



Draft 2014 Official Plan

***Adopted and Repealed
by Council in 2014***

Note: The 2014 OP was repealed in order to move forward with a Water and Wastewater Servicing Options Master Plan as identified in Section 3.1, 3.9 & 3.10 and various other Sections throughout the 2014 OP.

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1 PREAMBLE

1.1 Overview

1.1.1 The official plan for the Municipality of Shuniah is based upon land use research and recommendations carried out by Manahan Consulting; mapping and data from the Lakehead Region Conservation Authority natural heritage resource data base; including the following;

- Canada Census Community Profiles
- A 2007 report by Chris Southcott assessing Northern Ontario's population -- 2006 Canada Census data
- Provincial population projections
- Ontario's Provincial Policy Statement (2005) and Northern Growth Plan
- Municipal building permit records; Committee of Adjustment files and records; and municipal planning files and records
- The MacKenzie Moraine Study, Manahan Consulting/Norm Bell/Northern Bioscience, 2004
- MacLaren Mineral Aggregate Study for Thunder Bay, James MacLaren, 1978
- MNR aggregate/quarry licenses
- Cottage conversion Ad Hoc Committee minutes, files and research
- Ministry of Transportation input relating to Highway 11/17 route alternatives
- Lakehead Conservation Authority Source Water Protection ongoing planning program
- Lakehead Conservation Authority land use and property base mapping
- Various Ontario government land use guidelines including MTO Land Use for Planning bulletin and MOE Guidelines Near Landfill Sites, and MOE Land Use Compatibility Guidelines
- Community input obtained through public meetings

1.1.2 Public input was sought out, including the possibility of evolving the community of Mackenzie into a traditional hamlet and settlement area. At present this area contains a public school; a municipal public works yard; a mobile home/hostel operation; and a few single detached residential dwellings. The area has some potential to evolve into a traditional hamlet but clearly has not attained that status at this time. Shuniah's residential interest appeared to be more focussed upon the Lakeshore Drive area, and on the shoreline of Lake Superior, Loon, Bass and Sparks Lakes. There was virtually no interest or community support to the concept of a hamlet or village at MacKenzie.

1.1.3 In the 1800's the Municipality of Shuniah included the geographic townships of Pardee, Crooks, Blake, Paipoonge, Neebing, McIntyre, and McTavish, the village of

Prince Arthur's Landing, Thunder Cape, and certain islands in Lake Superior. A physical reflection of this is the current location of the municipal office which is now within the City of Thunder Bay, but which was once a part of Shuniah. The current municipality is substantially smaller, encompassing the geographic townships of McTavish and MacGregor, and a small portion of previously unorganized lands, all of which encompass an area of 569.2 square hectares.

- 1.1.4 Shuniah has evolved from a largely recreational and rural resource based municipality to one wherein permanent residential activity is now the predominant land use – much of it being related to retirement residential activity. In this version of the official plan, the Municipality is seeking to set aside the historic differentiations of permanent and seasonal or recreational residential land use, and to advance the concept of a simply residential community. This is premised upon the growing winter use of what were once recreational lands; past official plan changes that permitted permanent residential use along much of the Lakeshore of Lake Superior, Loon and Sparks Lakes; similarity for sewer and water servicing; the fact that the building code now does not distinguish between a permanent and a recreational residential building; and difficulties experienced in past attempts at enforcement. Accordingly, residential lands along Lakeshore Drive and within the Rural area, and residential lands along the shoreline of Lake Superior, Bass, Loon, and Sparks Lakes are all designated simply as residential lands. Cottage Associations continue to be treated separately until they can be evaluated within a servicing options study that is contemplated within the current planning period leading up to the next five year review.
- 1.1.5 The official plan considers the residential area of Lakeshore Drive; the developed shoreline of Lake Superior; the developed shoreline of Bass and Loon Lakes, and including the communities located at Sparks Lake and Mackenzie Heights as being the built up, settlement area for Shuniah -- containing residential neighbourhoods and a variety of mixed uses such as local commercial and institutional activity; minor and major open space and recreation features; a local school and various municipal properties (public works yard, fire stations, community centre). The alignment of this concentrated area of development differs from the traditional concept of a village or hamlet, but the essential components as detailed in Ontario's Provincial Policy Statement definition of a settlement area are in place. Ontario's prior official plan approval to the 1996 Shuniah official plan advanced the idea of infilling and intensification for the larger built up Community Residential area so as to create a density capable of supporting local commercial and local institutional activities.
- 1.1.6 The municipality is looking to carry out a servicing options study to consider possible future urban level servicing in response to possible environmental issues and concerns within the built up area, including both the Lakeshore Drive area and the various developed shorelines. Future environmental concerns may cause such services to be required along the shoreline of Lake Superior where there are numerous existing small lots and/or intensively developed cottage association properties. Identification of the entire existing built up area as a settlement area

would facilitate the long term planning and construction of such services as required.

1.2 Relevant Definitions

- 1.2.1 **Cottage Association Lands** shall mean an organization of persons, whether incorporated or un-incorporated or a trust, which holds title to blocks or parcels of land upon which are located a number of dwellings; the buildings for which are owned individually by persons who are members or shareholders in the association, and without limiting the foregoing, include the following Associations; Ishkibible Beach Limited; Clover Beach Limited; Floral Beach Limited; Green Point Campers' Association; West Green/Pebble Beach Association; East Green bay Campers' Association; and Wild Goose Bay Trust association. White Birch Beach is also deemed to be a cottage association.
- 1.2.2 **Single Detached Residential Use** shall mean a use of one dwelling unit and the land upon which it is located, or is intended to be located, as a primary or principal home and/or place of residency. Such use shall be documented by a building permit, or by a determination by the Municipality that the use is legal non-conforming, or by a statement of conversion.
- 1.2.3 **Single Detached Recreational Use** shall mean use of one dwelling unit and the land upon which it is located, or is intended to be located, for recreation, vacationing, or other occasional or temporary occupancy, and not intended to be utilized as a place of residence, and where associated with a principal home or primary residence elsewhere. Any dwelling that is not documented by a building permit, established as legal non-conforming, or documented as a converted dwelling shall be deemed to be a Single Detached Recreational Dwelling.
- 1.2.4 **Converted Dwelling Use** shall mean a single detached recreational dwelling for which a certificate of conversion has been issued attesting that the dwelling and property comply with the conversion policies in effect in the Official Plan, and therefore the dwelling may be used as a principal or primary residence as if it were a single detached residential dwelling.
- 1.2.5 **Limited Residential Use** shall mean residential development occurring outside of a settlement area, typically on existing vacant parcels of land, or lots capable of being created through the severance process, where the number of new lots is established in this official plan after giving consideration to the twenty year demand and supply of residential land, and to the location and history of past development activity.
- 1.2.6 **Rural Character** shall mean a state or condition dominated by open space, natural features and ecological functions, and/or traditional rural activities such as farming or natural resource use, where such activity predominates over a built environment.

- 1.2.7 Land use designation shall mean;
- (a) Geographically described areas that are predominantly committed to or are intended to be committed to a particular set of land use activities, and that are identified as such, and shall include a set of specific goals, objectives and policies that set out in the official plan and that relate to the management and change of land use within such described areas.
 - (b) The term Rural is used in this document as a land use designation. In addition, Ontario's Provincial Policy Statement uses the term rural area to mean all lands that are not contained within a settlement area. These terms have different meanings.

1.3 Basis for Decision Making

- 1.3.1 Figure 1 illustrates the historic change of population for Shuniah from 1976 to 2006, and further displays high, medium and low population projections for the period from 2006 to 2036.
- 1.3.2 Population change throughout consecutive ten year intervals has remained consistent at a typical annual growth rate of 2.3% over the 1976 to 2006 historic period. Population projections have been premised on;
- (a) A strong growth scenario with continuing passive population growth focussed on retirement residential activity along the shorelines of Lake Superior and of Bass, Loon, and Sparks Lakes, and generative residential growth supported by the expansion of aggregate resource extraction activity relocating from west of the City of Thunder Bay to the MacGregor Road area, driving new and related economic activity and employment. Additional growth may also be supported by alternative energy initiatives in the same area, and by tourist based activity focussing on Lake Superior through both the Lake Superior Marine Conservation Area and generally high quality tourist and recreation resource lands. This option extends the 2.3 % growth rate per year that has been historically experienced by the municipality.
 - (b) A medium population growth premised primarily upon passive retirement residential growth. Growth at 1.3 % per year is considered to be representative of this option
 - (c) A lower population performance premised on a slowing passive residential demand and a future trend wherein retirement residential activity is replaced by a return by retirees to an urban setting closer to health and other required services. Growth at 0.8 % per year is considered representative of this option.
- 1.3.3 These population expectations are premised upon Shuniah being a participant in the larger Shuniah/City/Neebing/Oliver Paipoonge growth hub for North Western

Ontario, and in particular the capacity to provide residential options that are not available in the City of Thunder Bay. The 2007 analysis of 2006 Census data shows that communities close to larger urban locations have exhibited growth rather than decline and Shuniah expects that this trend will continue

- 1.3.4 A continuing 2.3 % per year growth rate would cause the year 2026 population to increase by an estimated 1,340 persons to 4,253 persons. A lesser growth performance, in the order of 1.3% would generate a 2026 population that increased by 760 persons to 3,673 persons.

Projected Population Growth

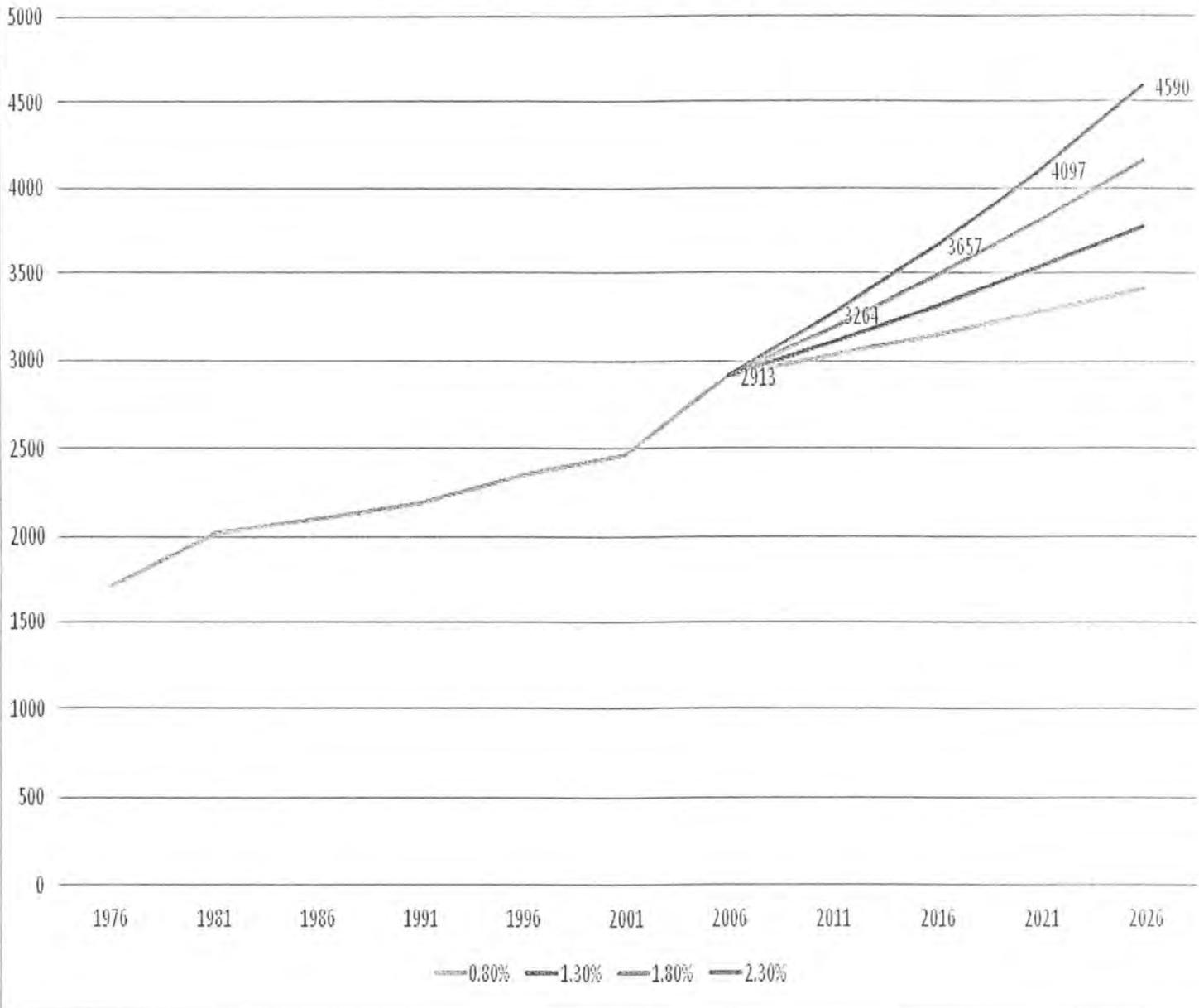


FIGURE 1 : POPULATION HISTORY AND PROJECTION

- 1.3.5 The selected growth rate for Shuniah has been identified to be an expected average growth of 1.3 %, and a twenty year growth of 760 persons. This is expected to be supported by continued retirement residential activity and a small amount of economic development, primarily involving resource based activity. Retirement residential activity in particular is expected to focus upon Lake Superior shoreline which is only available in Shuniah and in Neebing.
- 1.3.6 Tourist commercial activity can also be expected to contribute to the Municipality's economic base.
- 1.3.7 Continued modest growth will allow Shuniah to give consideration to the long term potential need to deliver municipal sewer and water services to areas of the municipality where future environmental concerns may arise due to existing exceptionally small lots and less than ideal soil conditions.
- 1.3.8 The 2006 Census household size is 2.8 persons is assumed to decrease by 2026 to a household size of 2.6 persons, based primarily on the lower household size typical of retirement residential activity. At 2.7 an expected persons for the first ten years and 2.6 persons for the second ten years, there would be need for 285 to 300 additional dwelling units within the municipality over the next twenty years.
- 1.3.9 Demolitions have historically averaged 4.3 recreational dwelling and 0.75 permanent dwellings per year (calculated by a review of a 12 year period) and, if continued at such a rate, would be capable of delivering in the order of 100 building lots within the twenty year planning period. This would reduce the net requirement for new lots to approximately 190 lots.
- 1.3.10 At present, 99% of the occupied dwellings in Shuniah are single detached dwellings according to the Census Canada 2006 community profile. There are few semi-detached or duplex dwellings, no row housing and no apartment buildings in the community, and this is expected to continue to be the trend until the municipality gains a complete understanding of urban servicing options and requirements.
- 1.3.11 A twelve year review of building permits show that 79 new recreational dwellings and 99 new permanent dwellings were constructed, for an average of 14.8 per year, and 296.7 over twenty years. If demolitions at 4.3 recreational and 0.75 permanent dwellings per year were subtracted, there would be approximately 290 new dwellings required over the twenty year planning time horizon, based on building permit performance.
- 1.3.12 Potential residential land supply
- Lots in existing registered plans of subdivision 80
 - Lots in draft approved plans of subdivision 35
 - Parcels in existing vacant land condominiums 20
 - Potential lots in existing shoreline residential official plan designated lands 110
 - Potential lots in lands zoned as Community Residential – existing frontage 45
 - Potential lots in lands zoned as Community Residential – backlands 120
 - Estimated rural vacant lands and severances at current 3 + 1 policy 80

ESTIMATED TOTAL SUPPLY

490 LOTS

- 1.3.13 This surplus can be reduced by;
- Elimination of back lands in existing Community Residential designation 120
 - Elimination of registered plan lots near to the Landfill site 10
 - Reduction of the severance entitlement to 2 + 1 20
- 1.3.14 It is considered to be unlikely that all land that could possibly be subdivided would compete the process within the twenty year planning period (large properties may be maintained to protect privacy and serenity; owners may wish to continue to hold potential lots for family reasons; absentee land owners may not care to spend money for lands that they have no particular interest in). It is therefore assumed that 15% of the potential lots will not materialize within the twenty year time planning time period.
- 1.3.15 Available supply is therefore estimated to be approximately 290 dwelling units; 135 of which are lakeshore lots contained in existing registered or draft approved plans of subdivision.

