



MUNICIPALITY OF EAST FERRIS OFFICIAL PLAN

**ADOPTED BY COUNCIL
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Red underline indicates an addition to the text;

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MUNICIPALITY OF EAST FERRIS OFFICIAL PLAN

1.0 INTRODUCTION

1.1 The Municipality of East Ferris

The Municipality of East Ferris was defined by the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs on July 12, 1974 as a single independent Municipality and consists of the whole of the Municipality of East Ferris.

1.2 The Planning Act

1.2.1 Preparation of the Official Plan

This Official Plan for the Municipality of East Ferris has been prepared for the Council of the Municipality, in consultation with the Planning Advisory Committee, the general public and the province, in accordance with Section 17 of the *Planning Act, 1990*.

1.2.2 Provincial Policy Statement

This Plan has been prepared to be consistent with the *Provincial Policy Statement, 2014*.

1.2.3 By-Law Conformity

The Planning Act further provides that where an Official Plan is in effect, no public work shall be undertaken and no by-law shall be passed, with certain exceptions as indicated in Section 24 of the *Planning Act, 1990*, that do not conform with the Official Plan.

1.3 Official Plan

This Official Plan provides the Council with a set of land use development policies, consistent with accepted planning principles and local goals and aspirations.

It is the intent of this Plan that the policies and statements of basic planning principles contained herein will guide both the municipal administrators and private interests in such a way as to ensure the best form of development under the most desirable conditions.

The text and Schedules "A-F" constitutes the Official Plan for the Municipality of East Ferris.

1.4 Official Plan Review

It is intended that this Plan be subject to continuing review by Council and whenever it is found necessary, due to any new economic, social or technical developments, the Plan will be amended to keep abreast of the changes and trends within the Municipality. From time to time, in accordance with of the *Planning Act*, a general review shall be made of all the policies in this Plan.

1.5 Goal and Objectives of the Official Plan

The goal of this Official Plan is to provide an appropriate decision-making framework for land use development within the Municipality of East Ferris over the Planning Period ending in 2025.

Objectives of the Official Plan in accomplishing this goal are as follows:

- To ensure that the information bases upon which policies are drafted is thorough, and well analysed.
- That this plan "shall be consistent with" the *Provincial Policy Statement 2014*, issued under the authority of Section 3 of the *Planning Act*, as it would apply to the Municipality of East Ferris.
- To develop a strong community in which the focus of growth will be a strategic balance between the Villages of Corbeil, Astorville and Derland and the rural area. The policies of this Plan will continue to encourage development in the Villages and a mix of residential living environments through limited low density rural development in the rural area in the form

of one and two unit detached dwellings and rural estate subdivisions. Consideration must also be given to resource and recreational activities, most notably, shoreline residential development, commercial and industrial activities and economic based land uses.

- To ensure that provision is made for adequate municipal infrastructure and public service facilities while recognizing and providing for on-site (private) water and sewage services.
- To protect sensitive land uses from incompatible land uses, e.g., waste disposal sites, aggregate operations, contaminated sites, and livestock operations, and vice versa.
- To provide for a 10 year supply of land designated for residential development at all times and at least a three year supply of residential units/lots with servicing capacity in registered or draft approved plans of subdivision or consents and to provide for a range of housing to meet various socio-economic needs.
- To make provision for effective waste management.
- To conserve areas of undeveloped mineral aggregate resources.
- To conserve the natural heritage features of the community eg. wetlands, wildlife, shorelines etc., and avoid development where it may compromise public health and safety eg. floodplains, and contaminated sites.
- To conserve the Municipality's cultural heritage and ensure that archaeological resources, if identified, are also conserved.
- To provide protection for agricultural activities.
- To strengthen and make provisions for a diversified economic base, e.g., tourism, home based industries, incubator operations, small business development and resource based activities. This will require close cooperation with the East Ferris Economic Development Committee.
- To address specific settlement issues such as shoreline residential development (seasonal and cottage conversions), private roads (including conversions and other access mechanisms) and the impact of shoreline residential and related uses (docks, boat houses etc.) on the water quality objectives of the municipality, the conservation authority, provincial agencies and neighbouring municipalities (Bonfield and North Bay).

- To establish a regulatory and practical framework for the enforcement of land use policies in the municipality.
- To ensure an adequate level of public consultation in the drafting of policies.
- To review existing policies to ensure land development approval practices are environmentally sound.
- To encourage sustainable and energy efficient development.
- To protect, improve or restore ground and surface water.

1.6 How to Use This Plan

To use this Plan, the reader should first locate the parcel of land affected on Schedule "A". This Schedule will indicate the land use designation that applies. Reference should then be made to the land use policies that apply to that designation for guidance as to how the land may be developed or redeveloped. These policies are generally contained within Section 5 - Land Use Policies for Community Development. It is also important to consider other policies. Sections 4.19 and 8 set out how land should be serviced (water, sanitary and storm sewer, waste disposal, roads). Section 4 - General Development Policies sets out a series of policies that have general application to all land use categories. Section 6 provides policies related to the protection of the Municipality's Natural Heritage Features and Areas. Section 7 addresses matters of public health and safety such as development on or near flood plains and contaminated sites. Section 9 - Implementation sets out the policies and procedures for implementing the Plan (e.g., zoning, subdivision and site plan control, property standards, community improvement etc.). The reader should find this section valuable in understanding the requirements for Planning Applications. Section 10 is intended to help the reader on how to interpret this Plan.

Other important sections of this Plan include Sections 5.3.7 which sets out the management strategy for lakeshore development on Trout Lake and Lake Nosbonsing and Sections 1 through 3 which outline the authority, basis and goals and objectives of this Plan.

There are 6 Land Use Schedules, each with a different purpose. The reader should consider all of these since they illustrate various policies of this Plan which affect properties in different ways, e.g., community development, lands for economic development, transportation, natural heritage features, natural and human-made hazards and source water protection.

1.7 Legislation

Provincial legislation may be replaced or amended by new legislation bearing a new or revised name from time to time. In addition, every ten years, all the statutes in Ontario are revised and all sections of the many Acts of Legislation are renumbered to reflect any additions or deletions made in each Act in the previous decade. The names and the sections of the various Acts used in this Plan are according to the Statutes of Ontario as of the date of adoption of this Plan. It is not intended to amend this Plan each time an Act is renamed or revised or when new consolidations of the statutes are issued. Rather, this Plan shall be interpreted so as to refer to those Acts of the Legislation named or to their successors, as conditions dictate.

1.8 Coordination and Consultation with the Province

Where the policies of this Plan require consultation with government ministries for development applications under the Planning Act, the Municipality and/or applicant shall consult with the Ministry of Municipal Affairs and Housing where the Ministry is the approval authority. The Ministry of Municipal Affairs and Housing will coordinate a provincial review/response for all provincial policy interests.

Where the Official Plan requires an evaluation or other action by one or more provincial ministries, the policy should generally be interpreted to mean that it is Council's responsibility to consider such evaluation or action and to ensure that this Plan is consistent with the *Provincial Policy Statement 2014*.

2.0 PURPOSE AND SCOPE

2.1 Introduction

The purpose of the Official Plan is to provide an overall frame of reference to guide future growth, development and maintenance in the Municipality in order to ensure the continuance of a living environment to meet the needs of its present and future inhabitants.

2.2 Guide to Land Development

The Plan is intended to guide land development within the Municipality of East Ferris and to reduce uncertainty with both the public and private sectors with respect to future development by establishing a broad land use and settlement pattern and development policies and principles to be followed.

2.3 Demand for Shoreline and Rural Recreational Land Uses

The Municipality of East Ferris is experiencing an increasing demand for four season "out-of-doors" recreational facilities.

Another purpose of this Plan is to identify and protect important resources such as Trout Lake and Lake Nosbonsing. Appropriate policies dealing with watershed development, such as consent and plan of subdivision policies, the disposition of lakeshore road allowances, shoreline structures, road standards and policies relating to environmental matters have been developed to protect and monitor the impact of development on these resources.

2.4 Development Strategy

The purpose of this Plan is to conserve the largely rural character of East Ferris while providing limited^{1a} opportunities for low density development in the rural area. while also continuing to encourage development in The focus of development shall be^{1b} the Villages of Corbeil, Astorville and Derland.

