniah as the density and servicing requirements are not compatible with the desired rural environment.

8.2 Policies

8.2.1 Mobile home parks which existed prior to October 5, 1978 may be recognized in the zoning by-law once the following conditions are met

i) the municipality is satisfied that such recognition would be in the best interests of the residents of the mobile home park and the Township as a whole;

ii) the number of units recognized in each park is not greater than the number which existed as of October 5, 1978; subject to section 8.2.2 hereafter.

iii) the communal water and sewage facilities in the existing mobile home parks are installed and are operating to the satisfaction of the Ministry of the Environment and Energy and/or the District Health Unit;

iv) the solid waste disposal facilities are satisfactory to the Ministry of the Environment and Energy;

v) the entrance to the mobile home park is installed to the satisfaction of the Ministry of Transportation and the municipality;

vi) the electrical facilities meet the minimum standards established by Ontario Hydro.

8.2.2 In recognizing any existing mobile home park the municipality, through an amendment to the zoning by-law, may allow limited expansion of any existing park subject to the following:

i) the Township services are not unduly burdened;

ii) the expansion results in improvements to the entire park as considered necessary by the municipality;

iii) the expansion is in the interest of the residents of the mobile home park and the Township as a whole;

iv) each mobile home shall be allocated a space of at least 540 square metres;

v) provision is made for adequate parking, buffering, landscaping and parks and recreation areas to the satisfaction of the municipality;

vi) no expansion of greater than 20 units shall be allowed.

vii) the Ministry of the Environment and Energy's approval

9.0 WASTE DISPOSAL

9.1 Objectives

9.1.1 To provide for the disposal of solid or liquid waste.

9.1.2 To identify lands previously used for waste disposal purposes with a view to protecting future uses proposed for these and adjacent lands.

9.2 Policies

The designation of land as "Waste Disposal" means that the predominant use of land in the areas so designated shall be for the storage or disposal of solid or liquid waste.

9.2.1 Only those sites for the storage or disposal of solid or liquid waste approved by the Ministry of the Environment and Energy and the Township will be permitted. All such sites shall be operated according to the standards established by the Ministry of the Environment and Energy and any implementing by-laws.

9.2.2 The Township's existing waste disposal areas as indicated on Schedules "A" and "B" have a finite capacity. The selection and eventual designation of any additional waste disposal areas shall be done by means of an Amendment to this Plan.

9.2.3 In considering the selection of sites for waste disposal, Council shall take into account the following criteria:

a) sites should be removed from proposed or existing built-up areas;

b) sites should be located on roads of good construction capable of withstanding heavy traffic;

c) the degree to which the operation can be buffered from adjoining uses;

d) the suitability of rehabilitation having regard to the character of the surrounding lands;

e) the haulage routes proposed to and from the site and the impact on traffic;

f) the effect of the operation on nearby residences;

g) any possible effects on ground and surface water patterns and quality;

9.3 Waste Disposal Assessment Areas

Waste Disposal Assessment Areas, as indicated on the Schedules to this Plan, are lands which are used or have been used for waste disposal and are classified as potential environmentally sensitive areas. The prior use of lands for the disposal of wastes may affect the future uses of those lands and possible adjacent lands. In recognition of this, waste disposal assessment areas identify lands for which policies exist to ensure that all development occurs cognizant of the prior use.

9.3.1 The following is a list of known sites presently or previously used for waste disposal:

McTavish Site #591301

Northeast Quarter of Section 7, Concession 5,

Township of McTavish **Active**

MacGregor Site #591302

Northerly Portion of Mining Location 5A, Hart's Survey

Township of MacGregor **Active**

MacGregor Site #591302

Part of Mining Location 2B, McNabb's Survey

Township of MacGregor **Closed**

Pearl Site #591303

Part of Mining Location E, Herrick's Survey, Concession 2, South Half of Lot 5

Township of McTavish **Closed**

East Loon Lake Site #591304

Southwest Half of Section 7, Concession 7, West Half of Lot 7

Township of McTavish **Closed**

West Loon Lake Site #591305

Northwest Quarter of Section 7, Concession 8, North Half of Lot 7

Township of McTavish **Closed**

Uncertified Sites

Concession 3, Lot 12

Concession 7, Lot 11

9.3.2 While active waste disposal sites shall be designated Waste Disposal in accordance with this Plan, inactive waste disposal sites may be designated otherwise. However, prior to the development of Waste Disposal Assessment Areas for other uses, the following provisions must be satisfied:

a) Written approval must be obtained from the Ministry of the Environment and Energy stating that the development satisfies the provisions of the Environmental Protection Act, R.S.O., 1980;

b) Engineering studies carried out to the satisfaction of the municipality and the Ministry of the Environment and Energy shall show that the development of the site can safely occur. The studies shall consider the hydrogeology of the site, gas migration and leachate from the waste deposits and the nature of wastes stored on the site.