OFFICIAL PLAN FOR THE MUNICIPALITY OF SHUNIAH

An official plan is a document prepared and adopted by a municipality and approved by Ontario containing text, tables, maps, and/or schedules detailing the goals, objectives and policies of the municipality, established primarily for the purpose of assessing, managing and directing physical change and its effects on the social, economic and natural environment of the municipality for a twenty year time period, with five year review intervals.

The following text and Schedules A1 and A2, B, and C constitute the Official Plan for the Municipality of Shuniah, as updated in 2013, and apply to all lands that are within the boundaries of the Municipality of Shuniah ("Shuniah" or the "Municipality").

2 INTRODUCTION, PURPOSE, AND DEVELOPMENT CONCEPT

2.1 Municipal Vision and Mission Statements

- 2.1.1 Vision Statement : Shuniah is intended to be a modern and vibrant community with a strong sense of identity, located on the picturesque shores of Lake Superior, working together to build a safe, clean, friendly, and prosperous future.
- 2.1.2 Mission Statement: Shuniah is committed to providing the highest quality of life by building a healthy rural community through the delivery of essential services provided by responsible leadership, planning, and effective management of municipal resources.

2.2 Development Challenge

- 2.2.1 Shuniah's development history included rural lands, and a mix of recreational and residential land use along the shoreline of Lake Superior, Bass Lake and Loon Lake. Today, development is generally comprised of rural residential lots along Lakeshore Drive, along Highways 11/17, 527 and 587, and along a variety of small municipal roads; and mixed residential and recreational residential use along the shoreline of Lake Superior and the shores of Bass and Loon Lakes. A small residential community also exists at Sparks Lake.
- 2.2.2 Intermixed with this residential growth in the Lakeshore Drive area are community institutional and local commercial lands. Industrial lands occur along Highway 527 near the intersection of that highway with Highway 11/17. Scattered highway commercial uses exist along Highway 11/17 and Lakeshore Drive.
- 2.2.3 Aggregate extraction, amethyst mining, forestry, public recreation, commercial recreation, and alternative energy projects occur or are expected to occur within the Rural area.

- 2.2.4 The recent driving force governing development in Shuniah has been retirement residential interest, largely focussed on the significant shoreline resources of Lake Superior, and Loon Lake. A more general interest in a Rural residential lifestyle has also supported infilling and intensification along Lakeshore Drive.
- 2.2.5 Shoreline development has included both new lot creation; acquisition/demolition/rebuilding of existing recreational dwellings as residential dwellings; and conversion of recreational dwellings to residential dwellings. Council expects that all three of these will continue, and that vacant lot and severance infill based within the Lakeshore Drive area will also occur.
- 2.2.6 In the larger context, Shuniah expects to continue to provide residential accommodation and some industrial, institutional and commercial land use to the larger community focussed on the City of Thunder Bay, Neebing, Oliver Paipoonge, and Shuniah (the Northwestern Ontario economic growth hub).
- 2.2.7 It is Council's desire to integrate the historic fragmented growth pattern within the municipality through infill and intensification – to concentrate development so as to attract local commercial and institutional activity that will provide local services and activities. Concentration will also allow the municipality to plan for and implement a longer term infrastructure and servicing strategy.
- 2.2.8 Unique to Shuniah is the existence of Cottage Associations. The lands that are involved in these associations support existing development which is based upon small lot areas, where each association is one large parcel of ownership with numerous individual dwellings, each assuming an area including the dwelling and associated mutually agreed private and exclusive associated land).
- 2.2.9 Managing the Cottage Association lands was the focus of a conversion policy and official plan amendment undertaken in the previous version of the official plan, and the policies that were established have been addressed in this document.

2.3 Purpose and Effect

- 2.3.1 This official plan is intended to be a policy document under the provisions of The Planning Act and to represent a framework for community decision making respecting physical change in the Municipality of Shuniah over the period to 2030.
- 2.3.2 In accordance with Section 24 of The Planning Act, no public works shall be undertaken by the Municipality; no by-law shall be enacted; and no planning approval shall be given unless in accordance with this official plan.
- 2.3.3 Notwithstanding, Council may;
 - (a) Investigate and consider public works or other actions that are not in conformity with this plan, and including applications for review and/or approvals incidental and necessary for such works or actions, but not undertake the actual works until brought into conformity with this plan.

- (b) Adopt an amendment to this plan and thereafter enact a zoning amendment or other by-law that is not in conformity with this plan but that will be in conformity when the relevant amendment to this plan is finished and comes into force and effect.

2.4 Responsibilities

- 2.4.1 Municipal planning in Ontario is conducted through the enabling legislation of The Planning Act, and under an umbrella of Provincial areas of interest and land use policy, and any related provincial plans. The official plan and all decisions made by or on behalf of Council must be consistent with the Northern Growth Plan and with Ontario's 2005 Provincial Policy Statement.
- 2.4.2 Council of the Municipality of Shuniah shall have responsibility for this plan, including;
 - (a) To prepare, manage, update, and keep current the official plan
 - (b) To incorporate relevant aspects of the Northern Ontario Growth Plan and/or Ontario's Provincial Policy Statement as such document might be amended from time to time.
 - (c) To adhere to and implement the guidance and policies contained herein.
 - (d) To review and update this official plan at intervals of not more than five years, in accordance with the requirements of Section 26 of The Planning Act for regular and systematic review, and including the conduct of public meetings.
 - (e) To receive and review and/or to initiate amendments to this official plan from time to time as found to be necessary, and to process such amendments.
 - (f) To consult with the Ministry of Municipal Affairs and Housing and other appropriate agencies and offices in the preparation of amendments to this official plan.
 - (g) To be the final authority for day to day interpretation of this official plan.
 - (h) To reference and make use of this official plan in the evaluation of planning matters within the Municipality, and the processing of planning approvals.
 - (i) To carry out the various commitments that are described in this official plan including the completion of a servicing options study and to implement the findings of such a study.
- 2.4.3 Private interests are generally made to adhere to this official plan through the implementation and application of the Municipality's comprehensive zoning by-law

and through the exercise of a variety of planning approvals that rely upon and implement compliance with this plan.

- 2.4.4 Senior levels of government are acknowledged to be legally exempt from the requirements of this official plan. In particular the Ministry of Natural Resources administers Crown Land (lands for which patent has not been issued), and the application of the Aggregate Resources Act for all Crown Land and private land covered by the Act. Activity on Crown Land is therefore a part of the day to day activity within the Municipality and the patent of new Crown Land may impact upon the Municipality's development concepts. It is Council's desire therefore that the administration of Crown land; the patent of Crown Land; and the general exercise of Ontario's normal and ongoing authorities of all natures take into account aspects of this plan that might be impacted.

2.5 Planning Objectives

- 2.5.1 Council wishes to establish and to achieve the following planning objectives as set out in this Section and which are intended to guide decision making with respect to physical change within the Municipality and including the administration, operation, and extension of public infrastructure and public services.
- (a) To promote efficient development and land use patterns which sustain efficient operation and financial well being of the Municipality and of Ontario over the long term, and which conform to Ontario's Provincial Policy Statement and Northern Growth Plan.
 - (b) To promote a land use pattern, density of development, and mix of land uses that minimizes impacts upon municipal infrastructure and public services, and the length and number of vehicle trips taken by the residents of the municipality.
 - (c) To ensure that necessary infrastructure and public services/public service facilities are or will be made available to meet current and projected needs and that infrastructure and services are cost effective.
 - (d) To optimize the use of existing infrastructure and public services; to evaluate the need for future infrastructure; and to promote orderly, economic, efficient, and effective creation and delivery of common infrastructure, public services, and public service facilities and to promote cost effective development standards to minimize land consumption and servicing costs.
 - (e) To advance the process of concentrating development within existing built up areas of the Municipality in order to achieve local densities of development at levels that can support the introduction of local commercial and institutional activity.

- (f) To ensure that sufficient land is made available through intensification and redevelopment to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for the life of this plan.
- (g) To ensure the protection and continued viability of natural heritage resources that are contained within the Municipality and where possible to promote their enhancement.
- (h) To complete a servicing options study within the current five year planning term and to have findings available for the next five year official plan review.
- (i) To develop a basic economic foundation in employment and assessment, including activities in aggregate extraction; transportation; recreation and sustainable tourism; and other rural based industrial activity.
- (j) To avoid development and land use patterns which may cause environmental or public health and safety concerns.
- (k) To have regard for and improve accessibility for the elderly and persons with disabilities, as provided for under the Ontarians with Disabilities Act and corresponding amendments to the Planning Act and to eliminate or prevent land use patterns which restrict full participation in the community by these persons.
- (l) To encourage the preservation and possible re-use of the CNR railway corridor along the shoreline of Lake Superior and to maintain that corridor's integrity and continuous linear characteristics.

2.6 Use of Maps or Schedules

- 2.6.1 The following maps or schedules are used in and make up a part of this official plan;
- Schedule A1 and A2 -- Land Use Schedules -- illustrates and establishes various land use designations.
 - Schedule B -- Restraints -- lists and illustrates various constraints to development
 - Schedule C -- Highway 11/17 existing and proposed rerouting and municipal roads

2.7 Interpretation and Implementation

- 2.7.1 Council shall be responsible for interpretation of the text, figures, maps, and schedules that make up this official plan.
- 2.7.2 Text, policies, figures, and schedules contained in this document, and in any amendments to this document, as may be made from time to time, shall be considered to represent general concepts and/or relationships rather than strict or absolute conditions, situations, or measurements. Unless specifically necessary to the text and identifies as such in the text, interpretation shall be flexible and interpretive.
- 2.7.3 Land use designations shall be considered as representing predominant land uses, and shall not preclude small pockets of other legally non-conforming land uses that are consistent with the pertinent policies of this plan. Land uses shall not be considered to be all inclusive but rather shall represent general intent and concept.
- 2.7.4 Boundary lines, unless coinciding with a specific major facility shall be construed as representing relationships land uses and not exact geographic locations. Where a boundary line is located along a major road that offers the particular land use a resource (i.e. access; exposure to traffic) such boundary line may be considered to exist one lot depth away from the road rather than on the road itself.
- 2.7.5 Numbers and quantities shall generally be approximated rather than absolute, except where the context requires otherwise. Notwithstanding, the total number of severances that are permitted in policies dealing with land creations by severance; numbers relating to the findings arising from lake capacity studies; and the volume of water required in order to satisfy the requirement that an adequate water supply be available for new lot creations shall all be considered to be specific and fixed numbers.
- 2.7.6 With the exception of the intended servicing option study, indications of action, servicing, or the construction of infrastructure by the Municipality shall not be construed as a commitment to any specific time frame, but rather subject to the determinations of Council in normal budget deliberations.

3 GENERAL LAND USE POLICIES

This portion of the official plan is intended to address general planning matters and to set out provisions and policies that will apply over the entire municipality and to all land use designations unless specifically stated otherwise.

3.1 Servicing Options Study

- 3.1.1 The Municipality has identified a large number of recreational dwellings potentially eligible for conversion.
- 3.1.2 The Municipality recognizes that development density along the Lakeshore in both cottage association areas and in areas where lands are held in individual freehold

tenure is high, and that, particularly in the case of association lands, conversion may bring about increased activity and duration of use, and that this may generate the need to consider some areas for an alternative to the current private and individual sewer and water services.

- 3.1.3 There are no current locations where sewage or water has been identified as a current problem or concern, however it is thought that such issues may arise in the future.
- 3.1.4 In addition, the Municipality supports a built up area that is atypical of what is traditionally viewed by Ontario as a settlement area, involving a linear concentration along Lakeshore Drive and several concentrations along shorelines of water bodies. Integration of future servicing within these various locations is a challenge and may bring about the need for establishing long term servicing priorities or for determining areas where services may not be practical.
- 3.1.5 Consequently, the Municipality shall, within the term of this five year planning period, conduct a Servicing Options Study to identify current/projected high density development areas which may eventually need to be serviced by an alternative sewer and water system, and to provide the Municipality with a long term servicing strategy for these areas. The findings of this study shall be incorporated into the next five year review of the official plan as required by Section 26 of the Planning Act.

3.2 Land Use Compatibility

- 3.2.1 The Municipality wishes to minimize the possibility of conflict between land uses through the considered application of land allocations; separation of sensitive land uses from sources of potential impact; through the development and application of appropriate setbacks and other mitigation measures; and through consideration of the Ministry of Environment's Land Use Compatibility Guidelines.
- 3.2.2 The following does not apply to minor expansions or reconstruction of permitted uses, buildings or structures or development that does not require Ministry approvals. Use of these exceptions for infilling, redevelopment or a mixed-use area shall be at Council's discretion.
- 3.2.3 Where development initiatives (with the exception of those that do not require ministry approvals) have the potential to negatively impact upon sensitive land uses, or where sensitive land uses may be considered in proximity to land uses that may cause negative impact, appropriate studies (land use compatibility, noise, vibration, emissions, etc), and/or notice registered on title may be required.
- 3.2.4 The Municipality is particularly interested in maintaining the aesthetic and environmental quality of the shoreline of Lake Superior and various inland lakes.
- 3.2.5 Where approvals are required to accommodate major facilities or sensitive land uses, separation distances, buffering, or other mitigation measures in accordance with the Ministry of Environment Guidelines may be applied to prevent adverse effects such as noise, dust, fumes, odour or vibration.

- 3.2.6 Consideration shall also be given to the extent to which increased site plan requirements can reduce potential impacts.

3.3 Natural Heritage

- 3.3.1 Natural heritage features include features and areas of significant wetlands, fish habitat, wildlife habitat, habitat of endangered or threatened plants and/or animal species, and Areas of Natural Scientific Interest (ANSI) which are important for their environmental and social values.

- 3.3.2 Natural features and areas shall be protected for the long term, and diversity and connectivity of natural features and the long term ecological function and biodiversity of natural heritage systems shall be maintained, restored, and where possible improved. Protection shall involve the use of appropriate zones and regulations in the comprehensive zoning by-law, and the consideration of nearby natural heritage features and areas during the review process for any planning approval.

3.3.3 Significant Wildlife Areas

- (a) Development and site alteration shall not be permitted in or adjacent to significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.
- (b) Adjacent lands to significant wildlife habitat are defined to be 120 metres from the boundary of the feature.
- (c) Preliminary ecological assessment may be conducted based on existing mapping, existing local knowledge and site visitations when development and/or site alteration is proposed, if the proposed development is within or adjacent to a significant wildlife habitat. The Ministry of Natural Resources will be contacted for information and guidance for such assessment.
- (d) Significant wildlife habitat can include but is not limited to; seasonal feeding or areas of seasonal concentration; and locations that provide corridors for animal movement.
- (e) Where preliminary assessment indicates the likely presence of significant wildlife habitat, an Environmental Impact Study will be required to be completed.