Development strategies and guidelines contained in this Plan attempt to build on the attributes and strengths of the existing community and its aspirations while

strategically managing variables such as population change and economic growth.

2.5 Economic Development

A prime purpose of the Official Plan is to provide for a strong and prosperous community by encouraging entrepreneurialism and setting the framework for economic development. The intent of Council is to foster an image of "Open-for-Business" without compromising land use Planning Principles. Employment growth as well as maintaining the existing economic base will allow the municipality to continue to provide a quality level of services to the community.

2.6 The Natural Environment

The purpose of this Plan is to conserve and enhance the attributes of the natural environment by introducing policies that pertain to wildlife and fish habitat, sensitive features and which provide for remedial measures for contaminated sites. The Plan is intended to also protect the quality and quantity of surface and ground water resources.

2.7 Implementation Measures

Another purpose of the Plan is to define the means of implementing the principles and policies contained within this Plan and to relate these to associated governmental responsibilities. In this sense, this Plan is intended to guide the municipal Council, the Planning Advisory Committee, and the Committee of Adjustment in the exercise of their powers and responsibilities relating to such matters as subdivision plan review, site plan control, consent granting and zoning.

2.8 Neighbouring Municipalities and Aboriginal Communities

This Plan acknowledges the importance of a coordinated, integrated and comprehensive approach by having regard for the interests of neighbouring Municipalities and Aboriginal communities in land use planning decisions.

3.0 BASIS OF THE PLAN

3.1 Growth and Settlement

The Municipality experienced a healthy average growth rate of 1.5 %/year over the 2006-2011 census period. This Plan is based on a modest growth rate which will be approximately .66%/year over the 20 year Planning Period. Based on an average of 20 new residential starts per year and a household density of 2.3 the projected population by 2025 is expected to be between 5,000 and 5,250.

The majority of employment from population growth will be in small scale home based businesses and small scale commercial operations. Furthermore, it is anticipated that employment to service the increased population growth will not solely be provided in East Ferris, but in neighbouring communities like North Bay.

It is a policy of this Plan to continue to provide for a more sustainable development pattern in the Villages while not necessitating public services and ensuring the protection of the environment. The Villages will be settlement areas based on the development of a mix of low density residential and non-residential uses, e.g., local and service commercial, institutional and community facilities.

The rural settlement pattern is based on providing opportunities for different land uses including limited low density residential development through single lot consent and small scale subdivisions. Non-residential uses will include resort and service commercial, building and construction uses, transportation services, light manufacturing and dry industries. These will be integrated with resource based agricultural, mineral aggregate and forestry uses in evolving an orderly land use mosaic.

The assembly of major blocks of land will provide a basis for the potential development of larger and less compatible industrial uses. These large land blocks which are generally isolated from the build-up of sensitive uses will ensure that public health and safety will not be compromised given the distance separation.

3.2 Housing

Based on the projected population growth, the housing demand will be in the order of 20-25 units per year (2010-2025) at 2.3 persons per household.

Council recognises that the primary urban serviced settlement areas, which provide a greater number, type and density of residential development lies in the abutting Municipality of Callander and the City of North Bay. Council will continue to enhance the lifestyle of the residents within East Ferris and encourage the settlement of new residents to the Municipality. Council will achieve this based on a housing supply of mixed housing types and affordable housing adequate for meeting the demand for a period of some 10-15 years. However, the availability of land is highly dependent on the willingness of private property owners to release lands for development.

The supply is particularly constrained in the Villages where there are land owners who do not want to develop their lands and where there is a concern that increased development may lead to the need for the establishment or extension of public services in the future (water and sewer).. Council shall encourage a sustainable development pattern in the Villages to protect the environment so that public services will not be necessary and will therefore not burden the taxpayers of the community.

Given the rural character of the municipality and the traditional dependence of on-site sewage and water supply as the method of servicing, housing will remain low density. Single detached dwellings will dominate the supply of new housing.

3.3 Servicing

The low density form of development intended for the Municipality will be serviced in compliance with the following servicing hierarchy:

1. Development may be serviced by on-site (private) water and sewer systems subject to the servicing policies of this plan (see Section 4.19.1).
2. Communal servicing will be the preferred means of servicing multiple lots/units where it is demonstrated that site conditions are suitable over the long term and where the provisions of Section 4.19.2 of this Plan are met.
3. Partial services shall be prohibited except where necessary to address failed services.

Development which proposes five or more lots/units shall require a servicing options report to recommend the appropriate method and requirements of servicing. Individual lot severances may be approved on private systems without the need for a servicing options report.

3.4 Municipal Infrastructure and Public Service Facilities

Educational, fire, police, health care, waste disposal and roads are adequate for the foreseeable future and do not pose a limitation to future development. The Plan, however, seeks to ensure that the capacity or adequacy of these services will be monitored and that such services will be expanded or improved where required. The Municipality may use the Development Charges Act as a means to finance growth-related capital expenditures in responding to the needs of new development.

Public service facilities should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, and active transportation.²

Private road development is a significant issue in the Municipality. This Plan, while allowing for infill on existing private roads, does not allow for the extension of the existing private road network. Roads which are to be assumed must first be brought up to an acceptable standard of municipal construction before such roads will be assumed by the Municipality.

This Plan also provides for the protection of transportation and infrastructure corridors and incorporates provision for snowmobile and recreational trails as part of these corridors.

3.5 Cultural Heritage and Archaeological Resources

Council recognizes that Cultural Heritage and Archaeological Resources contribute to a sense of place and identity within the community.

Council also recognizes that conserving Cultural Heritage and Archaeological Resources are important because these features provide a higher quality of life for the residents of East Ferris.

In recognition of the importance of conserving cultural heritage and Archaeological resources, this Plan sets out a policy framework for the identification, inventorying, designation and conservation of these resources.

3.6 Economic Development

The basis of community health and prosperity is a sustainable and healthy local economy. This Plan strikes a balance between the growth and settlement needs of East Ferris with the facilitation of commercial and industrial activities.

Recognition is given to the role of the Municipality in the urban shadow of North Bay (54,000) and the City's influence on employment growth. It is estimated that 1 of every 7 jobs created in the City is filled by a resident of East Ferris. A driving force in the regional economy is the forest industry which represents 24% of the total local goods-producing industries and amounts to sales of \$613 million annually. Of this it is projected that industry employees contribute nearly \$32 million annually to the local retail and service centres, primarily in North Bay.

Furthermore, the Municipality of East Ferris has a considerable amount of small scale home based businesses. The basis of this Plan is to retain existing business, to attract new business and to encourage entrepreneurial initiatives. This Plan introduces policies to strengthen the development of the Home Based Business sector while ensuring that such businesses do not constitute a nuisance to neighbouring residential properties.

3.7 Resource Management

Although the Municipality is not considered an agricultural community, this Plan provides policies intended to recognize and protect existing agricultural operations and attract new agricultural business to the region. The mechanism is the application of the Minimum Distance Separation Formulae I and II.

Mineral aggregate resources are very limited in the Municipality. However, the Plan continues to recognize and designate mineral aggregate resources which could be extracted. Mineral aggregate operations shall be governed by the *Aggregate Resources Act*.

3.8 Natural Heritage Features and Areas

The Municipality is host to a number of provincially and locally significant natural heritage features and areas. Known natural heritage features and areas are identified on Schedule "D" and include amongst others, wetland complexes including the Dreany Lake Wetland (provincially significant) Quae Quae Wetland and Depot Creek Wetland (locally significant) and other sensitive wildlife and fish habitat areas. The Municipality also has historic creeks and streams that were used as portage routes. These streams including the Lavase River. In addition, Council recognizes the importance and value of the endangered and threatened species in the municipality. Additional natural heritage features and areas may be identified through the review of development applications.

This Plan encourages the protection and conservation of these important natural heritage features and areas and provides for undertaking of Impact Assessments to ensure that new development does not have a negative impact on these

ecological resources.