c) The municipality shall require the construction and phasing of all development to coincide with the control of any problems identified in the engineering studies.

d) Until the previous provisions are satisfied, waste disposal assessment areas shall be placed in an open space zone prohibiting any buildings or structures. The actual size of the waste disposal assessment area shall be determined in consultation with the Ministry of the Environment and Energy and will be reflected in the zoning by-law.

9.3.3 In Waste Disposal Assessment Areas, only land uses compatible with the potential impacts of waste disposal sites or engineering controls will be permitted.

9.4 Solid and Liquid Waste Disposal

A minimum 400 metre setback is required between residential, and other sensitive land uses, and sewage treatment lagoons, liquid waste disposal sites and liquid waste treatment lagoons.

10.0 NATURAL RESOURCES

10.1 Objectives

10.1.1 To ensure that local and regional needs for the natural resources in the Township are met with a minimum degree of impact or disturbance to the residents of the surrounding area and the natural environment.

10.2 Polices

The natural resources in the Township consist of timber, Mineral aggregate, wetlands, Areas of Natural and Scientific Interest (ANSI's), fish, minerals and wildlife. Those areas considered sensitive to additional development and a natural resource to the Township are fish spawning habitat areas, bird breeding sites, and waterfowl areas. The following policies are intended to be used by Council in assessing the applicability and sensitivity of development proposals. The natural resources intended to be protected by these policies are shown on Schedules "C" and "D" to this Plan or identified by the Ministry of Natural Resources.

i) Council supports the management of fish, wildlife and forest resources for the Township's economic, social and environmental benefit.

ii) Council shall have regard for the impact of any development on fish and wildlife habitat or forest resources, especially in or adjacent to an area of critical habitat or resource. Prior to making any decision on the acceptability of the proposal, the Municipality should consult with the Ministry of Natural Resources regarding the possible impacts.

10.2.1 Forest Resources

Forest resource operations and management are permitted uses in the Rural, Hazard Lands, Shoreline Residential, Highway Commercial and Community Residential designations.

When considering a development proposal, Council will consult with Ministry of Natural Resources when the forest resource may be negatively affected.

The management of a forest includes provision of access for the purposes of harvesting, site preparation, forest renewal, tending and treatment of a forested area. This may include additional uses such as forest nurseries for the production of tree stock.

Notwithstanding the other policies in this Plan, the processing of forest products after harvesting is considered an industrial use and would require a zoning by-law amendment prior to establishing a new processing site in all designations. A zoning by-law amendment is not required for processing of forest products by portable chipping or portable saw mills (excluding planing mills) in the "Rural" designation except within 2 km of a residence. All other processing will require a zoning by-law amendment in the "Rural" designation.

10.2.2 Mineral Resources

i) In those areas that are open to staking of mining claims or where the mining rights have been granted, any prospecting, exploration, staking and development of the metallic mineral resource are to be encouraged to minimize adverse effects on the environment through rehabilitation of any extractive sites.

Prior to permitting new developments on those lands of past mining activity or areas of potential new mining activity, Council shall consider the potential impacts of the new development in so far as it can sterilize the area from any mining activity in the future.

Council should also consult with the Ministry of Northern Development and Mines geologist prior to making a final decision.

ii) In areas where the mining activity has been terminated, abandoned or depleted, Council shall encourage appropriate rehabilitation of the site by the operator/owner of the activity/lands.

iii) Metallic mineral processing operations, ie. mines, are heavy industrial uses and require a zoning by-law amendment.

10.2.3 Mineral Aggregate Resources Areas

Council supports the protection of all mineral aggregate resources in the Township of Shuniah. It is the intent of Council to identify and protect from land uses, which are incompatible with possible future extraction, as much of the mineral aggregate resources occurring in the municipality as is realistically possible in the context of the municipality's other land use planning objectives, and in recognition of the continuing local, regional and provincial need for mineral aggregates.

Areas of mineral aggregate potential in Shuniah are identified on Schedules "C" and "D" of this Plan.