3.3.4 Significant Wetlands and ANSI's

- (a) Wetlands are areas where the land is wet either permanently or seasonally, and result in water-logged soils and the growth of water tolerant or water favouring plants. Wetlands typically occur along the edges of lakes and watercourses, or in areas where water pools for at least a part of the year.
- (b) ANSI's are either;

- Earth Science areas that contain examples of rock, fossil, and/or landform features that are the result of geological processes and landscape evolution.
 - Life Science areas that contain examples of natural landscapes, communities, plants and animals typically found in the 14 natural regions of Ontario.
- (c) Development and site alterations shall not be permitted in or adjacent to significant wetlands or ANSI's unless it has been demonstrated that there will be negative impacts on the particular feature or its related ecological function.
- (d) Adjacent lands are defined to be lands within 120 metres of the boundary of a significant wetlands or 50 metres of the boundary of an Earth Science ANSI.
- (e) Two significant ANSI's have been identified in the Municipality at the time of writing of this version of the official plan. They shall be zoned as open space in the comprehensive zoning by-law.
- (f) All wetlands occurring in the Municipality have not been evaluated using Ontario's Wetland Evaluation System. Accordingly a preliminary assessment may be required where development is proposed in the vicinity of a wetland feature.
- (g) All wetlands that have been evaluated and considered not be provincially significant or not to contain fish habitat shall have a minimum setback of 15 metres. All wetlands containing fish habitat and all lakes shall have a minimum setback of 30 metres. Watercourses may have additional setbacks established where size warrants.

3.3.5 Fish Habitat

- (a) Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.
- (b) Riparian vegetation and ground water springs and recharge areas are considered to be important features and will be considered in the review of any fish habitat.
- (c) Development adjacent to fish habitat, where permitted by other applicable policies of this plan, may be permitted provided that the ecological functions of the adjacent lands has been evaluated and it has been determined that there will be no negative impacts of the fish habitat. For the purposes of this policy, adjacent lands shall be considered to be all lands within 120 metres of the normal high water mark of any watercourse or waterbody.

- (d) all naturally occurring watercourses and waterbodies are considered to be fish habitat unless it can be demonstrated in a report by a qualified professional that the feature does not contain fish habitat as defined by the Fisheries Act.
- (e) Alteration, disruption, or destruction of fish habitat shall not occur unless prior authorization has been secured from Fisheries and Oceans Canada as required under the federal Fisheries Act.

3.3.6 Threatened or Endangered Species

- (a) Development and site alteration shall not be permitted in significant habitat of species listed on the Species At Risk In Ontario List as endangered or threatened species, and shall not be permitted on adjacent lands unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the habitat or its ecological functions.
- (b) Adjacent lands for threatened and endangered species is deemed to be 120 metres unless there are other site specific considerations such as species habits, type of development, and/or landscape characteristics that may warrant extension or retracting of this distance.
- (c) Preliminary ecological assessment may be conducted when development and/or site alteration is proposed in order to determine if the initiative is in or adjacent to significant habitat of threatened or endangered species, and such assessment will typically be based on existing mapping and reference information, existing local knowledge, and field investigation.
- (d) Where preliminary assessment indicates the present of significant habitat of threatened or endangered species and Environmental Impact Assessment will be required in instances where the Ministry of Natural Resources indicates that the habitat may be impacted by the proposed activity.
- (e) Consultation with the Ministry of Natural Resources shall occur where such habitat is being evaluated.

3.3.7 Environmental Impact Studies (EIS)

3.3.7.1 Where determined by Council to be necessary, an Environmental Impact Study shall be prepared by a qualified professional. The EIS shall include but not be limited to;

- (a) A description of the existing natural environment, including natural features and ecological functions that may be affected by the proposed development or site alteration

- (b) A description of the proposed development
- (c) A description of the potential impacts anticipated by the proposed development on the natural environment
- (d) Suggested development alternatives that would avoid these impacts, or if impacts cannot be avoided, recommended mitigation measures, including proposed implementation measures,
- (e) Recommended monitoring activities.

3.3.7.2 Where required, no planning approval will be granted until an EIS has been completed to the satisfaction of Council.

3.4 Cultural, Archaeological Heritage

- 3.4.1 All new development as permitted in this plan shall have regard for cultural heritage resources and shall wherever possible incorporate these resources into the development plans. In addition, all new development will be planned in a manner that preserves and enhances the context in which the cultural heritage resources are situated.
- 3.4.2 Cultural heritage resources include, but are not restricted to archaeological sites, cemeteries and burials, buildings and structural remains of historic and/or architectural value, and human-made rural, village, and districts or cultural landscapes of historic interest.
- 3.4.3 The Ontario Heritage Act and its provisions will be utilized to conserve, protect, and enhance the heritage of the Municipality through the designation by by-law of individual properties, conservation districts and/or landscapes, and archaeological sites.
- 3.4.4 A Municipal Heritage Committee may be established pursuant to the Ontario Heritage Act, to advise and assist Council on conservation matters relating to heritage resources. The functions of this committee should include but not be limited to:
 - (a) identify cultural heritage resources of local and regional interest;
 - (b) advise on matters associated with the identification, conservation, preservation, and adaptive re-use of cultural heritage resources;
 - (c) and advise to designate the Municipality or any area or areas within the Municipality as heritage conservation district.
- 3.4.5 Council shall enter into a municipal/provincial data sharing agreement in order to obtain data and maps of registered/known archaeological sites located within the Municipality. In addition, data and maps of any designation or locally significant heritage buildings or structures, mapped areas of archaeological potential and/or cultural landscapes within the Municipality shall be maintained as it becomes

- available for us in the planning review. Council may, where financial resources permit, regularly updated municipal archaeological resource mapping under the provisions of the municipal/provincial data sharing agreement.
- 3.4.6 Council will regularly update municipal archaeological resource mapping under the provisions of a municipal/provincial data sharing agreement, as new archaeological sites are identified.
 - 3.4.7 Council with the advice of the Ministry of Tourism and Culture may undertake the preparation of an Archaeological Management Plan, which will identify and map known archaeological sites registered with the Provincial Archaeological Sites Database, as well as areas within the Municipality having archaeological potential. The Management Plan may also outline policies, programs, and strategies to protect significant archaeological sites.
 - 3.4.8 The Municipality shall require archaeological assessment by archaeologists licensed under the Ontario Heritage Act in areas where there are known archaeological heritage resources and/or areas exhibiting archaeological potential within the boundaries of Shuniah.
 - 3.4.9 Alternations to known archaeological sites must only be performed by licensed archaeologists.
 - 3.4.10 Any significant archaeological resource or site identified may be preserved in-situ to ensure that the integrity of the resource is maintained and/or may be systematically removed through excavation by a licensed archaeologist.
 - 3.4.11 The integrity of archaeological resources can be maintained by adopting archaeological zoning by-laws under Section 34 of The Planning Act or other similar provisions, to prohibit any land use activities or the erection of buildings or structures on land which is a site of a significant archaeological resource.
 - 3.4.12 The Municipality shall ensure adequate archaeological assessment and consult appropriate government agencies, including the Ministry of Tourism and Culture and the Ministry of Consumer and Business Services when an identified historic human cemetery, marked or unmarked human burial is affected by land use development. The provisions under the Ontario Heritage Act and the Cemeteries Act shall apply.
 - 3.4.13 The Municipality shall have regard for the conservation of all significant cultural heritage resources during the undertaking of municipal public works or environmental projects. When necessary, satisfactory measures and/or heritage impact assessments will be required to mitigate any adverse impact to significant resources as outlined by the heritage conservations policies of this plan. Council shall have regard for heritage resources in the undertaking of municipal works, and where necessary will require satisfactory measures to mitigate any negative impacts on significant heritage resources.
 - 3.4.14 Council shall encourage local utilities companies to place equipment and devices in locations which do not detract from the visual character of cultural heritage

resources and which do not have a negative impact on the archaeological integrity of those resources.

- 3.4.15 Council shall seek the acquisition of easements on properties with heritage significance in order to assure the preservation of these resources in perpetuity.
- 3.4.16 Council shall ensure that each municipally owned heritage resource which is sold, leased or transferred to another owner or lessee is subject to a heritage easement agreement which shall guarantee its preservation, maintenance and use in a manner which respect its heritage significance and, when appropriate is subject to a heritage restoration agreement which shall require that certain restoration works be carried out by the new owner or lessee to a standard acceptable to the Municipal Heritage Committee or other accepted heritage property standard.
- 3.4.17 Council shall ensure that secondary planning studies identify cultural heritage resources which may exist under the study area and propose means to protect and enhance such resources.
- 3.4.18 Council recognizes that there may be marine archaeological remains from the pre-contact period through to the modern era up to the last 50 years. These marine archaeological resources may include the remains of ships, boats, vessels, artefacts from the content of boats and belongings of crew or passengers, weaponry, parts of ship construction, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft, and other items of cultural heritage value. The remains may currently be, or at one time, submerged under water.
- 3.4.19 Council shall ensure that new development in older established areas of historic, architectural, or landscape value shall be encouraged to develop in a manner that is consistent with the overall character of these areas and that infill in such areas is sensitive to the existing scale, massing, and pattern of those area; is consistent with existing landscape and streetscape qualities; and does not result in the loss of significant cultural heritage resources.

3.5 Mineral and Mineral Aggregate Resources

- 3.5.1 MNR licensed pits are illustrated on Schedule B Restraints Map. This information may not necessarily show recent licenses or amendments to existing licenses issued after the date of this official plan.
- 3.5.2 Mineral and mineral aggregate resources will be protected for long term use.
- 3.5.3 Parts of the Municipality have high mineral potential for precious and base metals. Areas of high mineral potential and are shown on Schedule B Restraints Map.
- 3.5.4 The location of concentrated mineral and aggregate resources are identified on Schedule B Restraints Map. It is recognized that isolated occurrences also exist which may not be contained in these identified areas, but which are important to the overall resource base, and that not all properties within those areas defined as being within an area of aggregate concentration will have aggregate resource potential.

- 3.5.5 Certain areas of mineral aggregate resources (aggregate potential) are located in proximity to developed portions of the municipality. Lands illustrated on Schedule B Restraints Map have been identified as serving a greater long term public interest value as existing developed lands as per Ontario's Provincial Policy Statement 2005 (2.5.2.5. b). Where new development is proposed in such locations residential land use will be given full weighting and aggregate development may occur only where it can be determined that it will not threaten existing residential activity.
- 3.5.6 The conservation of mineral aggregate resources will be promoted by making provisions for recovery of these resources wherever feasible.
- 3.5.7 In areas of high mineral potential and in areas adjacent to or in known mineral aggregate resource deposits as shown on Schedule B development and activities which would preclude or hinder the establishment of new operations or access to the resource shall only be permitted if;
- (a) Resource use would not be feasible;
 - (b) the proposed land use or development serves a greater long-term public interest
 - (c) issues of public health, public safety and environmental impact are addressed.
- 3.5.8 Mineral mining operations and mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion, or which would be incompatible for reasons of public health, public safety, or environmental impact.
- 3.5.9 Existing mineral aggregate operations shall be permitted to continue without the need for an official plan amendment, rezoning, or development permit under The Planning Act. Where an existing pit or quarry ceases to operate, the area shall be considered as a known deposit of mineral aggregate resource, as long as the resource has not been exhausted.
- 3.5.10 In recognition of the interim nature of aggregate resource extraction, progressive and final rehabilitation shall be required to accommodate subsequent land uses and to promote land use compatibility. Final rehabilitation shall take surrounding land uses and approved land use designations into consideration.
- 3.5.11 Aggregate extraction shall be permitted in the Rural land use designation within a specific aggregate extraction zone. Aggregate crushing shall be permitted in the Rural land use designation within a second specific aggregate zone.
- 3.5.12 Crown Land Application and approvals will be employed in order to regulate such aggregate activities on Crown Land.
- 3.5.13 Where evaluating proposals for the establishment of a new aggregate extractive zoning, Council may request that a brief development concept statement be

submitted in support of the application. Such a statement should describe the intended operation, including scale, length of time that the operation is expected to continue, whether or not off site aggregate material will be imported to the site, and area of the property where the pit or quarry will be located. Where residential and other sensitive land uses exist nearby, or land is zoned to permit such uses, the concept statement shall address remedial measures to reduce negative impacts such as noise, dust, vibration. Remedial measures, including required separation distances in accordance with the Ministry of the Environment Guidelines for Land Use Compatibility will be included within the zoning amendment being considered by Council.

- 3.5.14 Council will, in the comprehensive zoning by-law, establish separation distances in accordance with Ministry of the Environment Guidelines on Land Use Compatibility to limit the location of residential or other sensitive land uses in the vicinity of known aggregate resources or existing mineral aggregate operations, as shown on Schedule B Restraints Map.
- 3.5.15 A minimum separation distance of 100 metres for any operation recognized by aggregate extractive zoning shall be maintained between the active area of such operation and any other abutting zone not permitting residential or sensitive land uses. Where the zoning by-law permits residential or other sensitive land uses a minimum 300 metre separation distance will be maintained between the boundary of any pit or quarry and the boundary of any property zoned for residential or other sensitive land uses, in accordance with Ministry of the Environment Guidelines.
- 3.5.16 Development proposals that would result in a pit or quarry being located within 1000 metres of lands zoned for residential will be evaluated in accordance with the Ministry of the Environment Guidelines on Land Use Compatibility. In accordance with such Guidelines where residential or other sensitive land uses are proposed within 1000 metres of an existing aggregate operation, supporting technical studies may be required in order to assist in the determination of appropriate separation distances.
- 3.5.17 The provisions of the Aggregates Resources Act shall apply to all lands that are Crown Lands, and to all land under water. Where required by the Environmental Protection Act a Certificate of Approval must be obtained prior to the operation of aggregate processing equipment.
- 3.5.18 Wayside pits and quarries used on public authorized contracts shall be permitted, without the need for an official plan amendment, rezoning, or development permit under the Planning Act, except in those areas where existing development or particular environmental sensitivity which have been determined to be incompatible with extraction or associated activities.
- 3.5.19 Notwithstanding policies to the contrary elsewhere in this plan, mineral or aggregate exploration, mining or extraction activity may be accessed by private road involving Crown Lands and/or private arrangements that provide for legal use.

3.6 Asphalt and Concrete Plants

- 3.6.1 Portable/temporary asphalt and/or portable concrete plants used on public authority contracts shall be permitted without the need for an official plan amendment, rezoning, or development permit under the Planning Act, in all areas, except where those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.
- 3.6.2 Upon completion of the particular contract related to the portable facility, the facility will be removed and the site will be appropriately rehabilitated.
- 3.6.3 Operation of a portable asphalt or portable concrete plant shall not occur unless the plant has a Certificate of Approval (Air) under the Environmental Protection Act for the equipment/processing required to address air emissions, noise, particulate and odours.
- 3.6.4 Permanent asphalt and/or concrete plants associated with private aggregate and/or quarrying operations will require specific rezoning recognition including a certificate of approval and will be considered on their individual merits through the zoning process.

3.7 Provincial Highways

- 3.7.1 In the 1990's planning studies were completed that resulted in the identification of a right of way for the future four-laning of Highway 11/17 between the City of Thunder Bay and Nipigon, through the Municipality of Shuniah. This right of way was designated in 2003 as a Proposed Controlled Access Highway and is being protected for four-laning needs. This four-lane plan involves both twinning and new alignment. In 2009 the Ontario government announced its decision to proceed with this four-laning and as a result a series of projects have been initiated and are in various stages of design and/or construction. Highway 11/17 is at present a Class 2 Controlled Access Highway (CAH). As four-laning occurs this highway will be reclassified to a Class 1 CAH. A Class 1 CAH has restrictions including that direct private and commercial access will not be permitted. Ministry of Transportation defined locations for the new highway are illustrated on Schedule C Transportation Map.
- 3.7.2 Development shall be encouraged to utilize local roads wherever possible. Where highway access is a possibility, it will only be considered to those properties that meet the requirements for the Ministry of Transportation's access management practices and principles.
- 3.7.3 In addition to all the applicable municipal requirements, all proposed development located adjacent to and in the vicinity of a provincial highway within the Ministry of Transportation's permit control area will also be subject to Ministry of Transportation approval. Early consultation with the Ministry of Transportation is encouraged to ensure the integration of municipal planning initiatives with provincial transportation

planning. Any new areas in the Municipality identified for future development that are located adjacent to or in the vicinity of a provincial highway or interchange/intersection within the Ministry of Transportation's permit control will be subject to the Ministry of Transportation's policies, standards and requirements.