3.9 Natural and Human-Made Hazards

This Plan carries forth policies governing development in or adjacent to lands subject to flooding and erosion as a means to protect public health and safety. Policies will address the development constraints imposed by organic soils and contaminated sites and provide measures for mitigating and overcoming these constraints.

3.10 Shoreline Development

Shoreline development is a major amenity and attribute in the Municipality. The previous Official Plan, as amended, introduced policies with the objective of achieving environmentally sound new development or redevelopment on Trout Lake and Lake Nosbonsing. This Plan builds on previous policy and provides a stronger and more detailed policy framework to protect water quality and ensure that ecosystem planning is an integral component of the decision-making process. This Plan continues to provide a policy framework to protect water quality and quantity and ensure that ecosystem planning is an integral component of the decision making process. Some of the refinements apply to shoreline structures such as boat houses, docks, wharves and saunas.

4.0 GENERAL DEVELOPMENT POLICIES

The following general development policies shall apply to the entire Municipality.

4.1 General

It shall be the policy of the Council to ensure that all development takes place in accordance with the general and overall intent of the land use designations and the policy statements set out in this Plan.

Any Zoning By-Law passed pursuant to Section 34 of the *Planning Act 1990, as amended* shall be in conformity with the Plan and public works which may be undertaken to facilitate development by the Municipality of East Ferris shall be in conformity with this Plan as provided for in Section 24 of the *Planning Act, 1990 as amended*.

4.2 Accessory Uses

Wherever a use is permitted in a land use designation, it is intended that uses, buildings or structures, normally incidental, accessory and essential to that use are also permitted.

4.2.1 Examples of Accessory uses

Examples of accessory uses to permitted residential uses include a garage, garden or storage shed, gazebo, swimming pool, home based business, etc. Examples of accessory uses to permitted non-residential uses include storage buildings, open storage, parking and loading areas and structures, waste disposal receptacles, signs, fences, security facilities and a dwelling, where permitted in this Plan.

4.2.2 Bed and Breakfast Establishment

A bed and breakfast establishment shall be permitted within a single detached dwelling provided the physical character of the dwelling is not substantially altered. The single detached dwelling must clearly be the principal use of the land and the bed and breakfast clearly an accessory use to the dwelling. A bed and breakfast establishment shall be defined as a single detached dwelling in which guest bedrooms are provided for gain as temporary accommodation on a daily basis. Such establishments must have the proprietor living in the dwelling.

The local health unit or delegate shall be consulted when a new bed and breakfast establishment is proposed and, if required, approval of this agency shall be first obtained before a bed and breakfast establishment begins operating. The implementing Zoning By-law shall define a bed and breakfast use and the appropriate zone provisions.

4.2.3 Shoreline Structures

Shoreline structures are those accessory buildings and structures constructed within the setback requirement from the Surveyed Normal Water's Edge or extending from the Surveyed Normal Water's Edge into a waterbody. Shoreline structures may include docks, boathouses, boatports, a gazebo, utility or storage shed, or deck.

With the exception of docks, boathouses and boatports, all shoreline structures shall be constructed within the confines of the property boundaries of a lot and shall not be located in the natural vegetative buffer as described in subsection 5.3.8.2 of this Plan.

Shoreline structures extending from the Surveyed Normal Water's Edge into a waterbody or located at the shoreline shall be designed and located in a suitable manner so as to have regard for the following matters:

- i) Safe navigation;
- ii) Critical fish and wildlife habitat;
- iii) The natural flow of water;
- iv) Impact on the privacy of abutting properties; and,
- v) Other shoreline, resource development and environmental policies.

In order to maintain a balance between the natural and built form along the shoreline, the size of shoreline structures shall be limited within the Zoning By-law. Regulations within the Zoning By-law will, amongst other matters:

- i) Restrict the width, length and height of boathouses, boatports and docks;
- ii) Prohibit shoreline structures from being more than one-storey in height;
- iii) Prohibit the interior finishing or occupancy of any portion of a shoreline structure for human habitation;
- iv) Saunas shall be limited to 10 m² (107.6 ft²) and shall not be serviced by a pressurized water system;

The type of docks shall generally be limited to floating, cantilevered or post dock construction. Other types of docks may be permitted where it is demonstrated that they will not have a negative impact on fish habitat. Docks shall be built of non-toxic building materials.

The shoreline below the Surveyed Normal Water's Edge shall generally not be permanently modified to accommodate the placement of shoreline structures.

Prior to development on shorelines, necessary approvals shall be obtained from the appropriate authority.

The Municipality of East Ferris will consult with the North Bay-Mattawa Conservation Authority during the review and processing of an application to build or construct a shoreline structures.

Section 7.2 is to be reviewed in conjunction with this Section.

In addition to the above policies, shoreline development along Trout Lake and Lake Nosbonsing is addressed specifically in Section 5.3.7 of this Plan.

4.3 Cultural Heritage and Archaeological Resources

It is a policy of Council to consider cultural heritage resource conservation in all land use planning decisions. Cultural heritage resources include heritage buildings, heritage areas, cultural heritage landscapes and archaeological sites. To implement this policy, Council shall:

1. Encourage the identification and enhancement of cultural heritage resources and require the restoration, protection or maintenance of such resources where they are identified.

As they are identified, maintain an inventory of cultural heritage resource locations for land use planning purposes, including any sites designated under the *Ontario Heritage Act* archaeological sites, areas of archeological potential, and any sites or areas considered by council to have cultural heritage value or interest including properties that have heritage conservation easements placed upon them The Municipality may include in this inventory, any cultural heritage resources recognized or designated by local, provincial, and federal jurisdiction. As a subset of this inventory, Section 27 of the *Ontario Heritage Act* requires the clerk of every local municipality to keep a current, publicly accessible register of properties of cultural heritage value or interest situated in the municipality. The municipal register is the official list or record of cultural heritage properties that have been identified as being important to the community. The register must include all properties in the municipality that are designated under Part IV (individual designation) and Part V (district designation) of the *Ontario Heritage Act*.

2. Require that in any proposed plan of subdivision and prior to the undertaking of any public work, private development, consent or Zoning

By-law amendment, consideration be given to the possible effects and impacts of such works or development on cultural heritage resources and that such impacts, where identified, are appropriately mitigated through preservation on site to ensure that the integrity of the resource is maintained, or rescue excavation of significant archaeological resources.

3. Require an Archaeological impact assessment carried out by an archeologist licensed under the Ontario Heritage Act, when any public work, private development, consent or Zoning By-law amendment will affect an area containing a known Archaeological resource, site or an area of Archaeological potential. Areas of archaeological potential can be determined using provincial criteria such as proximity to water, current or ancient shorelines, rolling topography, unusual landforms, and any locally known significant heritage areas such as portage routes or other place of past human settlement including marine archeology. Consider where appropriate, the passing of Archaeological Zoning By-laws under Section 34 of the *Planning Act*, to be adopted for the purpose of preserving identified significant Archaeological sites.
4. The Municipality may require a marine archaeological assessment to be conducted by a licensed marine archaeologist pursuant to the Ontario Heritage Act if partially or fully submerged marine features such as ships, boats, vessels, artifacts from the contents of boats, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft and other items of cultural heritage value are identified and impacted by shoreline and waterfront developments.
5. Archaeological assessment reports prepared by licensed consultant archaeologists are to be in compliance with the Standards and Guidelines for Consultant Archaeologists as set out by the Ministry of Tourism, Culture and Sport, as well as the terms and conditions of an archaeological licence under the Ontario Heritage Act.
6. Council views the preservation of archaeological sites in an intact condition as the preferred means for the mitigation of impacts to archaeological sites. Archaeological excavation as a means for the mitigation of impacts will only be considered when it is demonstrated that preservation is not possible. Any alterations to known archaeological sites shall only be performed by licensed archaeologists, as per Section 48 of the *Ontario Heritage Act*.
7. Where, through development, a site is identified to contain an unmarked burial site or new archaeological feature(s), the municipality shall contact the Ministry of Culture, the Ontario Provincial Police and Aboriginal Community. The Ministry of Consumer Services, Cemeteries Regulation Unit shall also be contacted with respect to the discovery of burial sites

and unmarked cemeteries and matters related to the *Funeral, Burial and Cremation Services Act*.