10.2.4 Permitting Non-Aggregate Land Uses in Mineral Aggregate Resource Areas Identified and Protected by this Plan

Council may consider permitting non-aggregate land uses in the areas of mineral aggregate resources, which are protected in the Official Plan, where it can be shown that:

a) extraction would not be feasible; or

b) the proposed land use or development serves a greater long-term interest of the general public than does aggregate extraction; or

c) the proposed land use or development would not significantly preclude or hinder future extraction.

Council will consider the following matters in permitting non-aggregate land uses or developments in areas identified as mineral aggregate resource areas in consultation with the Ministry of Natural Resources:

. the necessity of the land use in comparison to the value of the mineral aggregate deposit, taking into account the extent, type and quality of areas of mineral aggregate resources in the municipality;

. the reason for the choice of location and appraisal of alternate locations for the non-aggregate land use on non-aggregate lands;

. the feasibility of sequential land use in which the mineral aggregate is removed prior to the proposed uses;

. the impact that the proposed use may have on any existing pits and quarries in the vicinity and on future aggregate extraction in the surrounding mineral aggregate protection area;

. whether or not the mineral aggregate has been extracted or further studies have indicated that the aggregate resource on the specific site is not economically viable;

. whether or not existing, adjacent uses within the influence area are incompatible and may make future extraction impossible.

10.2.5 Pits and Quarries

All legally existing pits and quarries will be placed in a separate zone category in the implementing zoning by-law. Council supports the continuation of legally existing pits and quarries and their expansion according to policies established in the Official Plan and through a zoning by-law amendment.

Council supports the establishment of new pits and quarries in all land use designations with mineral aggregate potential subject to a zoning by-law amendment and in accordance to the policies under Section 10.2.5.1 of this Plan.

10.2.5.1 Regulations

Pits and quarries shall include the taking and removing of any clay, earth, gravel, peat, rock, sand, soil, stone, and shell for commercial or industrial purposes.

Pit and quarry operations may be allowed provided that:

i) the operation shall be conducted in such a manner as to prevent damage to any road or property in the surrounding area,

ii) an amendment to the zoning by-law is required; prior to Council approving an amendment to the zoning by-law which will permit the establishment of a pit or quarry, or expansion of legally existing pits and quarries, the municipality shall consult with the Ministry of the Environment and Energy and the Ministry of Natural Resources prior to adopting the by-law,

iii) Council shall have regard for the requirements under Section 5.2.6, "Hazard Lands" designation and the sensitive areas such as fish habitat, wetlands, ANSIs, etc. of the Township when considering a zoning by-law amendment to permit a new pit and quarry or expansion of an existing pit and quarry,

iv) when applying for an amendment to the zoning by-law, the applicant shall provide the following information:

1. a sketch showing the location and extent of any new pits or quarries,

2. the extent of any adjacent property owned by the developer,

3. the existing use of all land and the location of all buildings, structures and natural resources lying within 500 metres from the land that is to be the subject of the extractive operation, and how these buildings, structures and natural resources will be protected from the operation of the pit and quarry,

4. the location of all entrances and exits,

5. all necessary depth of the proposed pit from the present grade,

6. the estimated depth of the proposed pit from the present grade,

7. the appropriate hours of operation,

8. haulage routes,

9. the location of any screening, washing crushing or asphalt making operations,

10. a statement on the required certificates from the Ministry of the Environment and Energy, and

11. requested studies documenting the potential environmental effects of the operation.

v) An adequate buffering distance shall be provided between the pit or quarry by the proponent and:

a) the centre of any public road or highway,

b) an existing residential dwelling,

c) any residential, commercial, industrial or open space zone.

The actual requirement shall be determined by the Township in consultation with the Ministry of the Environment and Energy, Ministry of Natural Resources and the Lakehead Region Conservation Authority, and incorporated into the zoning by-law amendment.

vi) Rehabilitation

Council supports the progressive rehabilitation of pits and quarries and the future rehabilitation of the site after the pit or quarry ceases to operate. Uses of the site that are compatible with the Official Plan are encouraged. Prior to rezoning, the developer is to enter into an agreement, on an annual basis under the provision of the Municipal Act, with the Township to include arrangements for things such as the progressive rehabilitation of the site, road maintenance and repair resulting from the mineral aggregate use and rehabilitation of the site when the pit or quarry use ceases.