- 3.7.4 Where lot or unit creation is proposed or where planning approvals are required to facilitate a development of residential or other sensitive land uses in close proximity to provincial highways the submission of a noise impact assessment, to identify appropriate noise mitigation measures, may be required. Where required, such an assessment shall be completed by a qualified consultant, and shall describe noise levels anticipated and mitigation measures needed to achieve provincial standards for indoor noise levels.
- 3.7.5 A transportation study may be required to address both the impact of new development on the provincial highway system, as well as any associated highway improvements that are required prior to approval of the development.
- 3.7.6 Outdoor storage and loading areas in the vicinity of a provincial highway must be visually screened or appropriately located so as not be visible to the travelling public.
- 3.7.7 The Ministry of Transportation's policy is one highway entrance for one lot of record. Back lot development cannot use another entrance for access to a provincial highway.
- 3.7.8 Any new proposed access connection onto a provincial highway shall meet the Ministry of Transportation's access management practices and principles.
- 3.7.9 Any proposals for snowmobile or trail crossings of provincial highways will require the prior approval of the Ministry of Transportation. Trails running along the right of way of a provincial highway are not permitted.
- 3.7.10 A drainage/storm water management report shall be prepared by the proponent, and reviewed by the Ministry of Transportation for development located adjacent to or in the vicinity of a provincial highway whose drainage would impact the highway and/or downstream properties via the highway right of way.
- 3.7.11 For highway safety reasons wind turbines located adjacent to a provincial highway will be set back a minimum distance measured from the limit of the highway property line equal to the distance of the height of the wind turbine structure plus the length of one blade.
- 3.7.12 All proposed development within 150 metres of a Provincial Highway right of way may be required to undertake noise studies consistent with the requirements of the Ministry of Transportation and/or the Ministry of the Environment and shall implement the findings of such studies.
- 3.7.13 In addition, all new development will be subject to the geometric, setback, frontage, and safety requirements of the Ministry of Transportation,

3.8 Municipal Roads and Dedicated Parklands

- 3.8.1 The Municipality will promote itself as a healthy, active community by;
- (a) Planning public roads, spaces and facilities to be safe, to meet the needs of pedestrians, and to facilitate pedestrian and non-motorized movement, including but not limited to walking and cycling.
 - (b) Providing a full range of equitable distribution publicly accessible built and natural setting for recreation, including facilities, parklands, open space areas, trails and where practical water based resources.
 - (c) Providing opportunities for public access to shorelines.
 - (d) Considering the impact of planning decisions on provincial parks, conservation reserves, and conservation areas.
- 3.8.2 The Municipality currently maintains approximately 125 kilometres of public road. In addition there are several existing and accepted private road arrangements including Lambert Island, the various cottage associations, Isku Park, Cedar Bay Road, White Birch Beach Road, and Pine Drive. One condominium road also exists within the Municipality and additional condominium roads may be considered within planning approvals.
- 3.8.3 The Municipality also holds title to a variety of road allowances, including road allowances leading to water. The Municipality intends to preserve and protect its ownership of road allowances leading to the water's edge, and will not dispose of such road allowances.
- 3.8.4 It is the policy of the Municipality that new development shall typically be expected to have direct and practical access to a travelled, publicly opened and maintained road or a condominium road contained in an approved condominium development. Notwithstanding, development may occur on existing private roads that are noted in 3.8.2 above, and additional private roads may be considered where supporting resource based or other economic development initiatives and where a new municipal road is not practical, and where it has been demonstrated that a legal basis for access has been arranged and where construction standards are such that the private road is capable of supporting public emergency vehicles.
- 3.8.5 Generally new road construction will be discouraged unless;
- (a) it offers the opportunity for advancement of the efficiency of maintenance of the existing road network;
 - (b) facilitates economic development or is contained in an approved subdivision or condominium. Existing road should be utilized wherever possible before new infrastructure is proposed.

- 3.8.6 The Municipality must follow the requirements of the Municipal Engineers Association Class Environmental Assessment prior to the undertaking of any works related to municipal roads.
- 3.8.7 The Municipality holds title to several parklands that were dedicated through the planning process, and it is the policy of the Municipality to retain such parklands, and not to dispose of them.
- 3.8.8 The municipality may also agree to accept new parkland dedication from time to time or elect instead to accept cash in lieu and to manage such cash contributions in accordance with the requirements of the Planning Act.

3.9 Sewer Services

- 3.9.1 The Municipality acknowledges that private sewage systems, typically involving a Class IV leaching system will be the primary means of sewage treatment and disposal. All new proposed lots shall be shown to be capable of supporting a Class IV leaching system or be justified in a servicing option study for an alternative sewage servicing system.
- 3.9.2 Communal sewage service may be permitted within the Residential designation where justified by a servicing options study. Partial servicing involving piped water and private individual sewage systems are not a preferred option of Ontario or of Shuniah Council, and would only be permitted to address a failed sewage or water service in an existing development situation where justified by a serving options study and where all other options have been explored.
- 3.9.3 The municipality acknowledges that some recreational residential properties are currently serviced by pit privy, chemical toilets, or other such alternative sewage systems. In addition the Municipality acknowledges that in some of these instances lot sizes may not be of sufficient size to facilitate a traditional leaching based system. In response to this the Municipality has committed to carry out a servicing options study that will identify future problems and problem areas and assess potential responses, and establish long term guidance.

3.10 Water Resources and Source Water Protection

- 3.10.1 Potable and domestic water in Shuniah is obtained exclusively from private individual wells and surface water drawn from lake sources. A minimum quantity of 18 litres per minute for a one hour period and an appropriate water quality (meeting chemical and bacteriological parameters under the Ontario Drinking Water Objectives) will be required to be proved for well water sources. Where such a volume is not readily available from a well, the proponent may have a report prepared by a qualified person detailing how the standard can be achieved. Lake water will be required to be treated prior to consumption so that it meets the chemical and bacteriological parameters under the Ontario Drinking Water Objectives.
- 3.10.2 A portion of the intake protection zone for the City of Thunder Bay Bare Point water intake and treatment plant extends into the Municipality of Shuniah. The

Municipality has designated this on Schedule B. The Municipality will implement the guidance and direction of the Plan including initiating an official plan amendment if needed and amending the comprehensive zoning by-law consistent with the findings of such a plan.

- 3.10.3 The Municipality may require any new development within the identified Source Water Protection Area to demonstrate that there would be no negative impact upon the City's water facility and function as a condition of any planning approval, and may utilize a holding zone designation as a means of implementation for this requirement.
- 3.10.4 The Municipality will seek to protect, improve, and restore vulnerable and/or sensitive surface and/or ground water features and their hydrological functions through the use of setbacks, limitations to use, landscaping, and the use of drainage or other such studies as part of the review of development proposals in where such resources are thought to exist.
- 3.10.5 The Municipality will promote efficient and sustainable use of water resources and water conservation.
- 3.10.6 The Municipality will follow storm water management practices intended to minimize contamination, prevent loss of life, minimize community disruption and property damage, and maintain and enhance surface and ground water resources. Actions will include the use of increased landscaping and planting for larger developments, the need for a storm water management plan for larger developments, and the need for storm water management consideration for development abutting any watercourse or water body.
- 3.10.7 Due to the variability in the quantity and quality of well water within the Municipality, it shall be a condition of new lot approvals that the proponent demonstrate prior to final approval that a proven water supply is available which meets the Municipal quantity and quality requirements (i.e. the chemical and biological parameters of the Ontario Drinking Water Objectives).
- 3.10.8 The Municipality of Shuniah also abuts the City of Thunder Bay Bare Point water intake and treatment facility, and some of the designation for source water protection for that facility is located in Shuniah.
- 3.10.9 As part of the development of this official plan, Shuniah has agreed that the Lakehead Region Conservation Authority's Source Water Protection Plan be incorporated into this official plan. Source water protection concerns will be criteria for any planning evaluation prior to the completion of the Source Water Protection Plan and its incorporation into this official plan, and the Source Water Protection Plan will be consulted and followed where lands proposed for development are within the defined Source Water Protection Area.

3.11 Contaminated Lands, Construction Hazards, and Use Limitations

- 3.11.1 Lands that are thought to contain construction hazard or use limitation and lands that are thought to contain man made hazards are shown on Schedule B Restraints Map .
- 3.11.2 Where contamination is known or suspected to be present on a property that is the subject of a planning application, approval will be contingent upon the preparation and filing of a Record of Site Condition statement, either completed in advance of the relevant planning decision or established as a condition of the removal of a holding zoning designation.
- 3.11.3 Contaminated sites or “brownfields” typically involve lands that were previously used for industrial, transportation, or utilities purposes, and for some commercial purposes such as where fuels were being stored and/or dispensed. A holding symbol shall not be used in situations where the extent of the suspected contamination is such that it is possible that remedial measures either cannot be implemented or would be impractical. In such instances, the Record of Site Condition shall be completed in advance of any land use decision.
- 3.11.4 The Municipality may encourage and where possible assist in the identification and study of lands where contamination is known or thought to exist and where no current development proposal is involved.

3.12 Use Limitation

- 3.12.1 Development shall not be permitted within lands that are subject to possible public health, safety, or significant property damage due to potential development hazards such as flooding, unstable or poorly drained soils, erosion or steep slope, and areas of past mining activity, unless adequate study has been carried out identifying the extent of the potential hazard and indicating required remedial measures necessary to offset the determined hazard.
- 3.12.2 The Municipality may zone lands that are subject to inherent use limitations in one or more zones that restrict construction of buildings and/or structures.
- 3.12.3 The Comprehensive zoning by-law shall include a minimum separation distance from streams, watercourses and waterbodies, and may include a larger separation distance where Council considers such to be necessary to suite the size and function of a particular watercourse.
- 3.12.4 Access/egress to any new buildings shall be such that vehicular and pedestrian movements shall not be impeded during times of flooding.
- 3.12.5 The Use Limitation land use designation consists primarily of areas prone to flooding and/or erosion, and are shown on Schedule B Restraints Map. These lands are defined to include all lands within 15 metres of the top of bank of any watercourse or water body. Additional concern also exists for talus slopes that are located at the bottom of large rock cliffs.

- 3.12.6 Development and site alteration shall generally be directed to lands outside of the Use Limitation designation, and construction shall not normally be permitted within lands so designated unless associated with flood protection, erosion control, or minor features such as docks, boat lifts, or boat ramps. The Use Limitation zone shall be implemented in the comprehensive zoning by-law by a specific zoning category.
- 3.12.7 Where lands designated as Use Limitation are proposed to be developed and where no engineering flood plain mapping exists, zoning amendments may be considered on an individual basis provided that they are supported by engineering designs demonstrating that the effects and risks to public safety are minor so as to be managed or mitigated in accordance with provincial standards. Rezoning of Use Limitation lands will have regard for the following;
- (a) Development and site alteration is carried out in accordance with flood proofing standards, protection works standards, and access standards
 - (b) New hazards will not be created; no adverse environmental impacts will result; and the existing hazard will not be aggravated
 - (c) Development will not include institutional uses associated with hospitals, nursing homes, pre-schools, school nurseries, day care, and schools where there is a threat to the safe evacuation of the occupants.
 - (d) Essential emergency services such as those provided by fire, police, and ambulance services, electrical substations, and uses associated with the disposal, manufacture, treatment or storage of hazardous substances shall not be permitted in a flood prone area.
- 3.12.8 Where required under the Lakes and Rivers Improvement Act or the Public Lands Act, prior written authority must be obtained where any development impacting such watercourses or water bodies is being proposed.
- 3.12.9 Existing uses shall be recognized despite the natural hazard of the land. It shall be the policy of Council to discourage expansion of any such existing building or structure located within a use limitation designation or zone, however minor additions or expansions may be permitted where they are not likely to incur or to add to the flood damage or erosion risk, significantly further impede water flood flow or floodwater storage.
- 3.12.10 Where private lands are included in a Use Limitation designation and/or zone the municipality has no obligation to accept such lands as part of any parkland dedication, and no obligation to otherwise acquire such lands.
- 3.12.11 No plans to divert, channelize or in any way alter and inland natural watercourse shall proceed within prior written authorization from the Province and where required under the federal Fisheries Act, from Fisheries and Oceans Canada.

3.12.12 Mine hazards

- (a) Mine hazards are shown on Schedule B Restraints Map . Where abandoned mining operations exist as part of lands proposed for development or within 1000 metres of lands proposed for development, Regional Land Use Geologist – North West will be consulted so that the most up to date information and advice can be provided to the Municipality in the interest of public safety. The Regional Geologist may involve other technical experts within Ministry of Northern Development and Mines as required to assist with evaluation of the hazard. Evaluation and remediation of the hazard, where required, will be as required by Part VII of the Mining Act.

3.13 Energy and Air Quality

- 3.13.1 The Municipality shall, as much as possible, support energy efficiency and improvement of air quality through land use and development patterns which;
 - (a) promote compact form and a structure of nodes and corridors;
 - (b) promote the use of public or other alternative transportation modes
 - (c) focus major employment, commercial, and other travel-intensive land uses on sites which are well serviced by public or other means of transportation modes or have the capability to be serviced in the future
 - (d) shorten commute distances between employment and housing land uses
 - (e) promote design and orientation which maximizes the use of alternative or renewable energy such as solar and wind energy and the mitigating effects of vegetation.
- 3.13.2 It is the intent of Council to encourage opportunities and projects that foster alternative or renewable energy initiatives, including testing and development, both as a source of individual power service and as a commercial undertaking, and to encourage access to transportation and distribution systems for energy initiatives.
- 3.13.3 Alternative energy systems and renewable energy systems as defined in the Provincial Policy Statement may be permitted in accordance with provincial and federal requirements, notably the Green Energy and Green Economy Act. In rural areas, these systems should be designed and constructed to minimize impacts on agricultural operations. The Green Energy and Green Economy Act does not affect the application of the Ontario Building Code or the responsibility to obtain a permit.
- 3.13.4 Larger scale alternative energy power generation initiatives (wind facilities over 3 kilowatts and ground mounted solar facilities over 10 kilowatts may be considered subject to the Renewal Energy Approval Process requirements of the Green Energy and Green Economy Act.

- 3.13.5 Individual use of alternative energy supply through wind turbine or solar facilities (wind facilities of 3 kilowatts or less and solar facilities of 10 kilowatts or less) will be permitted in all areas.
- 3.13.6 Council will look for opportunities to promote and practice energy conservation, including consideration of initiatives in the annual capital budget which implement or accomplish such.

3.14 Forestry

- 3.14.1 Forestry resources are considered to be an important component of the Municipality's long term economic development, and forestry activities will be accommodated in various land use designation. Harvesting of forest resources will be permitted in the Rural zoning by-law, and secondary processing of forest resources shall be permitted in the industrial zone.
- 3.14.2 Innovative forestry management arrangements and practices will be encouraged as a means of maximizing economic benefit from forestry resources within the Municipality.
- 3.14.3 Notwithstanding the above emphasis on forestry activity it is recognized that there may be conflict where forestry activity occurs in close proximity to more sensitive land uses. The Municipality has established and will continue to maintain and enforce appropriate setbacks and/or vegetative buffers to serve as a means to avoid land use conflict involving forestry activities.

3.15 Accessory Uses

- 3.15.1 In all land use designations, uses that are compatible with, incidental, and secondary in nature to main uses may be permitted provided that impact upon abutting or nearby main uses is minimal, and that the main use of the property continues to be dominant and to be provided with space for traffic parking and mobility, amenity area and landscaping and necessary servicing (septic and well).
- 3.15.2 Accessory uses typically associated with a main use on a property may include parking, driveway and/or aisleways, loading area, landscaping, fencing, and similar features, and may also include private alternative energy facilities.
- 3.15.3 Home occupations and/or bed and breakfast activities will be considered as accessory uses in residential zones, and may be accommodated in such zones or by rezoning.