8. Development and site alteration will not be permitted on adjacent lands to a protected heritage property without a heritage impact assessment by a qualified consultant that demonstrates that the proposed development will not negatively impact the purpose or character or the heritage resource.
9. Where feasible and desirable, incentives may be provided to land developers in exchange for the preservation of significant cultural heritage resources. This may be accomplished by permitting increased densities, density transfers, tax incentives, assistance through a trust fund, heritage conservation easements and/or other means considered appropriate for heritage resource conservation.

4.4 Development Agreements

Nothing in this Official Plan shall limit the statutory authority of the municipality from entering into agreements with developers or property owners, whether public or private insofar as it proves necessary to achieve satisfactory development standards. Such agreement shall be registered on title and include municipal services and other utilities and the developer or property owner paying the expenses of the municipality for consulting services or legal services, the posting of suitable security, the payment of development charges, etc.

4.5 Development and Redevelopment Standards

Council will ensure through the adoption of a comprehensive Zoning By-law, the implementation of Site Plan Control, the utilization of appropriate design and construction standards for municipal infrastructure, the use of the *Ontario Building and Fire Codes*, the use of the *Ontario Heritage Act* and the enforcement of a Property Standards By-Law that adequate standards are provided for all development or redevelopment. This would relate to such matters as off street parking, loading facilities and other design criteria, including landscaping, buffering and controls regulating to the height, bulk, location, size, floor area, spacing and external design of buildings, the safe construction, upgrading, maintenance and occupancy standards of buildings and the conservation of heritage features. Efforts shall be made to regulate the display of signs and advertisements, fences and swimming pools through the adoption of By-laws passed under the *Ontario Municipal or Planning Acts* (See also Section 9.14 Site Plan Control).

4.6 Economic Development Strategy

The economic base of East Ferris is dependent on employment generated through resource development in Economic Development Groups in Nipissing and Parry Sound, tourism, local service commercial businesses, small scale manufacturing, the construction industry and government services. The proximity of the City of North Bay is also an influential factor in the economic health of the Municipality of East Ferris. With the gradual turn around in the economic fortunes of the City, spin-off development will occur throughout the Municipality in the construction industry with the building of new homes and potentially with commercial and industrial development seeking an alternative location to the City. The Municipality also recognizes the importance of tourism as part of its economic base. The intent of Council is to facilitate economic development giving consideration to the role of East Ferris within the Nipissing - Parry Sound region and to initiatives within the Municipality.

The intent of the Official Plan is to provide a positive framework for economic development through:

- 1) the maintenance or upgrading of municipal infrastructure, e.g., roads, waste disposal and public services to service commercial or industrial uses and complementary residential development;
- 2) encouraging entrepreneurial initiatives and public/private sector partnerships;
- 3) the identification of new opportunities, especially those which create new investment in the community;
- 4) encouraging the development of value added industry;
- 5) supporting the maintenance of existing commercial and industrial services and activities;
- 6) expediting planning and other approvals which implement the policies of the Official Plan;
- 7) supporting existing and encouraging home based businesses;
- 8) supporting the growth and development of tourism on a four season basis;
- 9) to use the inventory of provincially or municipally assembled land as an incentive and opportunity to attract commercial or industrial uses that may require a large land base and a significant distance separation from sensitive land uses;

- 10) to continue to support resource based activities, e.g., agriculture, mineral aggregate extraction and forestry, in the municipality;
- 11) adopting an 'open-for-business' attitude;
- 12) to continue to develop promotional and information packages to assist new investors with identifying locations for economic development, (e.g., trade index, inventory of vacant properties, labour force information etc).
- 13) to review the Economic Strategic Plan of the Municipality of East Ferris as needed to meet the evolving needs of the community;
- 14) Encouraging the development of renewable energy projects and energy conservation related initiatives;
- 15) Supporting the development of a creative arts industry; and,
- 16) Encouraging the development of local food producing activities.

In addition, Council shall at all times consider the financial status of their Municipality, and residents and businesses alike, in the evaluation of development and improvement proposals. Every attempt shall be made to secure a satisfactory ratio between residential and non-residential assessment.

4.7 Energy Conservation and Renewable Energy Projects

Council recognizes and supports provincial initiatives for renewable energy projects under the *Green Energy Act, 2009* and intends to promote complimentary initiatives through local land use decisions and Municipal actions based on the following principals:

- Reducing the dependence on non-renewable energy sources by shifting to the use of solar, geothermal and wind power; by reducing the demand for energy; by tightening energy leaks, and by curbing energy inefficiency in building and infrastructure design (example is construction of *LEED-Leadership in Energy and Environmental Design Buildings*). Building and site design will be undertaken with the intent to minimize the amount of non-renewable energy that is needed to service the structure in terms of heat, hot water, cooling, lighting, power, ventilation as well as impacts on the natural environment;
- Optimizing energy use through efficient energy conservation in building and infrastructure design (e.g. building and infrastructure retrofits, use of passive solar, wind and geothermal energy sources, green roofs/roof

- gardens, upgraded insulation, use of energy efficient building materials);
- Encouraging and designing for the recycling of waste heat;
- Closing the loop by the principle of designing for continuous reuse and recycling within the built environment;
- Increasing the diversion of wastes from the landfill waste stream to 75% over the Planning Period established through the Official Plan ;
- Building in a life-cycle analysis of energy into planning approvals;
- Ensuring that the design industry reduces the total amount of resources required to develop and operate buildings and properties (e.g. using local materials, minimizing building wastes, examining the energy consumed per unit of building product and building process such as the form of construction, production technology, transportation and assembly and dismantling of building components);
- Promoting property retrofits and rehabilitation to meet or exceed building code standards; and,
- Reducing greenhouse gases.

4.8 Existing Uses and Non-Conforming Uses

4.8.1 Existing Uses

Nothing in this Plan shall affect the continuance of uses legally established on or prior to the date that the Plan was adopted by the Council of the Municipality of East Ferris, but Council, in cooperation with property owners shall attempt to reduce the number of non-conforming uses wherever and whenever possible, according to the policies contained in Section 4.8.2 of this Plan.

Existing permanent dwellings in areas designated as "Rural" on Schedule 'A' will be recognized and this Plan will not prevent such dwellings from being expanded, reconstructed or renovated within their site area provided that all other provisions of the implementing Zoning By-law are complied with.

4.8.2 Non-Conforming Uses

Uses that do not conform with the policies of this Plan should, in the long run, cease to exist so that the land affected may revert to a use that conforms with the intent of this Plan and the provisions of the implementing Zoning By-Law. In special instances, however, it may be desirable to permit the extension or enlargement or change to a similar or more compatible use on a non-conforming use in order to avoid unnecessary hardship, and nothing in this Plan shall affect the continuance of uses which were already legally established on the date that this Plan was adopted by the Council of the Municipality of East Ferris. These uses may be extended, enlarged or changed to a similar or more compatible use through an application for a 'permission' to the Committee of Adjustment subject

to the following criteria:

- 1) the granting of the permission will not permit any change of use or performance standard that will aggravate any situation detrimental to adjacent complying uses;
- 2) the permission does not constitute a danger to surrounding uses and persons by virtue of their hazardous or obnoxious nature or the traffic, parking, loading or access impacts they generate;
- 3) the extension or enlargement is in reasonable proportion to the existing use and to the land on which it is located and that such extension or enlargement does not extend beyond the limits of the land owned and used in connection with the use on the day the by-law was passed;
- 4) the use, building or structure does not pollute air and water or create noise pollution to the extent of interfering with the ordinary enjoyment of property;
- 5) the use, building or structure does not interfere with the desirable development or enjoyment of adjacent areas; and,
- 6) infrastructure and public services such as roads, waste disposal, storm drainage, school bussing are adequate or can be made adequate.

Where the use is discontinued, any rezoning may only take place in accordance with the policies and intent of this Plan.

Where a non-conforming use, building or structure is destroyed by natural causes or by causes beyond the control of man, the use, building or structure may be reconstructed in accordance with standards set out in the Zoning By-law.