The agreement will address such issues as the removal of any building, machinery or structure and revegetation. Working faces shall be brought to an angle of repose of not greater than 45 degrees or to the natural angle of repose of the material concerned, whichever is the greater; the site shall be kept and left in a safe and tidy condition.

In the event of a default of the agreement by the pit and quarry operator, the operator shall provide a letter of credit or cash for Council to rehabilitate the site.

Council supports the wise use of remaining resources in, and rehabilitation of, abandoned pits and quarries through their reactivation as temporary wayside operations.

vii) Existing and proposed pit and quarry operations may be protected against encroachment within their areas of influence by incompatible land uses. The desired minimum distance between a pit or quarry and adjacent land use is 120 metres and 450 metres where blasting is taking place. The Township shall evaluate development proposals occurring near pit and quarry operations in terms of potential incompatible land use, and address this concern accordingly with the appropriate consultation.

10.2.6 Wayside Pits and Quarries

A "wayside pit" or "wayside quarry" means the temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract for road construction and not located on the road right of way.

Wayside pits and quarries are permitted throughout the municipality without requiring an Official Plan Amendment and without an Official Plan amendment, and a zoning amendment. However, a zoning by-law amendment will be required in those areas listed as "Natural Resources" areas in Section 10.2 and "Hazard Lands" identified in Section 5.2.6.

10.2.7 Portable Asphalt Plants

i) "Portable asphalt plant" means a facility:

a) 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;

b) which is not of permanent construction, but is designed to be dismantled and moved to another location as required.

ii) Portable asphalt plants, used by a public road authority or their agent or contractor, shall be permitted throughout the municipality without requiring an amendment to this plan or the zoning by-law, except in existing built up areas and in those areas listed as "Natural Resources" areas in Section 10.2 and the "Hazard Lands" identified in Section 5.2.6.

Portable asphalt plants will be encouraged to locate on or near the road under construction or in a wayside or commercial pit used for the project, if possible.

Portable asphalt plants are required to comply with Regulations under the Environmental Protection Act.

The municipality should be given at least one month notice of any road project and the opportunity for their input in the selection of potential sites for portable asphalt plants, if required.

If located on good agricultural land, portable asphalt plant sites shall be rehabilitated to their former agricultural capability.

10.2.8 Fisheries Resource

All new developments should be undertaken in a manner which minimizes impacts on the sensitive fish habitat as identified by the Ministry of Natural Resources. All waterbodies and watercourses shown on Schedules "C" and "D" are potentially sensitive.

It is a policy of this Plan that the streams and lakes in the Township shall be protected such that angling or sport fishing opportunities, and important recreation activity for residents and tourists, can be maintained. Council recognizes and supports the management of sport and commercial fisheries resources for their economic, social and environmental benefits. It is important therefore that as part the review mechanism, Council work in consultation with the Ministry of Natural Resources. In this regard the impact on fish habitat by proposed developments can be assessed prior to making a decision on the acceptability of a proposal.

10.2.9 Wildlife Resources

Sensitive wildlife habitat and significant wetlands presently identified are shown on Schedules "C" and "D". These areas are to be protected from incompatible activities wherever possible. No development will occur which may affect a provincially significant wetland without the approval of the Ministry of Natural Resources.

10.2.10 Areas of Natural and Scientific Interest (ANSI's)

i) Goals

Council will encourage the protection of Areas of Natural and Scientific Interest (ANSI's) for future generations by discouraging and, where necessary, not allowing incompatible land uses within and adjacent to identified ANSI's.

ii) Uses

The uses permitted in the ANSI's would include non-intrusive uses such as conservation, non-intensive recreation and forestry, provided such land uses maintain or enhance the natural features of the ANSI.

iii) Policies

a) Severances - are not encouraged unless there is a suitable building location outside of the ANSI;

b) Development Review - in order to determine the appropriateness of a development within ANSI sites, the proponent will be required to provide the following:

1 - a description of the proposed development including location map, proposed building, existing land uses, existing vegetation, site topography, drainage and soils;

2 - a detailed description of the features to be directly or indirectly affected by the proposal; and,

3 - a detailed description of the effects that this development will cause or might reasonably be expected to cause on the features of the specific ANSI affected.

c) Zoning By-law - will encompass the ANSI areas in a restrictive zone category.

10.2.11 Wetlands

The Township of Shuniah contains numerous wetland areas which provide habitat for moose, waterfowl and fish. These wetlands are shown on Schedules "C" and "D".