3.16 Mobile Home Parks

- 3.16.1 New mobile home parks shall not be permitted in any designation in the Municipality except by amendment to this official plan.
- 3.16.2 Mobile home parks existing prior to October 5th, 1978 shall be recognized in the zoning by-law and such parks may be permitted to expand for up to twenty additional units where sewage system approval from the appropriate approval

authority is obtained; where adequate space exists to meet on site parking, landscaping and other requirements; and where appropriate landscaping and/or buffering is provided. No purchase of additional property shall be permitted for such expansion unless justified in a specific official plan amendment.

- 3.16.3 Each mobile home shall be allocated a space of at least 540 square metres given to the specific and private use and enjoyment of the mobile home unit and its occupants.

3.17 Noise, Vibration and Land Use Compatibility

- 3.17.1 Noise is one of the most common negative impacts experienced by sensitive land uses in Shuniah, and is generated by sources such as highway traffic, railways, and some commercial/industrial activity.
- 3.17.2 Council's official plan has been designed to implement and has as objectives as follows;
 - (a) Separation of noise sources and sensitive land uses such as residential, institutional or commercial uses.
 - (b) Abatement and mitigation considerations where development is contemplated nearby to noise sources.
- 3.17.3 The term "sensitive land use" shall mean buildings, amenity areas, or outdoor spaces where routine or normal activity occurs at reasonably expected times and which would experience one or more adverse effects from nearby sources of noise, contaminants or other discharges by nearby properties. Sensitive lands may be a part of the natural or built environment such as residences, institutional uses such as day care or schools, or some commercial uses such as offices.
- 3.17.4 Noise attenuation may be required for new residential development which may be impacted by industrial, vehicular, railway, aircraft, or other such activities. A noise study evaluating and recommending how acceptable levels of noise may be achieved may be required by Council as a part of new planning approvals.
- 3.17.5 Where noise studies are required and related works are recommended, and where the land being developed or the project involved is large, the study and any related works shall apply only to the lands where sensitive uses are located.
- 3.17.6 The following policies shall apply where new development is proposed in close proximity to a railway corridor, railway yard or a Provincial highway;
 - (a) Proposed Commercial, Institutional, or Industrial development

- Where planning approvals are required to allow any new development that does not involve a sensitive land use, a minimum 30 metre setback shall be maintained from the limit of any railway right of way that is not a spur line, in addition to a 1.5 metre high earth berm. Where such an earth berm cannot be provided, a minimum of 120 metre setback shall be provided and maintained
- Where planning approval is required to allow a new light industrial development adjacent to a rail corridor or rail yard, a minimum 15 metre setback shall be required to be provided and maintained from the limit of the right of way, in addition to a 1.5 metre earth berm. Where an earth berm cannot be provided, a minimum setback of 60 metres shall be provided and maintained.

(b) Proposals for Residential or Other Sensitive Land Uses

- Where planning approvals are required for any new development of sensitive land uses, Council shall have regard for noise. Noise studies may be required by Council and a noise notice agreement may be required to be entered into and registered on title.

(c) Safety Measures

- Appropriate safety measures (setbacks, fencing) may be required to be provided in association with any development proposal adjacent to a railway corridor.

(d) Comprehensive Noise Study

- In lieu of site specific noise studies required above, the Municipality may undertake a comprehensive noise study to determine appropriate noise mitigation measures to be incorporated into new development proposals in close proximity to any railway corridor.
- There are no railway yards located in Shuniah at the time of writing of this official plan. Railway corridors are shown on Schedules A1 and A2, and B.

3.18 Recreation Vehicles Trailers

- 3.18.1 RV trailers shall not be located, maintained, or used for the purpose of regular, long term residential accommodation.
- 3.18.2 RV campgrounds shall be considered within the Rural land use designation subject to a zoning amendment. Such campgrounds may be used for winter storage of RV trailers as well as campground activity.

3.19 Gas Transmission Facilities

- 3.19.1 TransCanada Pipelines Limited operates high pressure natural gas pipeline within the Municipality as shown on the official plan schedules. Any development within 200 metres of TransCanada's right of way or facilities may affect the safety and/or integrity of the pipeline.
- 3.19.2 TransCanada Pipeline is regulated by the National Energy Board which, in addition to TransCanada, has various requirements regulating development in proximity to pipelines. These include approval requirements for activities on or within 30 metres of the right of way (such as excavation, blasting, or the movement of heavy equipment). New development can result in increasing the population density in the area that may result in TransCanada Pipeline having to meet alternative regulations.
- 3.19.3 The Municipality shall therefore require early consultation with TransCanada or its designated representatives for any development proposals within 200 metres of the right of way or of any facilities.
- 3.19.4 A setback of 7 metres shall be maintained from the limits of any TransCanada right of way for all permanent buildings, structures, or excavations. Reductions will only be considered if it can be demonstrated to TransCanada that the activities or feature will not compromise the safety or integrity of the pipeline or facility.

3.20 Affordable Housing, Garden Suites, and Second Dwelling Units

- 3.20.1 Consistent with recent Planning Act amendments, the Municipality has considered appropriate locations for the inclusion of second dwelling units in existing and/or new residential dwellings, and has determined that, notwithstanding that there are no urban level service areas, second dwelling units can be constructed and occupied within any legally existing main use residential dwelling within the Municipality except on;
 - Association Lands
 - Shoreline Residential Lands on Lake Superior, Loon Lake, Bass Lake, or Sparks Lake.
- 3.20.2 Shoreline lands traditionally have smaller lot sizes than general rural lands, and this requires further study, and possible consideration within the intended servicing options study prior to committing to additional density. In addition, the shoreline is a particular resource and lifestyle area and the introduction of additional density is required to be specifically evaluated from that perspective as well. The Municipality will attempt to carry out planning evaluation necessary to address this concern within the current five year planning period.
- 3.20.3 The following considerations should be addressed for second dwellings;
 - (a) second dwelling units shall require a building permit.

- (b) lots supporting such a second dwelling unit must meet the minimum lot area and frontage of the implementing residential zone in which they are located without variance or amendment to the zone regulations.
- (c) capacity of the existing private sewage and water service to support a second dwelling unit must be demonstrated as existing or be proposed as part of the building or occupancy permit application for the second dwelling unit.

3.20.4 In addition to the above described specific location, a garden suite may be permitted in accordance with the provisions set out in The Planning Act by a property specific rezoning.

4 LAND USE

4.1 Introduction

- 4.1.1 This official plan employs land use designations as a means of describing an orderly, economic and functional land use pattern within the Municipality and as a means of organizing goals, objectives, policies and guidance relating to various land use activities. Land use designations are also employed as a means of limiting land use conflict, adverse effects, and negative impacts arising from land use activities and changes in land use activities.
- 4.1.2 The following land use designations are used in this official plan and are intended to represent dominant land use activity in the area to which they are applied. Other related and/or accessory land use activities may also be permitted;
 - Residential Lands
 - Residential Loon Lake Lands
 - Residential Bass Lake Lands
 - Cottage Association Lands
 - Rural Lands
 - Environmental Protection Lands
 - Waste Management Lands
- 4.1.3 These land use designations apply to lands identified on Schedule A1 and A2; being the land use schedules for the Shuniah Official Plan.
- 4.1.4 Each land use designation is addressed in this official plan by policies that establish generally permitted land use activity. Each land use designation is further addressed in this official plan by the establishment of policies, regulations and guidelines that are intended to co-ordinate and harmonize land use within the designation and between land use designations.

- 4.1.5 A variety of land uses or activities are considered to be necessary and appropriate in and consistent with the intent of all land use designations, and are permitted in all designations. These include;
- Roads, pathways, lanes
 - Parks, open spaces, land use conservation
 - Essential operation of municipal government relating to the delivery of public services
 - Gas, telephone, electrical delivery systems and directly related infrastructure
 - Remedial flood protection, slope stability structures
 - Fish, wildlife, waterfowl habitat protection
 - Landscaping, fencing, and natural vegetation
- 4.1.6 For lands within the residential designation along the shoreline of Lake Superior, Bass Lake, Loon Lake and Sparks Lake, Council considers that seasonal recreational and permanent residential land uses are compatible and can co-exist in close proximity. Council further considers that the current trend wherein seasonal recreational dwellings convert to permanent residential use will continue. Council therefore considers that all future residential land development will be permanent residential and there will be no further seasonal residential land use designation within the municipality. Notwithstanding, in situations where conversion has not occurred, or where water quality issues restrain conversions, seasonal residential dwellings may continue to exist.

4.2 Residential Lands

- 4.2.1 The residential land use designation is intended to recognize predominantly residential lands that have developed or that will be developed over the length of this official plan, except for lands that are Cottage Association Lands. Such residential lands have historically taken the form of single detached residential properties with individual, private water and sewage services and this is expected to continue to be so where new lot creation is involved.
- 4.2.2 Historically, lands located along the shoreline of water bodies have been developed on somewhat smaller lot frontages and lot areas than lands that were located inland of such water bodies and that did not have water access. Because of this historic reality, this practice will continue, subject to all other policies and guidance set out in this document.
- 4.2.3 Historically, residential development has had a focus on recreational and rural resources within the Municipality. Retirement residential activity in particular has been an important element driving residential activity, based upon the abundant shoreline of Lake Superior and inland lakes -- a resource that is not available in the nearby City of Thunder Bay. In addition, expanding aggregate activity, alternative energy initiatives, tourism, and the Municipality's efforts to expand resource based economic development are expected to serve as a future support to residential activity.

- 4.2.4 Residential use is intended to be the dominant land use activity for lands that are identified and designated as Residential, with single family detached dwellings on larger lots and serviced by private individual wells (or lake water) and septic systems being the dominant building form. Additional and compatible local institutional and commercial land use activity is also expected to occur in the Residential designation, servicing the day to day needs of the residential dwellings. Scattered existing community level commercial and institutional land use is also recognized, and new uses at this level of intensity may be considered subject to rezoning.
- 4.2.5 The principal areas to which the residential designation has been applied area;
- (a) Developed lands along Lakeshore Drive
 - (b) Developed and vacant lands along the shoreline of Lake Superior
 - (c) Developed lands along the shoreline of Bass and Loon Lakes
 - (d) Developed lands in the vicinity of Sparks Lake
 - (e) Mackenzie Heights Road
- 4.2.6 Existing mobile home parks will be recognized in the zoning by-law, however new mobile home parks will require to be considered and justified in an official plan amendment.
- 4.2.7 New residential development may include multiple residential building form and density where it is considered that such a level of intensity can be designed, laid out and developed in a manner that is compatible with existing nearby uses, and where it is justified in a specific servicing options study. Where communal servicing is considered as part of a multiple residential development such servicing should be capable of being integrated into a longer term municipal infrastructure program. New multiple residential developments shall require a site specific zoning amendment.
- 4.2.8 Given the Provincial Policy Statement requirement for the municipality to address and provide adequate land, the residential land use designation has been scaled back, primarily in the back land portions of Lakeshore Drive. In addition, the previous entitlement for 3 newly created severances and a residual parcel has been reduced to 2 newly created severances and a residual parcel.
- 4.2.9 New residential lot creation shall take the form of consent infill and intensification of vacant and/or underdeveloped lands or subdivision or condominium developments. New residential lots shall typically have a minimum lot area of not less than 1.0 hectares and a minimum frontage of 45 metres, unless justified in servicing options study to be of lesser size, or unless representing clear and logical infill in an areas of lesser size lots, in which case new lots may occur at a size that is characteristic of other existing lots in the vicinity. In addition, newly created residential lots shall be required to demonstrate the capacity for private sewage treatment involving a class IV leaching system, and a water supply delivering not less than 18 litres per

minute over a minimum period of one hour, and showing adequate water quality in accordance with Ontario's drinking water standards. Storage of water and use of a surface water source may be permitted. Where a surface water source is used, treatment consistent with Ministry of Environment standards will be required.

4.2.10 Notwithstanding the number of new lots that can be created in accordance with Section 5.2.7, a), where a severance that is in excess of the number of normally permitted severance represents clear and desirable infill, Council may by resolution give direction to the Committee of Adjustment that an additional severance may be granted. Infill in this respect shall mean that there exists one or more developed lots on either side of the proposed new lot and that the proposed new lot would be consistent with the size of the surrounding lots and essentially fill a hole in the residential concentration.

4.2.11 Residential Loon Lake Lands

4.2.11.1 For all lands within 300 metres of the shoreline of Loon Lake, new lot creation and conversion of existing recreational dwellings to permanent residential use shall be limited by the Municipality based upon the findings of a lake capacity study. Unless replaced by a new study the current lake capacity study, and related 2006 lot inventory determined that there were 254 lots on Loon Lake, with the following status;

- 206 recreational lots
- 24 permanent residential lots
- 23 undeveloped lots
- 1 church camp

4.2.11.2 In 2006 the Ministry of the Environment conducted a computer modelling analysis on Loon Lake using then current water quality information and the Municipality's 2006 lot inventory. The analysis concluded that Loon Lake was a Level 2 Lake with considerable remaining capacity for development. This means that, to maintain a level 2 water quality rating, Loon Lake could support an additional development supplying no more than an additional maximum of 224 kg/yr of total phosphorous;

- (a) The Ministry of the Environment has advised that the relative Total Phosphorous Contribution from various types of development are as follows;
- (b) 0.71 kg/yr for existing or new recreational residential dwellings
- (c) 2.04 kg/yr for existing permanent residential dwellings and converted dwellings
- (d) 1.33 kg/yr for conversions of existing recreational residential dwellings to permanent residential use

- (e) To determine the potential for conversion or development at any given time the Municipality shall prior to issuing a certificate of conversion or any other planning approval;
- (f) Determine and maintain on an ongoing basis the current number of single detached recreational dwelling uses and the number of privately owned undeveloped parcels of land within 300 metres of the shoreline of Loon Lake
- (g) Consult with the Ministry of the Environment to ensure the annual monitoring of Loon Lake water quality by the Ministry or by the affected camping organizations, so as to verify model results and to facilitate early detection of changes in the nutrient status and/or water clarity.
- (h) The Ministry of the Environment recommends that the affected Loon Lake property owners be encouraged to become involved in the collection of lake water samples through the Ministry's Lake Partner Program (volunteer based water quality monitoring program).

4.2.11.3 The Municipality shall, in consultation with the Ministry of the Environment use the above noted Total Phosphorous Contribution related information to determine the impact of any new conversion or development and subtract this impact from the total additional maximum potential of 224 kg/yr or any new adjusted maximum as determined from time to time until such time as Loon Lake's maximum Total Phosphorous Contribution to maintain a level 2 lake status has been reached.

4.2.12 Residential Bass Lake Lands

4.2.12.1 A current lake capacity findings of a 2003 to 2005 study describing a total phosphorous count of 20.8 ug/L, which exceed provincial water quality objectives. Accordingly, conversion to permanent residential use or demolition and construction of a new permanent residential building shall be restricted until such time as new lake capacity information justifies more intensive land use.

4.2.12.2 No new lot creation will be permitted for lands abutting Bass Lake until justified by the findings of a lake capacity study that supports both conversion and proposed new lots.

4.2.12.3 Permanent residential dwelling status shall be documented by the issuance of a building permit or by obtaining a certificate of conversion.

4.2.13 Other Residential Development Opportunities

4.2.13.1 In addition to conversion, it is expected that the Municipality will experience infill development within the Lakeshore Drive area, and will see existing vacant shoreline subdivision lots occupied. Both represent infill of existing residential concentrations, and such development is encouraged.

4.2,14 Non Residential Development

- 4.2.14.1 Local commercial and institutional land use is also permitted in the residential designation, and it is an objective of the overall development concept that the residential density, particularly along Lakeshore Drive be increased to a level where such related non-residential activities can be supported.