Where an existing use is non-conforming and does constitute a danger, or gives rise to pollution, or interferes with development, it shall not be granted permission by the Committee. Furthermore, the Municipality will seek means to eliminate the use and may expropriate it when sufficient funds are available or assist in whatever way possible in the relocation of the use.

4.9 Home Based Businesses

In order to recognize changing lifestyles and to provide for economic development opportunities within the community, it is the policy of Council to permit a home based business, in a dwelling unit within the areas where

residential uses are permitted subject to the provisions of the implementing Zoning By-Law and other By-laws established by Council, (e.g., noise, parking). In permitting such uses, Council's policy is to ensure that they do not create a nuisance for the surrounding neighbourhood.

For the purposes of this Plan, a home based business is defined as a privately operated legal business located within a residential dwelling by the occupant or owner thereof and which is compatible with the character of a residential setting or surrounding neighbourhood and which is an accessory use or clearly secondary to the principal residential use.

The scope of home based businesses shall be set out in the Zoning By-law provided they fall within any of the following categories:

- 1) Professional and consulting services (examples: architect, financial advisor, accountant, consultant, legal services, teleworking, lawyer, real estate agent, office of a medical or drugless practitioner);
- 2) Instructional services (examples: music lessons, dance, art and academic tutoring);
- 3) Home craft businesses (examples: quilting, pottery, jewellery, visual arts, woodworking, small scale assembly, an art gallery);
- 4) Private daycare;
- 5) Distribution sales offices or mail order sales (examples: cosmetics, clothing or small household supplies);
- 6) Offices for contractors and trades (examples: plumbing, heating, electrician);
- 7) Repair services (examples: small appliance, computers);
- 8) High technology uses (Internet services, office call centre services, desk top publishing, hardware and software development).
- 9) A Bed and Breakfast establishment.
- 10) Sale of bait for recreational fishing
- 11) Catering establishment
- 12) Art or design studio
- 13) Energy conservation services

Prohibited uses include a retail or wholesale store, clinic, hospital, animal hospital restaurant or tea room, nursing or convalescent home, kennel or cattery, any automotive use including repairing, body work or towing, adult entertainment parlour, video rental outlet, taxi operation or service. The incidental retailing of products specifically fabricated on site (in-situ) shall be permitted. Products sold by a distributor (distribution sales) shall be permitted provided there is no on-site storage.

The regulatory requirements governing home based businesses shall be set out in the Zoning By-law (and other applicable By-laws). The Municipality may establish a municipal registry of home based businesses.

The Committee of Adjustment may, within the enabling authority of the *Planning Act*, consider applications related to the type and operation of home based businesses in accordance with the policies of this Plan.

4.10 Housing Policies

The housing policies of this Plan have application to those land use designations where residential development is permitted, e.g., Rural , Waterfront, Village , Estate Residential and the Mobile Home Park.

4.10.1 Housing Supply

It is the policy of Council to provide a range of housing types and densities appropriate to meet the housing needs of a rural community. Council intends to maintain at all times, at least a 10 year supply of lands designated and available for new residential development. Council will also ensure that there is a 3 year supply of lands suitably zoned in the Villages to facilitate residential intensification and redevelopment provided that site conditions are suitable for the long-term provisions of development on individual water and sewage services. The land supply will take into consideration the serviceability of the lands in accordance with Section 4.19 of this Plan.

4.10.2 Housing Affordability and Secondary Units

Annual housing starts in East Ferris over the last ten-year period (2005-2015) averaged twenty-five units per year. If twenty-five percent (25%) of all housing starts is a reasonable housing target for the provision of housing which is affordable to low and moderate income households, a total of six (6) units per year would be required or sixty (60) units over a ten-year period.

For purposes of this policy, the term 'low and moderate income households' shall

have the same meaning as defined in Section 6.0 of the 2014 Provincial Policy Statement:

In the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the regional market area; or, in the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the regional market area.

The Municipality will continue to encourage affordable housing through the different housing types as identified in Policy 4.10.3 of this Plan.³

Council will encourage housing forms and densities that incorporate opportunities for moderate and lower income households. The Municipality will work with the Nipissing District Social Services Administration Board, Local Authorities, Not-for Profit Groups and Developers to establish affordable housing forms in East Ferris.

4.10.3 Housing Types

A. Multiple Unit Dwellings

Multiple unit dwellings, e.g., new townhouses and apartments shall be directed to locate in the Villages established on Schedule 'A' to this Plan and shall be implemented through the Zoning By-law.

B. Second Units

Existing single detached dwellings in the Waterfront designation shall not be converted into second unit dwellings. Existing single detached, semi-detached or row house/townhouse dwellings in the Villages and rural area may be converted to second unit dwellings. A second residential unit shall be permitted in a building or structure ancillary to a detached house, semi-detached house or row house in the Villages. Second Units shall be implemented through the Zoning By-law. A Second unit may be established if:

- i) An adequate water supply and sewage disposal facilities are available;
- ii) The building and/or structure is in compliance with the relevant provisions of the *Municipal Zoning By-laws, Ontario Building Code and Ontario Fire Code* and
- iii) That adequate parking is available.

C. Rental and Affordable Housing

It shall be a policy of Council to encourage the establishment of rental and affordable housing units in the municipality by means of appropriate amendments to this Plan, if necessary, and to the implementing Zoning By-law, where required, provided servicing and lake capacity is adequate to support the development.

D. Housing to Meet Special Needs

Council shall consider the development of housing projects to meet the special needs of seniors, handicapped or lower income households on an individual or joint municipal basis with adjacent municipalities.

4.11 Landscape Amenities

It shall be a policy of the Council to ensure, wherever possible, that the amenities of the natural landscape are preserved or enhanced. In this regard as well, efforts shall be made to control the display of signs and advertisements through appropriate By-laws, and landscaping programs for public areas shall be considered.

It is a policy of Council to require landscaping as part of site development where it serves to enhance the aesthetics of the proposed development and/or where it provides a specific function such as drainage or erosion control, shelter or wind belt, a visual separation or noise barrier or snow storage area etc.

4.12 Natural Resources (Crown Land)

This Official Plan recognizes that the Province of Ontario administers renewable and non-renewable natural resources on, and the disposition of Crown lands within the Municipality. This Official Plan therefore, recognizes the right of the Crown or its agent to carry out the operations necessary for the management, protection and harvesting of these resources, and for providing facilities for public recreation on these Crown lands. In carrying out its management of Crown lands, the Ministry of Natural Resources and Forestry, in representing the Province, shall have regard for the policies of this Official Plan, and more particularly, should consult with Council prior to the disposing or leasing of Crown land including convening a public meeting/open house to discuss the proposal.

4.13 Noise, ~~and~~ Vibration and Odour

~~When sensitive land uses are proposed where noise or vibration levels are or will exceed the guidelines established by the Ministry of the Environment and Climate Change Council may require a feasibility study to determine the potential impacts of noise and vibration on the proposed development. Noise and/or vibration attenuation or abatement measures, as determined in an acoustical study will be implemented through development control agreements. Development may be restricted or prohibited where noise or vibration cannot be satisfactorily attenuated.~~

~~To determine if it is possible to reduce noise levels to MOECC standards, a feasibility study will be required when a sensitive land use is proposed within 50 metres of a highway, a rail line or a stationary noise source. If the feasibility study confirms that it is possible to reduce noise levels, an acoustical study should be undertaken to show how these levels can be reduced.~~

~~Acoustical studies shall be required when sensitive land use development is proposed within 300 metres of linear and/or stationary noise sources.~~

When a new sensitive land use is proposed within the influence area or potential influence area of an existing facility and/or a new facility is proposed where an existing sensitive land use would be within the facility's influence area or potential influence area, MOECC's D-1 and D-6 series of Guidelines shall be applied. No sensitive land use shall be permitted within the actual or potential influence areas of industrial land uses (Class I - 70 metres, Class II - 300 metres or Class III - 1000 metres), without evidence to substantiate the absence of a land use compatibility problem. Air quality studies for noise, dust and odour (identified in MOECC Guideline D-6, Section 4.6) will be provided by the proponent to assess a potential problem and mitigative measures. Development may be restricted or prohibited where noise or vibration cannot be satisfactorily attenuated.⁴

4.14 Parks and Open Space

Within a predominantly rural Municipality, it is not deemed necessary to establish by Official Plan policy the kinds of standards for Parks and Open Space that are deemed desirable for an urban Municipality.