Council supports the protection of the wetlands in accordance with the Wetlands Policy Statement. Council, in consultation with the Ministry of Natural Resources shall evaluate developments in proximity to the identified wetlands to determine their impacts on the wetland areas.

11.0 COMMUNITY IMPROVEMENT STRATEGY

11.1 Objectives

11.1.1 To create a comprehensive approach to community improvement which reflects the limitations, problems and financial resources of the Township.

11.2 Policies

11.2.1 Community improvement areas may be defined by Council. The following criteria are to be used as a basis for selecting such areas:

a) Condition of buildings;

b) The status of municipal services such as lighting, roads and parkland;

c) The degree of non-conforming and incompatible land uses in the area; and,

d) Areas where physical features such as shorelines present opportunities for municipal improvements which would encourage tourism and improved community recreational features.

11.2.2 Community Improvements may be undertaken by Council through any of the following:

a) The designation of community improvement project area;

b) The preparation of community improvement plans;

c) The acquisition of land by the Township;

d) The creation, approval and enforcement of a property standards by-law;

e) The use of public funds from local, provincial and federal funding programs;

f) The use of private donation; and,

g) The encouragement of rehabilitation.

11.2.3 The Community Improvement Areas designated by this Plan are those areas designated as "Community Residential" and "Shoreline Residential" as shown on Schedules "A" and "B".

12.0 TRANSPORTATION SYSTEMS

12.1 Objectives

12.1.1 To create a safe and efficient transportation network within the Township which integrates all available modes of travel into a comprehensive network.

12.1.2 To allow for the free flow of traffic along the Provincial Highways and maintain this area as one serving the tourist trade and resource industries.

12.2 Policies

12.2.1 Transportation plays a key role in the economic development of the Township of Shuniah. Highway 11-17 and Lakeshore Drive are to remain main transportation arteries.

12.2.2 Provincial Highways

Provincial Highways are under the jurisdiction of the Ministry of Transportation and all lands adjacent to a highway are subject to Ministry Permit Control. Permits are required for all control. Permits are required for all new, altered or expanded entrances, building, structures or signs.

12.2.3 Municipal Roads

At the present there are 132 kilometres of maintained roads in the Township. Roads designated as municipal public roads are those indicated on Schedules "A", "B", "C" and "D".

12.2.4 Other Roads

It is not a policy of Council to maintain those roads which are not presently municipal roads, nor will they necessarily be assumed by the Township. No responsibility exists therefore for snow clearance or maintenance. The Township will assume, open and maintain new municipal roads only when:

a) the roads meet the Ministry of Transportation standards for subsidy; and,

b) the benefits, financial and otherwise, of assuming and maintaining the road outweigh the municipal costs.

12.2.5 Railways

Where residential development is allowed to occur in the vicinity of railways, adequate provisions will be enforced to minimize the danger posed by the possibility of derailment, collision or spillage and to mitigate the impact of railway noise and vibration. Minimum setbacks from the railway line will be established by the implementing zoning by-law. Berms or embankments may also be required in accordance with the classification of the railway line as a condition of development.

Notwithstanding the above, any development or cottage conversion in the "Shoreline Residential" designation shall also conform to the Shoreline Residential policies in Section 7 of this plan. Development also needs to conform to Section 16 - Environmental Constraints.

12.2.6 Natural Gas Pipelines

Trans Canada Pipeline easement rights prohibit structures or excavations from being located on gas line rights-of-way. All permanent structures and excavations should be set back 10 metres from the right-of-way.

13.0 LAND DIVISION

13.1 Severance

Land division by consent has been the primary method of lot creation in the municipality. This shall generally be permitted to continue provided that it does not result in unnecessary expansion of the present level of municipal services, scattered rural residential development and does not restrict the operation or expansion of aggregate extraction or other sources of economic activity.