4.3 Cottage Association Lands

- 4.3.1 Cottage Association Lands are identified on the land use Schedule A and are generally located immediately east of the City of Thunder Bay, extending approximately six kilometres to Green Bay/Wild Goose along the shoreline of Thunder Bay.
- 4.3.2 Use of cottage association lands is characterized by individual ownership of building(s) and individual exclusive use of an area of land associated with such building, where actual land ownership rests with a particular cottage association in which each of the building owners have one or more shares.
- 4.3.3 The Municipality encourages cottage associations to establish a reference plan of all cottage sites, and to draw on such a survey an accurate scaled drawing illustrating all of the buildings and structures, private and individual sewage and water facilities, and other such features as are contained on the individual cottage sites.
- 4.3.4 Use of land within a Cottage Association land use designation may include recreational residential dwellings, and where in accordance with the policies for conversion, as set out elsewhere in this plan, a replacement residential dwelling or a converted dwelling. Additional uses may include open space, recreational amenity areas serving the related immediate dwelling unit, and recreational and amenity area serving the larger association.
- 4.3.5 Cottage Association Conversion
- 4.3.5.1 For all lands within the Cottage Association designation, certificates of conversion may be issued by the Municipality for existing recreational dwellings, or existing dwellings may be demolished and replaced with a new permanent residential dwelling where the following have been complied with;
- (a) Before Shuniah will consider the conversion of any Cottage Association lands a servicing options study including a recommended development concept plan, prepared independently or on behalf of the individual association, in accordance with Ministry of Environment guidelines shall be prepared and a hydro-geological study shall be either included as a part of the servicing options study or prepared as a separate document, and shall address the individual association lands, including among other matters;
- The depth to the water table
 - Ground water flow and direction

- Existing ground water quality
 - How to protect the ground water as a potential drinking water source
 - Sources of possible contamination
 - If lots can be converted or are rebuilt, what is the potential for impact on abutting cottage sites
 - How to manage environmental risk
 - Examination of other servicing options such as communal systems
- (b) if the results of the servicing options and hydro-geological study are favourable, at the Municipality's discretion, the studies will be considered and incorporated into a site specific development plan and corresponding site specific zoning amendment, subject to the use of a holding designation to guide conversions or demolitions and rebuilding.
- (c) The use of any Association Lands to be subject to a holding by-law symbol shall be limited to those legally existing uses at the time of the passing of the by-law, which may include repairs, alterations, or minor expansions.
- (d) The Holding symbol, where used, may be removed from all or from part of an Association property once the following have been provided;
- A reference plan of survey of the association lands and including individual parts identifying each cottage site
 - A detailed drawing using the reference plan as a basis, showing the location of all roads, buildings, structures, wells, privies, septic tanks and fields, and other significant features.
- (e) Conversion will be limited by the Municipality based upon, among other matters; the following;
- Any individual site having frontage on and direct access to a public road or a private Association road that is accepted by Council in accordance with Council's policies and practices for roads and road works
 - Approval exists or is obtained from an appropriate health approval authority for a septic sewage disposal system consistent with the results of the servicing options study and hydro-geological study. Conversions will only be permitted on Association lands having or capable of supporting an approved Provincially endorsed sewage disposal system as determined by the servicing options and related studies. **HOLDING TANKS WILL NOT BE PERMITTED AS A BASIS FOR CONVERSION.**

- A water supply with a minimum of 18 litres per minute for a one hour period, and having acceptable bacteriological quality. Storage may be involved in such a water supply. Where surface water is used as a drinking water source, water must be disinfected prior to consumption.
 - The building, and the electrical and plumbing systems have been documented by building permit or inspected by the Municipality or relevant public agencies or by other certified persons and deemed to be suitable for residential use.
 - Installation of any wood burning appliance has been W.E.T.T. certified.
 - Where a minimum separation distance of 9.0 metres is not provided between main buildings, a smoked detector with fire and carbon monoxide alarms and with a monitored system is provided and maintained.
 - Where a minimum separation distance between main buildings is less than 6.0 metres, fire retardant features as approved by the municipal building official have been applied to the relevant walls of the building being converted.
- (f) For properties fronting onto a waterfront, additional considerations shall include;
- No building or structure shall be located in a required front yard except a dock and related patio, housing or shelter for a water pump, or a structural retainer wall.
 - No building or structure shall be permitted in front of a main building in the non-required front yard except that a sauna or gazebo may be permitted through an application to the Committee of Adjustment, where abutting owners can be notified and be involved in the decision.
 - No building constructed or intended to be occupied as a guesthouse; no accessory building; no recreation vehicles; and no boathouse shall be located in front of the main building, except where justified in a site specific zoning amendment.
 - For the purposes of this section "in front of" shall encompass all of the property from side lot line to side lot line that is located between the main building and the front lot line where such distance does not exceed 45 metres.
 - Where the above described distance between the main building and the front lot line exceeds 45 metres, "in front of" shall mean the lands located along the front of the building for a total distance of 45 metres centred on the closest wall of the building to the front lot line.

4.4 Rural Lands

- 4.4.1 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. Lands designated as Rural are shown on the Land Use Plans A1 and A2.
- 4.4.2 Permitted uses are expected to include a limited number of residential dwellings on existing lots of record or through the consent process, highway or tourist commercial uses, agriculture, forestry, aggregate and/or mineral exploration and/or extraction/mining, industrial, institutional, or recreation activities, alternative energy use, conservation and existing remote cottaging. Notwithstanding the general list of permitted uses, only those uses that are compatible with the operation of a patrol yard shall be permitted to locate adjacent to or in close proximity to the Ministry of Transportation patrol yard on Highway 527 in ML 1, Savigny's Survey; the patrol yard located on Highway 11/17 in the NE quarter section 6, and SE quarter of Section 5, Concession 3, McTavish; and the former patrol yard located on Highway 587 in the SW quarter Section 11, Concession 7, in McTavish.
- 4.4.3 The Rural designation shall be implemented by a variety of zones, including a base Rural zone; aggregate extraction and aggregate processing; highway, tourist and recreational commercial zones; a remote cottaging zone; and an industrial zone. Legally existing land use shall be recognized in such zones and new development shall typically involve rezoning.
- 4.4.4 MacGregor Road shall continue to be a dedicated resource access road for the area north of Highway 11/17 in the immediate vicinity of this road.

4.5 Industrial Use in the Rural Designation

- 4.5.1 Typically where industrial use, aggregate or mineral operations occur, setbacks from sensitive land uses and appropriate mitigation measures shall be established in accordance with Ministry of Environment land use compatibility guidelines (ranging from 75 metres to 1000 metres).
- 4.5.2 Industrial uses may be permitted in the Rural designation where the use typically requires a large amount of land, where resource based activity is being proposed, for transportation activities, where such activity services the needs of the Rural area, and where private sewer and water services can accommodate the proposed level of development.
- 4.5.3 Industrial uses shall have frontage on a municipal or a Provincial road or highway; have sufficient land to accommodate onsite parking, vehicle movement, landscaping and land servicing requirements. Where possible, access should be obtained from a municipal road rather than a highway. Aggregate extraction may occur on private road where the provision of municipal road is not practical.
- 4.5.4 Notwithstanding the above requirement for public road, the wood waste disposal site located on portions of Concession I and II Sections 15 and 16 MacGregor, as shown on Schedule A may use a private road crossing Crown and/or private lands.

4.5.5 Harvesting of forest resources shall be a permitted use in the Rural designation, however, forest activity in the vicinity of Bass, Loon and Sparks Lakes and involving lands in the vicinity of the shoreline of Lake Superior are required to observe a 150 metre setback from the water body. A 50 metre setback is to be observed for forest harvesting activity where such activity abuts any other zone except aggregate extraction, mining, industry, or use limitation. Processing of harvested forestry resources shall be permitted by rezoning.

4.5.6 Highway Commercial and Institutional Use in the Rural Designation

4.5.6.1 Highway Commercial and tourist related commercial activity may be permitted in the Rural designation through rezoning where a particular use provides goods and services to the travelling public; relies upon the use of the highway or its traffic or upon a natural resource; or requires large parcels of land.

4.5.6.2 Existing highway commercial activity is focussed at the intersection highway 11/17 and Highways 527 and 587, and along Lakeshore Drive east of the Mackenzie River. Expansion, redevelopment or new development of highway commercial lands that are located on a Provincial Highway shall be subject to, among other things access regulations and practices of the Ministry of Transportation.

4.5.6.3 New Highway Commercial development shall be expected to occur on parcels of land that are large enough to accommodate the particular activity and all related parking, on site vehicle movement, landscaping, and the operation of sewer and water services.

4.5.6.4 New commercial development shall, wherever possible make use of municipal roads rather than Provincial Highway for access.

4.5.6.5 Landscaping and beautification of front yards will be encouraged where lands abut a Provincial Highway.

4.5.6.6 Institutional activities serving the rural area may also be permitted.

4.5.7 Residential Use in the Rural Designation

4.5.7.1 New residential lot creation is encouraged to occur in the vicinity of existing concentrations of residential land uses.

4.5.7.2 Where a lot is proposed to be created on a road for which the road allowance has not been dedicated to the roads authority, the Municipality may ask that the relevant portion of the road allowance be dedicated as a condition of any severance. Where a building permit is being sought for a parcel for which no other planning approval is required, and where the road allowance has not been dedicated to the roads authority, a setback of 10 metres from the centre line of the existing travelled road shall be added to the minimum required yard.

4.5.7.3 New residential lots that are not abutting a water body shall be not less than 120 metres in minimum lot width and 4.0 hectares in minimum lot area. New

residential lots that are abutting a water body may be reduced in size wherein the minimum lot width shall not be less than 45 metres and the minimum lot area shall not be less than 0.8 hectares. Notwithstanding these standards, logical and desirable infill can occur at a lesser lot width and/or lot area consistent with the lot dimensions in the immediate area.

- 4.5.7.4 Residential land uses in the Rural designation may include a home occupation that does not change the character of the residential land use, and that does not include retail activity or the maintaining of an inventory of product, except for the sale of arts or crafts.
- 4.5.7.5 All land uses in the Rural designation shall comply with the Minimum Distance Separation provisions for agricultural activity as set out by the Province of Ontario.

4.6 Environmental Protection Lands

- 4.6.1 Council desires to protect areas and resources within the Municipality which exhibit a fragile environment, including wetlands, watercourse, water bodies, significant habitat of fish, fowl or wildlife, areas of scientific interest, and significant archaeological or cultural resources.
- 4.6.2 In this respect all watercourse and wetlands, and all shorelines of water bodies shall be have a minimum setback of 15 metres. Setbacks may be increased for larger watercourses or for wetlands or other natural heritage features that have been evaluated and found to warrant additional protection.
- 4.6.3 Unevaluated wetlands may be required to be evaluated using procedures established by the Ministry of Natural Resources as a part of the review of any planning approval.
- 4.6.4 No development or site alteration, except as related to conservation or flood control shall occur in or adjacent to an environmental protection area unless it can be demonstrated that there will be no negative impact arising from the intended development upon the particular features and the related ecological functions of the area.
- 4.6.5 Environmental protection zones may be applied to lands that are found to support the habitat of threatened or endangered species. No development shall occur in or abutting such lands unless it has been demonstrated that there will be no negative impact arising from the intended development on the particular threatened or endangered species or its required habitat.
- 4.6.6 Where development is proposed in or adjacent to environmental protection area, Council shall consult with the Lakehead Region Conservation Authority as such development may be regulated by the Development Interference with Wetlands and Alterations to Shorelines and Watercourse regulations administered by that body.
- 4.6.7 Lands Containing Hazards to Development

- 4.6.7.1 Environmental protection zones may be applied to watercourses, water bodies, wetlands, and to lands that are susceptible to flooding, erosion, or soils instability, and no development or site alteration shall be permitted unless it can be demonstrated that the particular hazard conditions can be mitigated addressing both the safety of the potential development and the appropriate ongoing functioning of the particular natural feature.
- 4.6.7.2 Environmental protection zones may be applied to lands that exhibit man-made hazards relating to past mining activity including abandoned mine or mineral exploration sites, and no development shall occur on or in the vicinity of such lands unless it can be demonstrated that the particular hazard conditions can be mitigated.

4.6.8 Lands Containing Areas of Natural Scientific Interest

- 4.6.8.1 Areas of Natural Scientific Interest (ANSI's) means lands and/or water containing natural features which have been identified as having significant value related to the natural heritage protection, scientific study, or education. ANSI's can be Earth Science features or areas that contain examples of rock, fossil, and/or landform features that are the result of geological processes and landscape evolution; or Life Science features or areas that contain examples of natural landscapes, communities, plants or animals typically found in the 14 natural regions of Ontario.
- 4.6.8.2 Development and/or site alteration shall not be permitted in or adjacent to any ANSI unless it has been demonstrated that there will be no negative impacts on the particular feature or its related ecological function. A minimum setback of 50 metres from an earth science ANSI shall be set out in the zoning by-law.

4.7 Waste Management Lands

- 4.7.1 The Municipality shall ensure that its waste management systems are of an appropriate size and type to accommodate the present and future requirements of the residents and will facilitate, encourage, and promote reduction, reuse, and recycling objectives.
 - (a) The following waste disposal locations are presently used or were previously used for waste disposal;
 - (b) McTavish site # 591301 - NE ¼ Sect 7, Conc 5 -- Active
 - (c) MacGregor site # 59102 - North Pt of ML 5A, Hart's Survey -- Active
 - (d) Private Wood Waste Disposal Site off Highway 527 -- Active
 - (e) Pearl site # 59103 - Pt ML E, Herrick's Survey - Conc 2, S ½ Lot 5 -- Closed
 - (f) E. Loon sit # 59105 -NW ¼ Sect 7 Conc 8, N ½ Lot 7-- Closed

(g) uncertified sites – Lot 12, Conc 3 and Lot 11, Conc 7 -- Closed

- 4.7.2 Operation of a waste disposal facility may also include related buildings and/or structures and identified monitoring and/or attenuation or setback areas.
- 4.7.3 Prior to the development of any of the above noted lands for other uses, or of lands within 500 metres of a waste disposal facility, the following provisions shall be addressed and satisfied;
- 4.7.4 written approval must be obtained from the Ministry of the Environment stating that the development satisfies the provisions of the Environmental Protection Act.
- 4.7.5 Engineering studies must be carried out to the satisfaction of the Ministry of the Environment that demonstrate that the development can occur in a safe manner. Such studies shall consider the hydrogeology of the site; gas migration; and possible leaching from the site; as well as the nature of the wastes that are contained in the site.
- 4.7.6 Development or operation of a private waste disposal facility as a commercial business shall require an amendment to this official plan and may not be supported as Council's opinion is that new uses of this nature should not generally be encouraged within the Municipality.

5 IMPLEMENTATION

5.1 Intent

- 5.1.1 It is the intent of this Section to articulate and describe typical planning powers that are available to the Municipality for planning purposes, and to set out and describe related policies.

5.2 Lot Creation

5.2.1 Draft Plan of Subdivision or Condominium

- 5.2.1.1 Major land development proposing multiple lots shall occur through the plan of subdivision or condominium process as set out in the Planning Act, and typically would involve the layout and construction of new roads and/or infrastructure, and a comprehensive layout of the property or a substantial portion of it.
- 5.2.1.2 Condominium tenure shall be considered to be a form of land ownership and not a land use.
- 5.2.1.3 Where a condominium is proposed, private road and/or private infrastructure under the jurisdiction of the condominium corporation may be considered. The Municipality shall require that any such private road be constructed to a

standard that will permit ease of access and on-site movement by emergency vehicles.

- 5.2.1.4 Where a draft plan of subdivision or condominium is proposed adjacent to a provincial highway, the layout should be designed such that the lots back onto the provincial highway and front onto a local internal street.
- 5.2.1.5 Where a plan of subdivision or condominium proposes in excess of five lots a servicing option study shall be required to be completed and submitted as a part of the application.
- 5.2.1.6 Subdivision or condominium approvals for residential purposes shall not occur in the Rural land use designation.
- 5.2.1.7 A subdivision or condominium agreement may be required as a condition of draft approval and may be entered into by the Municipality and the developer of a plan of subdivision, to provide for the design, construction, and proper operation and maintenance of necessary infrastructure and services.