The Municipality of East Ferris has a significant amount of Crown land and rural land with many recreational sites and opportunities, including private and public walking trails, cross country ski and snowmobile trails, playgrounds and beaches throughout the Municipality.

In areas designated Village or Estate Residential, it may be desirable to create additional opportunities for recreational activities where and when feasible. It shall, therefore, be the policy of Council to take advantage of the provisions of the *Planning Act* and require by conveyance that land in an amount not exceeding, in the case of land proposed for development or redevelopment for commercial or industrial purposes, 2% and in all other cases 5% of the land to the municipality for park or other public recreational purposes within a draft plan of subdivision or cash-in-lieu thereof. This dedication shall be used:

1. In the case of the subdivision of land within or adjacent to the Villages of Astorville, Corbeil or Derland, for the creation of neighbourhood or community playground or sports or leisure facilities up to approximately one (1) ha (2.47 ac.) per 1,000 residents;
2. In the case of the subdivision of land in the Waterfront designation, for the acquisition of land to provide or improve public access to water; and
3. In the Rural area, for the acquisition of lands for recreational trails, wetlands or other public park or open space purposes.

4.15 Public Participation

Council, in consultation with the Planning Advisory Committee shall undertake a program of planning education for the citizens of the Municipality wherever opportunities may arise, and shall be satisfied that an adequate level of public understanding with regard to the purpose and content of the Official Plan exists at the time of formal approval and with any future amendments to the Plan as they arise. Public discussion of the Plan shall be encouraged and informed opinions shall be solicited from local citizens prior to the adoption of this Plan as the Official Plan of the Municipality.

The importance of public awareness and understanding of the proposals contained in this Plan shall be stressed to broaden the base of public understanding and participation in planning will strengthen the possibility of accomplishing lasting benefits for the Municipality as a whole.

4.16 Public Service Facilities

In planning for the long term prosperity of the community, it is Council's policy to ensure the adequacy of public service facilities. Council will monitor the delivery of health care services, educational services, protection services (fire and police) and cultural services. Council will ensure in the review of planning applications, that public service agencies are consulted, when necessary, in assessing the

capacity of these services to meet future requirements generated by the proposed development (e.g., school and busing capacity, hospital services, fire and police response times, etc.). Council may also work with public service agencies in planning for future needs (e.g., recycling or multiple use of institutional facilities, scope of fire prevention services, policing needs and response times, library services, arts and cultural needs, etc.).

4.17 Public Uses, Corridors and Special Uses Permitted

4.17.1 Public Uses

Electric power facilities and corridors, transportation and infrastructure corridors, public services, uses incidental to construction, and real estate signs are permitted in all land use designations without an amendment to this Plan, provided that the planning of all such facilities is carried out having regard for the other applicable policies of this Plan.

Furthermore, Ontario Power Generation and Hydro One, or other proponents shall consult with the Council on the location of any new electric power facilities and corridors. See also Section 8.0 Transportation.

In protecting the provincial highway corridor, restrictions will apply to entrances and signs adjacent to this highway system as governed by the Ministry of Transportation.

In the development of rural land uses, Council will endeavour to maintain the integrity and continuity of recreational corridors for snowmobiling, cross country skiing, hiking, equestrian and canoeing activities. Along Provincial Highways, the Ministry of Transportation setback requirements will apply unless the municipal setback requirement is greater.

4.17.2 TransCanada Pipelines

TransCanada Pipelines Limited operates high pressure natural gas lines within its rights-of-way which cross through the Municipality and are identified on Schedule "A-F" to this Plan. Any development within 200 m (656 ft.) of TransCanada facilities may affect the safety and integrity of the pipeline.

TransCanada is regulated by the National Energy Board which, in addition to TransCanada has a number of requirements regulating development in proximity to the pipelines. This includes approval requirements for all activities on or within 30 m (98.4 ft.) of the right-of-way such as excavations, blasting and any

movement of heavy equipment. New development can result in increasing the population density in the area which may result in TransCanada being required to comply with CSA Z662. Therefore the Council shall require early consultation with TransCanada for major development proposals (e.g., plans of subdivision, commercial or industrial buildings) within 200 m (656 ft.) of its facilities.

A setback of 10 m (32.8 ft.) shall be maintained from the limits of the right-of-way for all permanent structures and excavations. A reduction in the 10 m (32.8 ft.) setback will only be considered if it can be demonstrated to TransCanada's satisfaction, that it will not compromise the safety and integrity of the pipeline and all necessary municipal approvals are obtained.

4.18 Physically Unsuitable Areas

Development will neither be permitted in areas vulnerable to flooding nor in other areas where by reason of their low-lying, marshy, organic or unstable nature, construction costs would be prohibitive or place an unnecessary financial burden on the Municipality or government. Such areas are generally identified on Schedule 'E' of this Plan and appropriate policies established in Section 7 of this Plan for their preservation.

Where application is received for development in such areas, Council shall consider an application in light of the underlying or land use designations and policies established on Schedule 'E' and Section 7 respectively.

Where an application is received for development on lands outside the areas designated on Schedule 'E', and such lands may be considered unsuitable, Council in considering any necessary Official Plan amendment and/or Zoning By-law amendment may require information with respect to:

1. The existing environmental and/or potential physical hazards;
2. The potential impact of these hazards;

and may require to their satisfaction that:

3. The proposed methods by which these hazards may be overcome or mitigated in a manner are consistent with accepted engineering techniques and resource management practices.

4.19 Sewage Disposal and Water Supply

4.19.1 Individual On-Site Systems

As stipulated in Section 3.3, lands within the rural area may be serviced by individual on-site (private) water and sewer systems. Individual severances may be approved on private systems without the requirement of a servicing options study or technical (hydrogeological) studies to prove the sustainability of these individual private services, as long as the lot size and site conditions are suitable for the long-term provision of such services.

A servicing options study and technical i.e. hydrogeological reports will be required for proposed development of five or more lots/units.

These technical reports will be based on the following:

- A. Ministry of the Environment and Climate Change Procedure D-5-4, Technical Guideline for Individual On-Site Sewage Systems: Water Quality Risk Assessment;
- B. Ministry of the Environment and Climate Change Procedure D-5-5, Technical Guideline for Private Wells: Water Supply Assessment; and,
- C. Such other standards, protocols or matters that may be considered relevant in consultation with the Ministry of the Environment and Climate Change and/or the North Bay-Mattawa Conservation Authority.

It shall be a policy that proponents of residential and non-residential developments using greater than 50,000 litres per day of water and/or generating more than 4500 litres per day of sewage per lot shall also prepare a hydrogeological report that satisfies the guidelines and protocols indicated above. Water supply systems which take more than 50,000 litres per day of water must obtain a permit to take water from the Ministry of Environment and may require an Environmental Compliance Approval.

4.19.2 Communal Services

Communal servicing will be the preferred means of servicing multiple lots/units where it is demonstrated that site conditions are suitable over the long term. In considering the justification for communal services (water and/or sewage) for multiple lots/unit development (five or more lots/units) Council shall be satisfied that the following criteria are met:

- 1. That the proposed density of development is essential to the viability of the project and that other development or servicing options have been thoroughly considered (i.e. different location, method of servicing, acquisition of a larger land holding etc.) ~~and that as a result, the only~~

~~reasonable or economical alternative is a communal system.~~^{4a}

- ~~2. That the potential for remedial measures has been adequately investigated with respect to health related matters (i.e. well contamination, nutrient management), and that no reasonable or economical alternative exists for resolving such health concerns than to install a communal system.~~
2. That the potential for remedial measures has been adequately investigated with respect to health related matters (i.e. well contamination, nutrient management), and the installation of a communal system is recommended to resolve health concerns.^{4b}
3. That technical (hydrogeological) studies including water supply and groundwater assessment reports have been submitted confirming that the site conditions are suitable to satisfactorily accommodate the proposed services.
- ~~4. That the Ministry of the Environment and Climate Change has issued an order under the *Environmental Protection Act* requiring the installation of a communal system and/or~~^{4c}The proposed communal system qualifies for Certificate of Approval *Environmental Compliance Approval*^{4d} from the Ministry.
5. That the proposed owner/operator has prepared an appropriate business plan to establish an appropriate cost structure for the installation and operation of the communal system(s).
6. That a financial security can be established (i.e. trust fund), to offset potential capital or operational costs arising from the default of the operator.