13.2 Criteria

Every severance application received by the Township for the purpose of creating a new lot shall meet the following criteria.

i) The requested severance must comply with the intent and policies of this document;

ii) A registered plan of subdivision is not necessarily in the public interest or is premature;

iii) The lot size and minimum separation distance will meet the implementing zoning by-law requirements;

iv) The proposed lot must front on a publicly owned and maintained road by the Township.

v) The lot must be in a location where traffic hazards such as obstructions to sight lines, curves or grades are avoided;

vi) Soil and drainage conditions must allow for proper building siting and to allow for the provision of an adequate means of sewage disposal and water supply as approved by the Ministry of the Environment and Energy or its delegate.

vii) Lot sizes, frontages and setbacks shall conform to the general standards and character of adjacent dwellings.

viii) Due to the variability in the quantity and quality of well water in the Township, it shall be a precondition of consent that the proponent demonstrate a proven supply of potable groundwater is available for both severed and retained parcels to the satisfaction of the Ministry of the Environment and Energy and the Township. The groundwater must be proven potable in accordance with the chemical and bacteriological parameters under the Ontario Drinking Water Objectives, as amended from time to time. Also, the quantity of water must meet a minimum capacity of 18 litres per minute for a one hour period. The well must also demonstrate a sustainable yield of at least 9 litres per minute. This can be done by either:

1) continuing to pump at a rate of at least 9 litres per minute;

2) discontinuing pumping and, during the next hour, measuring a recharge of at least 546 litres; or

3) to prepare a report by a qualified engineer which will demonstrate how the above standards will be achieved.

Changes to the above parameters or standards by the Ministry of the Environment and Energy will not require proponents to amend this Plan. As changes are/may be made by the Ministry of the Environment and Energy, the Township will endeavour to incorporate the changes at the time of their 5 year updates.

13.3 Number of Consents Allowed

i) A parcel held under unity of ownership as of January 15, 1979 may not thereafter be subdivided by consent into more than four parcels 3 severed and 1 retained, except for the purposes of boundary adjustments, partial discharge of mortgage, easements, and rights-of-way.

ii) Where a severance is granted from a parcel held under unity of ownership as of January 15, 1979, the potential for any additional severance shall remain with the retained parcel unless the retained parcel cannot be severed under the existing provisions of this plan and zoning by-law.

13.4 Subdivisions

13.4.1 Where four or more lots in total are to be created from a single parcel of land, or when a new road is involved, a plan of subdivision shall generally be required. Subsections 3.2.4, 3.3 and 3.4 also apply for subdivision development.

13.4.2 In considering a proposed plan of subdivision, Council shall ensure that all costs associated with the development of the land are borne by the developer.

13.4.3 All roads within a plan of subdivision shall be constructed to Provincial Standards for subsidy and shall be dedicated to the Municipality.

13.4.4 Subdivision or other agreements between the applicant and the Township may be required by Council.

13.4.5 Where private communal water and/or sewage system(s) is/are required, the municipality shall attain ownership, operation and maintenance of the system(s) or, assume ownership, operation and maintenance in the event of default.

13.4.6 When reviewing plans of subdivision, Council recognizes that most residential development will be located in the "Community Residential" designation. Some limited residential development, contiguous or in close proximity to existing developments where there will be minimal extension of existing services, may be permitted in the "Shoreline Residential" designation.

14.0 GROUP HOMES

Group homes shall be permitted in all areas in which residential dwellings are permitted. For the purposes of this plan, group homes are defined as a single housekeeping unit in a residential dwelling in which three to ten residents, excluding staff of the receiving housekeeping unit, live as a housekeeping unit under responsible supervision consistent with the requirements of its residents; the home is licensed or approved under provincial statue and in compliance with municipal by-laws.

15.0 AFFORDABLE HOUSING

Council will encourage affordable housing in the municipality through residential intensification and by encouraging non-profit housing and a variety or mix of housing types.

16.0 ENVIRONMENTAL CONSTRAINTS

In order to ensure that incompatible land uses are not located near one another, Council will impose separation distances for commercial and/or industrial uses from sensitive uses. The proponent wishing to establish a use incompatible with existing uses, through a rezoning or a development application, may be required to conduct studies, such as a noise report for the Township and the Ministry of the Environment and Energy's review and approval which may result in the provision of appropriate buffers or mitigating measures.

All new development along provincial highways or a railway line shall be setback a minimum of 100 metres. These separation distances may be reduced subject to the proponent conducting the appropriate studies for the review and approval of the Township and the Ministry of the Environment and Energy.

In order to identify the location of poor soils and potable water conditions in the Township, Council will identify lands with these conditions, as the information becomes available, in the constraint Schedules of the Official Plan. Those lands will be shown as "Areas with Poor Soils/Water Conditions" in Schedules "C" and "D". This Plan should be regularly updated to include these areas when the information is available.

17.0 IMPLEMENTATION AND ADMINISTRATION

17.1 Implementation

The realization of the objectives and policies found within this Plan lies in the hands of the Council and the residents of the Township of Shuniah.