5.2.2 Consent

- 5.2.2.1 It is recognized that the current size and character of the Municipality and the current level of economic activity is such that lot creation through the consent process as provided for under Section 53 of the Planning Act is also relevant and appropriate as a means of creating new lots. Consent will be considered subject to the following;
- 5.2.2.2 The number of new residential lots to be created by consent for a parcel of land existing under unity of ownership at January 15th, 1979 shall not exceed two new lots and a residual lot, except for the purposes of lot adjustment, lot enlargement, or other such consideration that does not result in the creation of a new buildable lot.
- 5.2.2.3 Additional severances may be recommended by Council in a resolution for situations that represent clear and desirable infill, subject to other planning considerations set out herein or determined during the approval process. For this policy, infill shall be considered to be a vacant space within an existing concentration of buildings where buildings exist on both sides and the vacant space can support not more than two additional lots. Additional severance may also be recommended by Council for economic development purposes where it is clear that a plan of subdivision is not necessary for the proper development of the particular property.
- 5.2.2.4 Severances shall not be considered until it has been demonstrated that a plan of subdivision is not necessary for the logical and proper development of the lands or of the surrounding area.
- 5.2.2.5 The retained and the newly created lot(s) shall have practical and useable frontage on a travelled and publicly maintained public road, or an approved condominium or association or designated private road, or involve mining,

aggregate/quarry processing/extraction, or tourist commercial development where Council determines that a public road may not be needed.

- 5.2.2.6 The creation of a new lot does not result in adverse effect or negative impact upon abutting or nearby lands or land uses.
- 5.2.2.7 The proposed lot size, frontage, and configuration are suitable for the intended use; consistent with the regulations set out in the zoning by-law; and are generally compatible with the surrounding lot fabric.
- 5.2.2.8 The proposed lot has sufficient size as set out in the zoning by-law, and has practical space so as to accommodate the main use and related accessory uses, including on-site parking and vehicular movement, loading, landscaping, and amenity area, as well as established yard requirements.
- 5.2.2.9 Where lands are proposed to be severed and private waste and water services are intended, preliminary consideration has been obtained from the Health Unit or other appropriate approval authority that the lands can support a Class IV sewage system.
- 5.2.2.10 Where lands are proposed to be severed as a buildable lot, a potable water supply consistent with the volume requirements set out in Section 3.10.1 above and delivering an acceptable water quality will normally be established as a condition of approval.
- 5.2.2.11 Residential severances will be encouraged to locate in the vicinity of existing concentrations of development as logical infill or immediate extensions.
- 5.2.2.12 Where a severance involves lands that function as part of a public road, the Municipality may, as a condition of approval, require that such lands be identified and surveyed and transferred to the Municipality.

5.3 Non Conforming Use

- 5.3.1 Non-conforming uses of land or buildings shall, in the long term, cease to exist. In the short term, where such uses do not cause adverse impacts to abutting lands, or result in inconformity with surrounding land uses, such use may be recognized in existing zoning, and may be allowed minor expansion.
- 5.3.2 Non-conforming uses shall not be allowed major expansion that has the effect of increasing the likelihood of the use remaining on the lands for the long term, or of bringing about or increasing adverse impact or incompatibility.
- 5.3.3 Where a non-conforming use ceases to be an active use for more than three years, such use shall be considered to have been abandoned, unless extenuating circumstances can be demonstrated, and thereafter, any future use of the lands and/or building shall be in compliance with the zoning by-law.
- 5.3.4 Notwithstanding the long term intent, a legal non-conforming use is acknowledged to be protected by the Planning Act and may continue to be used in the same manner and for the same purpose.

- 5.3.5 A legal non-conforming use may be maintained, repaired, or restored to a safe condition.

5.4 Complete Application

- 5.4.1 The Planning Act requires that a planning application include certain prescribed information as set out in Planning Act regulation, including information on the application and supporting studies and/or reports, and any related fee. Upon receipt of a planning application, the Municipality shall determine if the required information has been provided, and whether or not the application is complete. Where the application is considered to be complete the applicant shall be so advised. Where an application is not considered to be complete, the applicant shall be advised of such status and of the matters lacking in the application.
- 5.4.2 Supporting studies may include a servicing options study where more than five new lots are proposed to be created involving individual, private sewage services; studies required by this official plan for matters such as noise, emission or vibration; compatibility studies or environmental impact studies documenting that the development can be advanced without detrimental impact.

5.5 Parkland Dedication

- 5.5.1 The Municipality may require land to be conveyed for park or other recreation purposes as a condition of a planning approval for a plan of subdivision or a severance, or may in the alternative require a cash payment in lieu of parkland.
- 5.5.2 Such parkland shall not exceed 2% of the total land area for commercial industrial development or 5% in the case of residential development.
- 5.5.3 Where a development includes low lying, poorly drained lands, wetlands or other such lands that would be difficult to build upon or to use, such lands may be accepted by the Municipality or offered by the developer, but do not have to be considered by the Municipality as the required parkland dedication.
- 5.5.4 Where cash is accepted in lieu of land, the Municipality shall place such funds in a specific dedicated account as provided for in the Planning Act and shall use such funds for park or recreation purposes in accordance with the stipulations of the Planning Act.

5.6 Zoning By-law

- 5.6.1 The Municipality shall, upon approval of this official plan, ensure that the comprehensive zoning by-law is updated and brought into full and complete conformity with, and implements this plan.
- 5.6.2 The Municipality may, in the comprehensive zoning by-law, zone lands into a Special Purpose Zone so as to provide site specific zoning recognition to a particular use of land, with consideration that such land use be a benefit to the

community, and may provide such regulations as considered to be appropriate to such use.

- 5.6.3 Amendments to the comprehensive zoning by-law may be considered for changes that are in conformity with this official plan or changes that would be in conformity with this official plan, and that are determined by Council to be desirable and good planning.
- 5.6.4 Regulations may be set out in the comprehensive zoning by-law including the following;
 - (a) Vegetative buffers may be established where forest harvesting and more sensitive land uses could conflict.

5.7 Holding Zone

- 5.7.1 Council may make use of Holding Zone provisions as provided for under Section 36 of the Planning Act in order to establish zoning regulation prior to the completion of required technical, administrative, or financial aspects of a development. The Municipality may use a holding symbol (H) in conjunction with any land use zoning designation in the comprehensive zoning by-law so as to specify the use or uses to which lands may be put at some time in the future, but which are considered premature or inappropriate for immediate development for use use(s).
- 5.7.2 A Holding Symbol shall not be applied to establish a particular zone or use where issues that are fundamental to the feasibility of the proposed land use have not yet been resolved.
- 5.7.3 Any lands within the Municipality may be zoned to include a Holding Zone and related provisions.
- 5.7.4 The Holding Symbol may be used to;
 - (a) Identify the future intended use of lands;
 - (b) Stage or phase development consistent with current subdivision agreements or the current level of servicing;
 - (c) Where development is contingent upon other matters occurring such as the consolidation of land or the installation of infrastructure or services;
 - (d) Allow for the execution of a site plan agreement, subdivision agreement, and/or development agreement;
 - (e) Where site remediation requirements are known or suspected to be necessary to ensure that site contamination has been addressed prior to development;

- (f) Ensure that archaeological studies or other technical studies or reports have been undertaken and completed to the satisfaction of the appropriate review agency.
- 5.7.5 The use of lands subject to a Holding Symbol, until it is removed, shall be limited to uses existing at the date of passing of the Holding By-law, and any additional uses specified by Council in the by-law.
- 5.7.6 The Holding Symbol may be removed from all or from a part of the property to which it has been applied once an applicant satisfies the Municipality that all of the matters relating to the placement of the Holding Symbol have been appropriately addressed.

5.8 Temporary Use By-law

- 5.8.1 Council may enact a by-law to permit a temporary use of land, building, and/or structures for a use that may otherwise be prohibited in the zoning by-law, whether such use is in conformity with this official plan, or not without the need to amend this official plan.
- 5.8.2 Such a by-law may be considered where;
 - (a) The intended use is to exist only for a short period of time;
 - (b) The use is to be monitored prior to being considered as a possible permanent use;
 - (c) The use of an existing building is being accommodated in conjunction with a planned development for a new use that is consistent with this official plan.
 - (d) The use is intended to exist pending the outcome of a study or the expansion of infrastructure or services.
 - (e) The use involves a garden suite.
- 5.8.3 Council may establish a temporary zoning to allow an applicant to consider a home business or home occupation in order to determine if a market exists prior to establishing a full zoning, or to explore the possibility that adverse effects may arise, and to facilitate remedial measures in a future full zoning.
- 5.8.4 Prior to enacting a Temporary Zoning, Council shall establish that;
 - (a) The lands can accommodate the intended use and any related accessory buildings, structures, or activity;
 - (b) Appropriate and safe means of water supply and sewage disposal are available or are to be provided;
 - (c) The use will not prejudice future development or redevelopment of the lands or of the surrounding area.

- 5.8.5 Such a By-law shall define that lands to which it shall apply; set out a appropriate regulations for the intended use; and establish an expiry dated, which shall not be greater than three years from the passing of the date that the By-law was passed, except for a garden suite which may be up to twenty years.
- 5.8.6 Council may extend a Temporary Use By-law provided that such extension would not jeopardize the long term development potential for the lands or for the surrounding area.
- 5.8.7 Where a Temporary Use By-law has expired, the use of land, buildings, and/or structures permitted in the Temporary Use By-law shall cease and the previously relevant zoning provisions and uses shall prevail and govern the future use of the property.

5.9 Site Control

- 5.9.1 Site Plan Control agreements may be entered into in order to achieve the following;
- (a) To obtain drawings of buildings and property layouts, including elevations, plot plans, parking, layout and the layout of driveways and aisleways, landscaping, lighting, retainer walls, signs, and to ensure that such features are properly designed and constructed. In addition agreements may be required to outline details of the property with respect to drainage and the management of snow and snow removal;
 - (b) to ensure that matters such as storm drainage, snow storage and removal, lighting, landscaping are addressed and that ongoing maintenance is in place;
 - (c) To ensure that proper traffic provisions and flow are provided;
 - (d) To obtain easements;
 - (e) To identify, protect, and secure lands needed for road widening;
 - (f) To identify details of specific on-site features and to set out requirements relating to them;
 - (g) To identify and implement the findings of technical studies needed to support a development.
- 5.9.2 Council may use Site Plan Control for larger development initiatives in any land use designation in order to address issues and concerns raised in the planning approvals process.
- 5.9.3 Where a Site Plan Control designation is enacted, no building permit shall be issued for new construction unit such time as an appropriate site plan agreement has been entered into.

5.10 Community Improvements

- 5.10.1 Council may participate in programs or other activities that have as an objective the improvement of one or more land uses, areas or other features within the Municipality and may partner with other levels of government and/or private interests in order to carry out and achieve the following;
- (a) Improvement of social, recreational, or other such community services and/or facilities;
 - (b) Improvement to the physical environment of the community including physical services and facilities, streetscape or the upgrading or rehabilitation of private property;
 - (c) Promotion of new employment, new investment, and/or new assessment;
 - (d) Implementation of Brownfield considerations;
- 5.10.2 Specific objectives in this regard will include;
- (a) Paved surfaces on residential, commercial, and institutional streets;
 - (b) Improvements to existing parks, beaches, playgrounds, rest areas, tourism promotion areas, open space areas, or recreation/leisure facilities;
 - (c) Upgrade or install lighting, public sewage and/or water services to property owners within residential areas;
 - (d) Recover and/or re-utilize contaminated or abandoned industrial or commercial lands.
- 5.10.3 Council may also consider any lands within any land use designation as a potential Community Improvement Project Area and may, by by-law, designate all or part of such lands as a Community Improvement Area subject to the requirements of Section 28 of the Planning Act.

5.11 Property Standards By-law

- 5.11.1 Council currently has a property standards by-law and has established a property standards committee.
- 5.11.2 All properties within the Municipality that are set out in a property standards by-law shall conform to the standards and provisions that are set out in the by-law.
- 5.11.3 Council may with such a by-law, enact regulations intended to address;
- (a) Structural integrity and/or standards for occupancy

- (b) Maintenance of yards and/or open spaces, and in particular to ensure that such lands are well kept, safe, free of debris and/or unsightly materials, equipment, and that the overall yard is in keeping with the surrounding property character;
- (c) The cutting and/or storage of fire wood;
- (d) Notice requirements, enforcement, and/or administration, including the removal of buildings.

5.12 Tariff of Fees

- 5.12.1 Council shall pass a by-law detailing and prescribing a tariff of fees for planning applications which establishes a fair and equitable fee structure based on actual and/or anticipated costs incurred by the Municipality in the processing of applications.
- 5.12.2 Council may review and update such costs from time to time and adjust the prescribed fees accordingly.

5.13 General Implementation

- 5.13.1 Council shall be responsible for interpretation of this official plan, including the related schedules and maps that form a part of this document.
- 5.13.2 It is intended that this document will be read with the understanding that the text and schedules represent broad concepts and relationships rather than absolute and rigid conditions, delineations or situations. Accordingly;
 - (a) Land use designations shall represent dominant land uses and intended future land uses, and shall not preclude the existence of small pockets or isolated occurrences of other legally non-conforming or complimentary land uses;
 - (b) Numbers except in the case of the severance entitlement policy shall not be considered to be absolute unless specifically indicated to be so;
 - (c) statements of programs, objectives, or services shall not be construed as being a commitment by the Municipality to act, construct, or otherwise provide such within any specific time frame.
- 5.13.3 This plan should be read as a whole to understand its comprehensive and integrated intent as a policy framework for decision making and priority setting.