Where such a system is deemed to be necessary based on the above criteria and is approved for freehold development, Council will assume ownership after the issuance of a Environmental Compliance Approval. Where there is other than freehold development, Council ~~may choose to operate the system or may consider entering into~~ will operate the system or enter into^{4e} a responsibility agreement for the operation and maintenance of the system on a private basis subject to the approval of the Ministry of the Environment and Climate Change.

The responsibility agreement shall contain financial assurance provisions which will ensure funds for operation and routine maintenance as well as a secured fund for capital improvements should repair or replacement of the facility become necessary. In addition, the legal agreement shall set out the following:

1. Operating and maintenance standards.

2. A definition of default.
3. An outline of remedial action.
4. Registration on title of the subject property.
5. Easements, where required.
6. Financial Securities

Council will assume responsibility for the communal system should the system fail or should the operator fail to operate or maintain the system according to the agreement and will utilize the financial security as needs be in the operation/repair of the communal system.

For the purposes of this Plan, Communal Services means sewage works and sewage systems and water works that provide for the distribution, collection or treatment of sewage or water, but which are not connected to full municipal sewage and water services; are for the common use of five or more residential or on-residential lots or units; and are owned, operated, and managed by the municipality, another public body, a condominium corporation or single owner under an agreement pursuant to the *Planning Act*.

4.19.3 Storm Water Management

In consideration of the approval of significant development such as plans of subdivision or major developments requiring site plan control, Council shall require the provision of stormwater drainage facilities in accordance with provincial requirements.

In this regard and as a condition of approval, the proponent shall be required to submit a storm water management plan (post construction) and a construction mitigation plan (during construction) addressing any impact of the development on the receiving watercourse in respect to flooding, pollution, erosion and sedimentation and fish habitat. Where required, both reports must incorporate appropriate mitigation measures for any adverse impacts likely to result from the proposed development.

4.19.4 Waste Management Facilities

It is a policy of Council to make adequate provision for the management and recycling of waste materials through the provision of a waste management facility and participation in a recycling program. Waste management facilities include active and closed land fill sites identified on Land Use Schedule "E", transfer stations, waste processing facilities, compost sites, hauled sewage or sewage disposal sites and sewage lagoons.

The Council shall ensure that no person, including the municipality shall establish, alter, enlarge or extend a waste management system or a waste disposal site, unless a environmental compliance approval or provisional

certificate of approval has been issued by the Ministry of the Environment and Climate Change or its agent as required by the *Environmental Protection Act* and/or the *Environmental Assessment Act*.

When development is proposed on or near a landfill, it shall comply with Ministry of the Environment and Climate Change Guideline D-4 Land Use On or Near Landfills and Dumps.

Council will consult with the Ministry of Environment to identify any potential environmental concerns prior to any development taking place on lands formerly used for waste disposal purposes. This may include the requirement for an impact assessment study.

Where development is proposed within 500 m (1,640 ft.) of lands used (active or former sites) for waste disposal purposes, a technical study prepared to the satisfaction of Council shall be required to identify and mitigate any potential environmental concerns prior to authorizing such development. Where any adverse effects cannot be satisfactorily mitigated, development will be restricted. In no circumstances will any development be permitted within 30 m (98.4 ft.) of the perimeter of the licensed fill area of a waste management site. Development includes any proposed buildings or structures not related to the waste management operation.

4.19.5 Source Water Protection

Groundwater is an important Municipal resource. Groundwater is not only used as a potable water supply for many of the Municipality's residents, but it also contributes to many of the Township's natural functions.

In order to maintain the quality and quantity of Groundwater resources, it is essential that Groundwater Source Areas be protected from incompatible development.

It is the policy of this Plan to encourage Groundwater Source Areas to be identified and protected. Schedule "F" identifies those Areas identified to date, with applicable policies for the areas set out below.

1. Callander Bay Issue Contributing Area

On the lands identified on Schedule "F" as Callander Bay Issue Contributing Area, the use of land as storage of tailings from a mine or mine tailings pond, if related to a circumstance containing phosphorus, shall be prohibited.

4.20 Shoreline Road Allowances

Where road allowances along the shores of lakes or rivers have been laid out in locations where they do not function to provide public access to the water for recreational purposes, it shall be a policy of Council to permit such road allowances to be closed and sold to the abutting owners. Council shall have regard to potential flooding problems and fish habitat conservation concerns before permitting the closure and sale of the Shoreline Road allowance above the normal Surveyed Normal Water's Edge.

Where the shore line road allowance is not sold and the owner of the adjacent property wishes to construct a shoreline structure as set out in Section 4.2.3, such construction may be permitted where the necessary approvals have been obtained (e.g. North Bay-Mattawa Conservation Authority) and where the owner of the land enters into an encroachment agreement with the Municipality of East Ferris. The encroachment agreement (under the *Municipal Act*) may set out the terms of occupancy and restrictions that apply to maintaining shoreline vegetation, etc. The municipality may attach a site plan to the encroachment agreement to illustrate the location, dimensions and setbacks of buildings and structures and natural features.

This authority shall not limit the Municipality from entering into an encroachment agreement for any existing shoreline buildings and structures.

4.21 Statutory Authorities and Related Authorizing Legislation

Nothing in this Plan shall affect the powers of Provincial agencies, the federal government, or local boards, as defined in the *Planning Act*, to undertake public works by authority granted under other statutes, but Council shall endeavour to ensure that such development as may take place will follow the general intent of the Plan and will be compatible with the type, quality and character of the surrounding area in which it is proposed.

The policies of this Plan shall not be interpreted to preclude the requirement to obtain permits or approvals under other legislation. Other authorizing legislation may include the *Environmental Assessment Act*, the *Ontario Water Resources Act*, the *Public Transportation and Highway Improvement Act*, the *Fisheries Act*, the *Lakes and Rivers Improvement Act*, the *Public Lands Act*, the *Aggregate Resources Act*, the *Endangered Species Act* etc. Wherever possible, Council will identify other approvals that may be required of the applicant.

4.22 Consultation and Application Review

Council recognizes and values the importance of consultation in the review and approval of development applications. Council will require applicants to pre-consult with the Municipality and other agencies to ensure that applicants are advised of the steps in the review process and what studies may be required to support their applications. Applications for an official plan amendment, a zoning by-law amendment, a plan of subdivision, consent to sever and a minor variance will be reviewed for completeness. The Municipality/approval authority may not consider an application complete or may refuse an application where studies or other information required by this Plan or the *Planning Act, R.S.O. 1990*, as amended are not submitted as part of the application. These studies or information may include, but are not limited to:

- A land use planning report
- A survey plan
- A survey sketch
- A servicing options report
- A hydrogeological report
- An off-site septage haulage report
- A drainage and/or stormwater management report
- A construction mitigation report
- An Impact Assessment for a natural heritage feature or area and/or a fisheries habitat assessment
- An Archaeological Assessment
- A Heritage Impact Assessment
- A land use compatibility report for development in proximity to a major facility such as a waste management facility, highways, rail corridors, industrial use or mineral/mineral aggregate use including an assessment of impacts within an influence area
- A traffic study
- A environmental site assessment and/or Record of Site Condition)
- A noise and vibration study
- A source protection study including a groundwater impact and/or surface water impact study
- A MDS I or II calculation
- A geotechnical study or slope stability report for a hazardous site
- A market study or business plan
- A hazard land identification which may include a floodplain analysis and/or an erosion hazard limit identification, or information required to establish flood elevations and development setbacks
- A lake capacity assessment
- A shoreline capacity assessment
- A screening plan or landscaping plan for a waterfront property
- A cost-benefit study and/or a justification report for the municipal assumption of a private road

These studies may be in addition to other requirements set out in Ontario Regulations 543/06, 544/06, 545/06.