The objectives and policies of the Plan shall be implemented through the following methods:

a) Through the activities of the public sector and more particularly the Township Council by the acquisition, development and sale of land;

b) Through the creation and enforcement of Zoning By-laws pursuant to The Planning Act;

c) Through subdivision control agreements;

d) Through site plan agreements; and,

e) Through the activities of the residents of the Township.

Notwithstanding other policies of this plan, if consultation with government agencies (as the Ministry of the Environment and Energy, Ministry of Natural Resources, etc.) is required pursuant to this Plan's policies for development applications under the Planning Act where the Township has not been delegated the approval authority or zoning by-laws, other than comprehensive zoning by-laws and that consultations is not available, the Township shall consult with the Ministry of Municipal Affairs and Housing.

17.2 Non-Conforming Uses

17.2.1 Non-conforming uses throughout the Township should gradually be phased out as a general rule so that the affected land may change to a use which is in conformity with the goals of the Official Plan and the Zoning By-law. In some instances it may be necessary and practical to allow the relocation, replacement, extension or enlargement of non-conforming uses. Section 44 of The Planning Act should be referred to this situation. Council shall therefore have regard for the following:

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

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

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

a) The size of the extension in relation to the existing operation;

b) Whether the proposed extension may be treated as minor in nature;

c) The characteristics of the existing use in relation to noise, vibration, fumes, dust, smoke, odours, lighting and traffic generation and the degree to which any of these factors may be increased or decreased by the extension;

d) The possibilities of reducing these nuisances through buffering, building setbacks, landscaping, sign control and other means to improve the existing situation as well as minimize the problems from extension;

e) The implication of the proposed extension of general traffic safety and the need for adequate facilities for parking and loading; and,

f) The adequacy and availability of municipal services.

g) The relationship between the magnitude of the expansion and its compatibility with the abutting land uses;

17.3 Status Zoning

Uses of land or lots which are unable to meet the minimum standards set out in this Plan and which existed legally at the date of adoption of this document may be deemed to conform, unless otherwise restricted by the polices of the Plan. Such uses may be zoned in a special category or within the general zoning category conforming with the Plan, and in accordance with their present use and performance standards, provided that:

a) The zoning will not permit any significant change of use or zone provisions that will aggravate any situation detrimental to adjacent complying uses;

b) The uses to be recognized are zoned in such a way that any significant enlargement or expansion of the use must be by amendment to the Zoning By-law;

c) They do not constitute a danger to surrounding uses and persons because of their hazardous nature or the traffic they create;

d) They do not pollute air and/or water to the extent of interfering with the ordinary quality of property; and,

e) They do not interfere with the desirable growth or enjoyment of the adjacent area.

f) They do not lie within the "Shoreline Residential" designations

17.4 Non-Conforming Industrial and Commercial Uses

There are a number of industrial and commercial uses in Shuniah that were established when Lakeshore Road was the Trans Canada Highway. In most cases residential uses have been established adjacent to these uses and the areas involved are designated "Community Residential" by this Plan. It is the intent of the Council that these uses should relocate and that no expansion or arrangement may occur.

17.5 Maintenance and Occupancy By-laws

Council may pass a By-law pursuant to Section 31 of The Planning Act, S.O., 1983. This By-law may contain provisions related to such matters as establishing standards for the maintenance and occupancy of property and requiring property that does not conform to the standards to be repaired and maintained.

17.6 Public Meetings

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

i) Changes the numbers of sections or the order of sections in the Plan, but does not add or delete sections;

ii) Consolidates previously approved Official Plan Amendment in a new document without altering any approved policies or maps;

iii) Corrects grammatical or typographical errors in the Plan which do not effect the intent or effect the policies or maps;

iv) Rewords policies or re-illustrates mapping to clarify the intent and purpose of the plan or make it easier to understand without effecting the intent or purpose of the polices or maps; and,

v) Translates measurements to different units of measure or changes reference to legislation or changes to legislation where the legislation has changed.

In all other instances, notification to the residents of the Township of public meetings held by Council shall be taken in accordance with the procedures of The Planning Act.

17.7 Interpretation

The boundaries between land uses designated on Schedules "A", "B", "C" and "D" are approximate except where they meet with roads, railways lines, rivers, the pipeline route, transmission lines, lot lines or other clearly defined physical features and in these cases are not open to flexible interpretations. Where the general intent of the document

is maintained, minor adjustments to boundaries will not require amendment to this Plan.