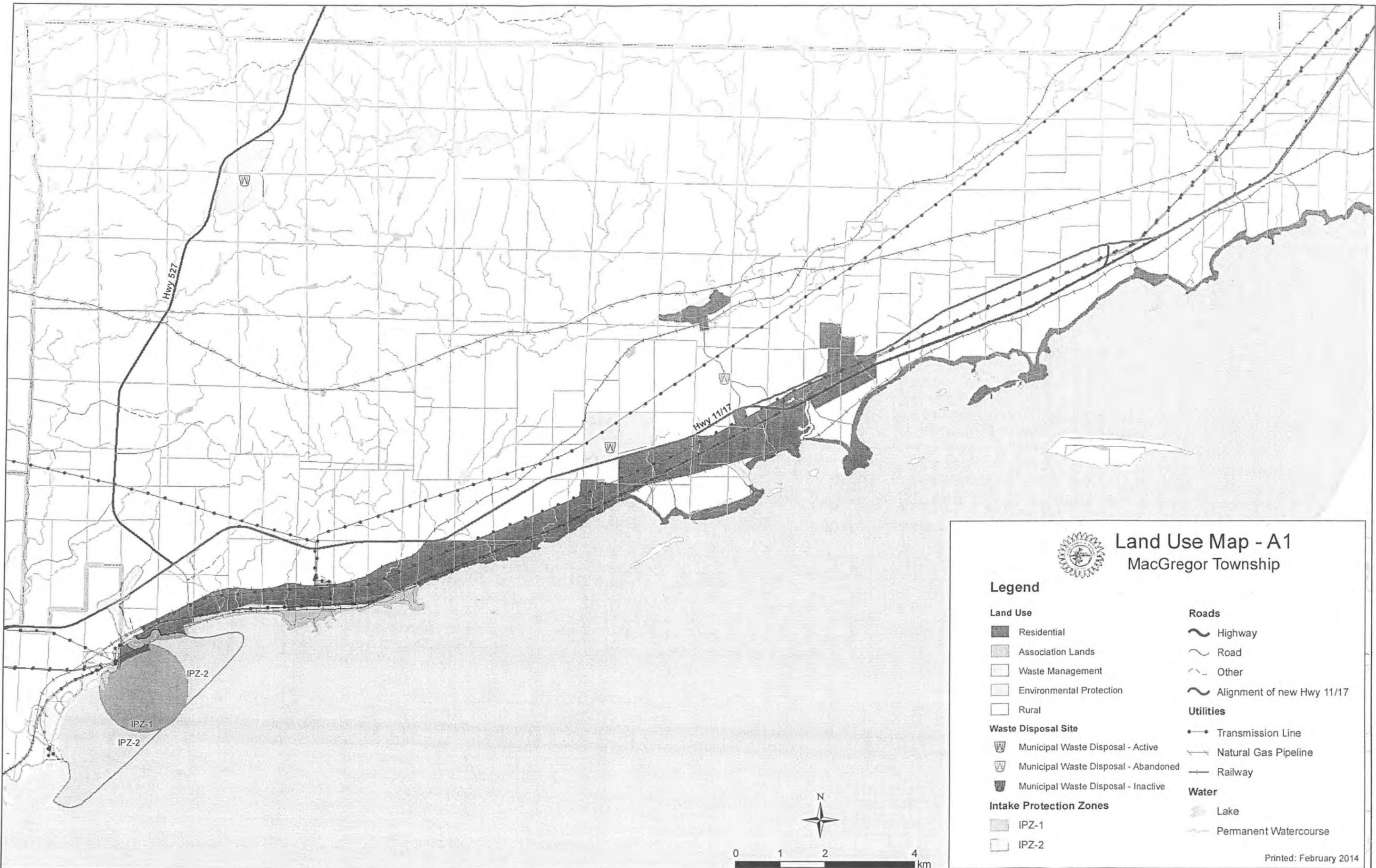
6 Maps-

Land Use Map A 1- MacGregor Township

Land Use Map A 2 - McTavish Township

Restrains Map B

Transportation Map C



Land Use Map - A1 MacGregor Township

Legend

Land Use

- Residential
- Association Lands
- Waste Management
- Environmental Protection
- Rural

Waste Disposal Site

- Municipal Waste Disposal - Active
- Municipal Waste Disposal - Abandoned
- Municipal Waste Disposal - Inactive

Intake Protection Zones

- IPZ-1
- IPZ-2

Roads

- Highway
- Road
- Other
- Alignment of new Hwy 11/17

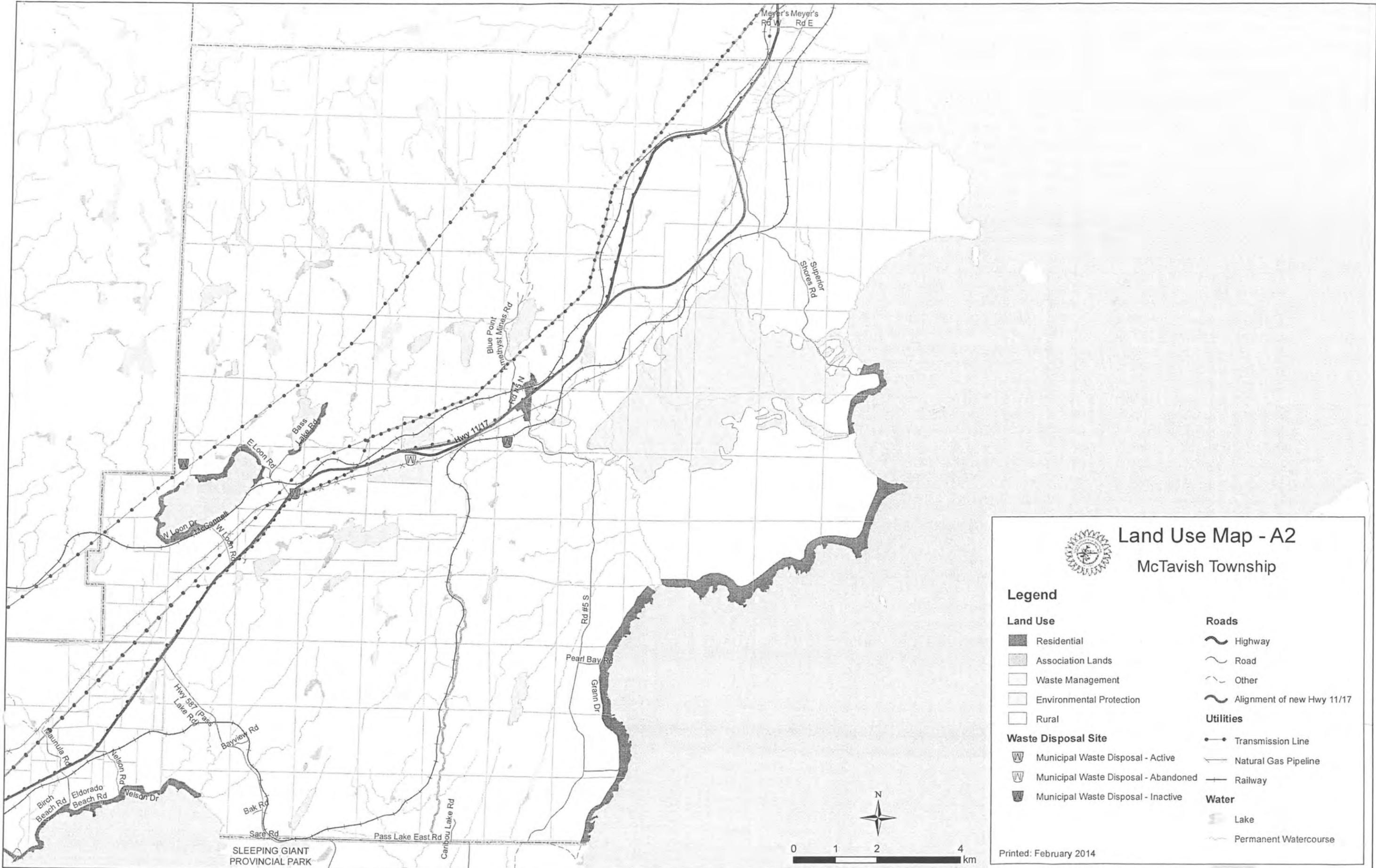
Utilities

- Transmission Line
- Natural Gas Pipeline
- Railway

Water

- Lake
- Permanent Watercourse





Land Use Map - A2

McTavish Township

Legend

Land Use

- Residential
- Association Lands
- Waste Management
- Environmental Protection
- Rural

Waste Disposal Site

- Municipal Waste Disposal - Active
- Municipal Waste Disposal - Abandoned
- Municipal Waste Disposal - Inactive

Roads

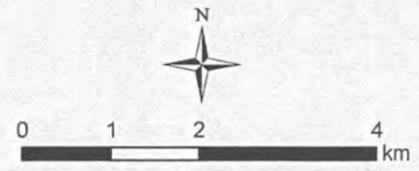
- Highway
- Road
- Other
- Alignment of new Hwy 11/17

Utilities

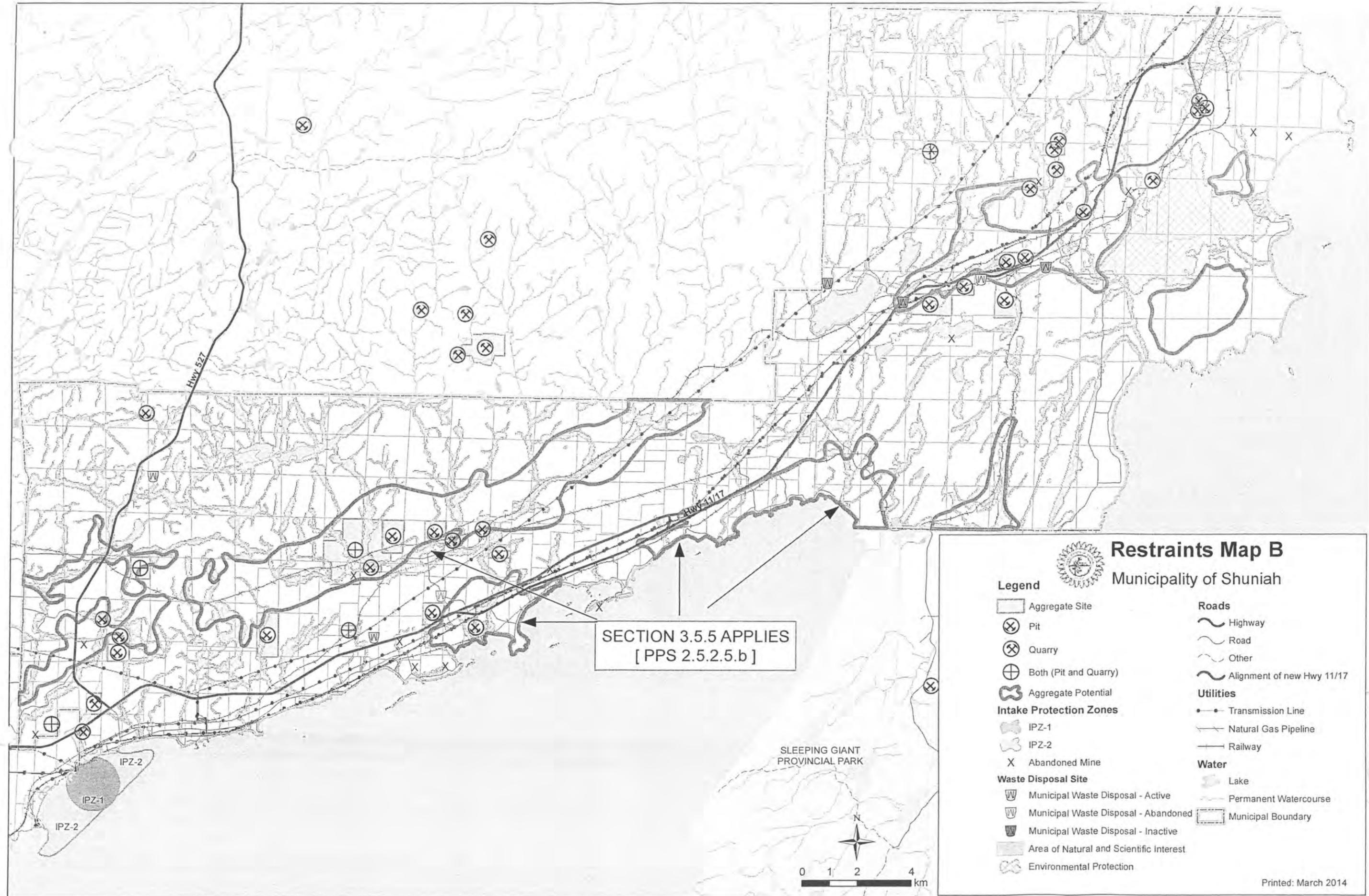
- Transmission Line
- Natural Gas Pipeline
- Railway

Water

- Lake
- Permanent Watercourse



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Restrains Map B

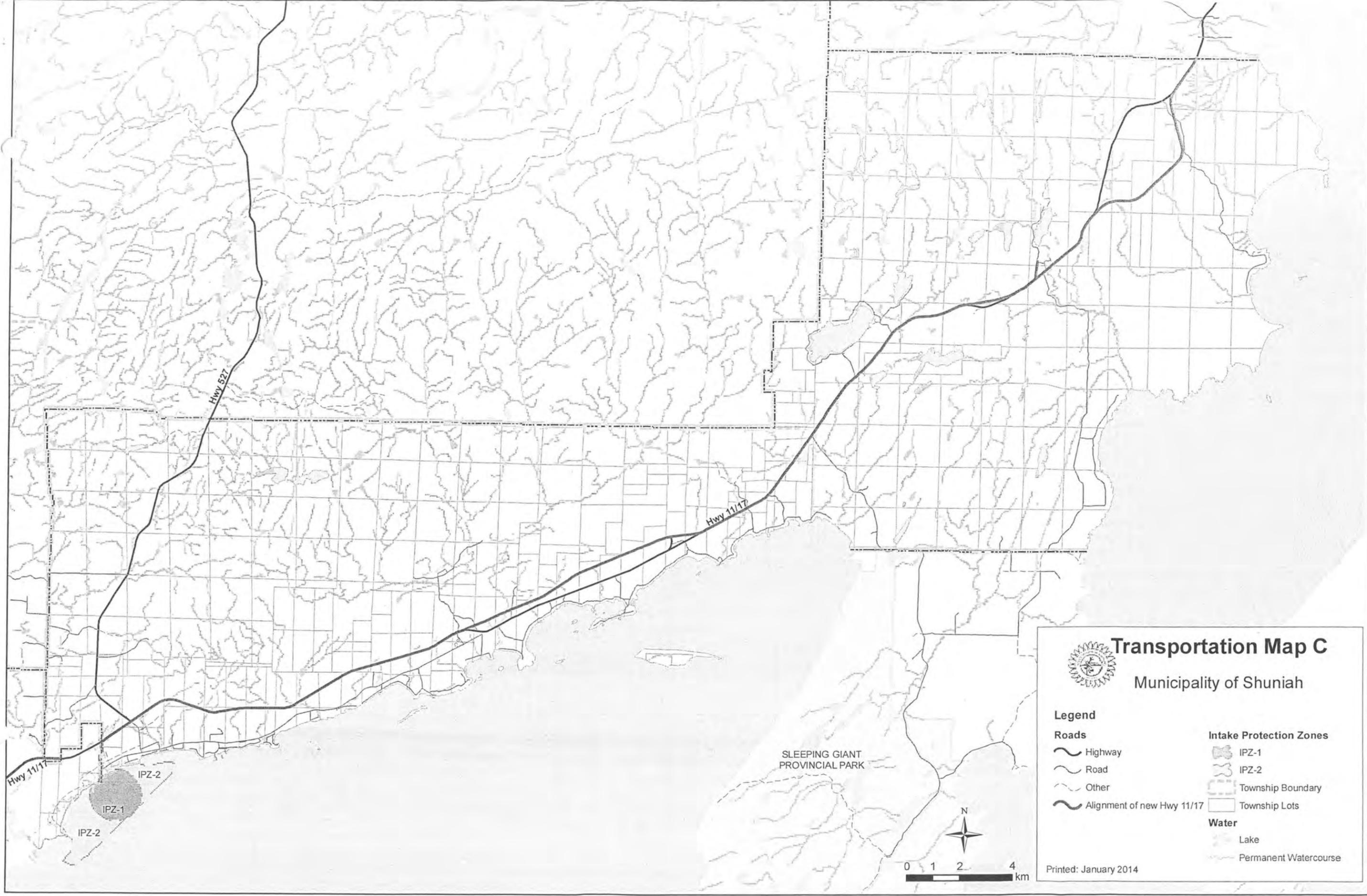
Municipality of Shuniah

- Legend**
- Aggregate Site
 - Pit
 - Quarry
 - Both (Pit and Quarry)
 - Aggregate Potential
 - Intake Protection Zones**
 - IPZ-1
 - IPZ-2
 - Abandoned Mine
 - Waste Disposal Site**
 - Municipal Waste Disposal - Active
 - Municipal Waste Disposal - Abandoned
 - Municipal Waste Disposal - Inactive
 - Area of Natural and Scientific Interest
 - Environmental Protection
 - Roads**
 - Highway
 - Road
 - Other
 - Alignment of new Hwy 11/17
 - Utilities**
 - Transmission Line
 - Natural Gas Pipeline
 - Railway
 - Water**
 - Lake
 - Permanent Watercourse
 - Municipal Boundary

SECTION 3.5.5 APPLIES
[PPS 2.5.2.5.b]

SLEEPING GIANT
PROVINCIAL PARK





Transportation Map C

Municipality of Shuniah

- Legend**
- | | |
|----------------------------|--------------------------------|
| Roads | Intake Protection Zones |
| Highway | IPZ-1 |
| Road | IPZ-2 |
| Other | Township Boundary |
| Alignment of new Hwy 11/17 | Township Lots |
| | Water |
| | Lake |
| | Permanent Watercourse |

SLEEPING GIANT
PROVINCIAL PARK



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