17.8 Energy Conservation

17.8.1 It is an objective of this Plan to encourage energy conservation measures.

17.8.2 Energy conservation measures to be considered by Council in the approval of developments in the future may include:

a) Streets aligned to maximize solar orientations;

b) The provision of services and facilities at nodes at the neighbourhood level;

c) The encouragement of neighbourhood rehabilitation;

d) The removal of municipal by-law provisions that hinder energy conservation;

e) Minimization of strip development; and

f) Encouragement of mixed-use buildings and the adaptive reuse of structures.

17.9 Temporary Use Zoning By-laws

Temporary uses may be authorized for a specific time period up to three years, where it is considered inappropriate by the Township to permit the proposed use to operate on a permanent or continuing basis and where alternatives such as relocation are not practicable. Subsequent by-laws granting extensions of up to three years may be passed. However, once the by-law has lapsed, the use must cease or otherwise will be viewed as contravening the pre-existing zoning by-law.

17.9.1 Criteria

Prior to the approval of a temporary zoning by-law, Council shall be satisfied that the following principles and criteria have been met:

i) The proposed use shall be of a temporary nature and shall not entail any major construction or investment on the part of the owner, so that the owner will not experience undue hardship in reverting to the original use upon the termination of the temporary use provisions;

ii) The proposed use shall not be incompatible with adjacent land uses with the character of the surrounding neighbours and with the general intent of the official plan;

iii) The proposed uses shall not create any traffic circulation problems.

Notwithstanding the policies contained in the Official Plan, Council may authorize the temporary use of land which may not comply with the land use designation as established by the Official Plan, provided that the temporary use is determined to not have any detrimental effect upon the existing land uses in the area and the long-term objectives of the Plan.

17.10 Site Plan Control

17.10.1 Site plan control can be imposed as a condition for development or redevelopment of lands and buildings in the Township by Council. The process involves the establishment of a site plan agreement between the developer or landowner and the Township. Industrial, commercial, institutional uses and multiple unit residential developments may fall under site plan control. The municipality wishes to use site plan control in order to realize certain objectives of this Plan related to access, landscaping, incompatible land uses and site design.

All areas identified in this Plan as being subject to site plan control, are proposed site plan control areas. The process involves the passing of a by-law by Council designating whole or part of such areas as site plan control areas, and then entering into site plan agreements and provide drawings to the Township at the time of development applications on such lands, pursuant to Section 41 of the Planning Act.

i) The municipality, when reviewing a lot for redevelopment for one or more residential units or new, single unit residential lots, should consult with the Ministry of the Environment and Energy to determine the appropriateness of site plan control to mitigate incompatible land uses. That Ministry shall be consulted when such residential units are proposed within 300 metres of industrial uses, railway lands, and Provincial Highways in all designations on this Plan. All lands within 300 metres of industrial uses, railway lands and Provincial highways are therefore also proposed site plan control areas.

17.11 Heritage Resources

17.11.1 All new development within the Township will be accommodated in a manner which respects the existing communities heritage and goals, and which enhances and preserves the character of the area.

17.11.2 Council will encourage the restoration, protection, maintenance and enhancement of heritage resources. By doing so the Township will be furthering the objectives of science and education, promote community and ethnic pride, contribute to tourism and recreation, and, enhance economic development.

17.11.3 Consideration shall be given to the effects of public works and development on buildings, sites and areas of historical, archaeological, scenic or architectural importance prior to the approval of pubic works and development proposals.

17.12 Utility Corridors

The development of electric power facilities shall occur in an orderly manner to facilitate the efficient and reliable provision of adequate electric power. As such, electric power facilities are permitted in this and all land use designations without an amendment to the Plan.

18.0 PLAN REVIEW PROCESS

18.1 Objectives

18.1.1 To ensure the continuing relevance and effectiveness of this Official Plan in realizing the goals of the Township.

18.2 Policies

18.2.1 The assumptions, objectives and policies of this Plan shall be reviewed at least once every five years at a meeting of Council.

18.2.2 The five year review shall consist of an assessment of:

a) The continuing relevance of the assumptions used to development this Plan as found in Section 2 of this document;

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

c) The effectiveness of the policies in the Plan in solving problems and realizing desires;

d) The effectiveness of policy guidelines in protecting water quality, heritage resources, natural resources and habitat.