Council will also require that application forms for consents, minor variances/permissions and site plan approval are properly and fully completed with supporting studies/reports where applicable, to ensure that the Municipality has adequate information to make a decision on the application.

Council will consult with the public and prescribed agencies including the Aboriginal Community in the review of development applications. Applications will be reviewed by the Planning Advisory Committee prior to consideration and/or approval by Council.

5.0 LAND USE POLICIES FOR COMMUNITY DEVELOPMENT

5.1 General

This section of the Official Plan establishes the detailed development policies for each of the land uses that are designated on Schedule 'A'. This Schedule indicates the distribution of the various land use categories and the criteria for the interpretation of this Schedule are set out in Section 9 of this Plan. The detailed definition of boundaries for land use controls will be established in the Zoning By-law which implements this Official Plan.

The Land Use Designations include:

- Rural
- Waterfront
- Village
- Estate Residential
- Extractive Residential
- Mobile Home Park
- Salvage Industrial Lands for Economic Development

Within each Designation, one or more land uses may be permitted. As well, some policies may be applicable to more than one land use designation. Where such is the case, this is indicated in the Plan.

5.2 Rural

5.2.1 Rural - Development Concept

It is the intent of the Official Plan that a mix of residential living environments through low density rural development will be met in the Rural Designation over the Planning Period ending in 2025. The rural area will also permit commercial uses, institutional uses and public service facilities. The intent of the Plan is to also recognize existing agricultural activities in this designation. All farm and non-farm development will comply with the Minimum Distance Separation Formulae as amended from time to time. Rural residential lot creation will be carefully controlled to ensure that the Villages of Corbeil, Astorville and Derland are the focus of development.^{6a} Development Lot size and density^{6b} will be carefully controlled to ensure that it does not lead to a demand for urban services or strip

development.

Development will be mainly serviced by on-site water and sewage disposal systems as the intent is to maintain a very low density settlement pattern. The objective of much of this designation is to protect the present rural and natural qualities of the Municipality of East Ferris.

5.2.2 Rural - Permitted Uses

1. Scope

Within areas designated Rural on Land Use Schedule 'A', the scope of permitted uses shall include limited low density residential, commercial, institutional, public service facilities, recreational uses, agriculture, forestry and conservation uses, as well as residences accessory to resource uses. The Plan also recognizes that Natural Heritage Features and Areas are part of the rural landscape.

2. Recreational Uses

Permitted uses shall include low density uses such as golf courses, private clubs and public or private recreational uses characterized by large areas of open space provided that they do not detract from the rural character of the area.

3. Agricultural Uses

It shall be a policy of Council to recognize lands currently used for agricultural activities. Existing farming operations may be expanded and new farming operations will be permitted provided there is conformity with the Minimum Distance Separation Formulae I and II.

Agriculture and farm related uses shall include the use of lands, buildings or structures for the raising of animals, birds and fish, and the growing of agricultural crops and aquaculture, (i.e. turf grass, greenhouse crops, mushrooms and nursery stock) and farm related commercial and farm related industrial uses that are small in scale, directly related to the farm operation and required in close proximity to the farm operation. Secondary uses shall include produce value added agricultural products from the farm operation on the property.

4. Institutional Uses

Permitted institutional uses include existing nursing homes, schools, churches, parks and cemeteries. Future institutional uses shall generally be directed to Village areas or to major urban centres (e.g. North Bay).

5. Public Service Facilities

Public service uses and facilities are recognized where they are essential to meeting the needs of the public and because of their characteristics, must be located in the rural area. It is a policy of this Plan that public service uses and facilities be developed or expanded giving due consideration to servicing, environmental impacts and access. Examples include communication towers, utilities, snow and waste disposal facilities and works yards. (see also Section 4.16 and 4.17).

5.2.3 Rural - Locational Criteria

In order to achieve as much flexibility in this Plan as possible, the location of permitted uses within the Rural designation are established by policy statements rather than by attempting to designate specific areas for each use on Schedule 'A'. The locational control of such uses shall be by Zoning By-law amendment in accordance with these policy statements.

5.2.4 Rural - Residential Uses *[Approval Withheld]*

1. Scope of Uses

Permitted residential uses include single detached dwellings, second units and accessory uses including home-based businesses, a group home and a bed and breakfast establishment.

2. Development Criteria

It is a basic objective of Council to control the amount and type of new residential development in the Rural designation in order to preserve agricultural land and to ensure that neither municipal water supply nor municipal sewage disposal facilities shall be required. It is therefore the policy of Council to only permit residences in the Rural designation where:

- A) The lot on which the residential use is to be located is on a road which has been opened, established and is presently maintained year round by the Municipality; and,
- B) The residential use will not lead to a demand for urban services or strip development along the roads and highways of the Municipality. To this end infilling will be encouraged in existing pockets of residential development as a means of consolidating these pockets of development; and,

- C) The residential use will be located on an existing lot of record; or
- D) The lot conforms to the consent policies of this Plan (see Section 9.15.2); or
- E) The lot is developed in accordance with the Estate Residential policies of this Plan (see Section 5.5).

3. Lot Area

The lot area for any new residential development shall be suitable for individual on-site water and sewage disposal systems (see Section 4.19) and the minimum lot area in the Rural designation shall be 0.81 hectare (2.00 acres) with a minimum frontage of 60 metres (196.85 feet).

4. Minimum Separation Distance

To avoid land use conflicts, the development of residential uses shall comply with the various minimum separation distance policies of this Plan. (See also Section 4.13 Noise and Vibration, 4.17.2 TransCanada Pipelines, 4.19.4 Waste Disposal, 5.2.2.3 Agricultural Uses, 5.2.9.1 Kennels, 5.4.6.3 Development Criteria- Village Industrial, 5.6.3 Development Criteria- Extractive Industrial, 5.9.4 Industrial Park or Industrial Uses.

5. Building Site Criteria

Recognition shall be given to natural site amenities in the siting of housing units such as:

- preserving existing vegetation, trees and topsoil;
- matching the proposed building form to existing topography;
- incorporating natural features into residential design, e.g., rock cuts, vistas, ridge lines, visual landmarks and landscapes.

5.2.5 Rural - Commercial Uses

1. Development Concept

Commercial uses play a vital role in the local economy. Existing uses are varied and include auto and equipment repair, building supply, contractor's yards, tourist resorts and facilities, restaurants, transportation services and retail stores. Existing uses serve area residents primarily, but also cater to the travelling public and tourist industry. Home-based businesses are also a significant component of the commercial base.

The intent of this Plan is to sustain the existing commercial base and encourage business development which is suited to a rural community, to the needs of local residents and to the needs of the travelling public and tourists. While the Villages will remain the primary focus of new commercial development, commercial uses in the rural area will be permitted. A strategic node for commercial development is the intersection of Highway 94, 17 and Johnson Road. Corbeil Road, Astorville Road, Lake Nosbonsing Road, Village Road, Highway 94 and Big Moose Road will be the community's major streets for commercial activity now, and in the future.

2. Permitted Uses

Permitted uses to serve the travelling public and tourists include auto-oriented services, food and lodging and recreational commercial uses, building supply, contractor's yards, transportation services, farm-oriented commercial uses and similar uses which are typical to a rural setting shall also be permitted. Home based businesses, small scale retail services may be permitted which cater primarily to local needs.

3. Development Criteria

The location of commercial uses shall be controlled through an amendment to the Zoning By-law and through site plan control. In considering applications for such amendments, due regard must be paid to the possible impact on adjacent sensitive uses, and appropriate conditions regarding setbacks, buffering and road access will be imposed. Such uses may be permitted provided that:

- A) They primarily serve the needs of the rural community, the needs of local residents or the needs of the travelling public and tourists;
- B) They are located in groups or where the uses are mutually compatible, separate sites will be considered on the basis of their individual merits. Outside of Villages, such uses will be directed to the Municipality's major streets, i.e., Corbeil Road, Astorville Road, Lake Nosbonsing Road, Village Road, Highway 94 and Big Moose Road or to the commercial node at the intersection of Highway 94, 17 and Johnson Road;
- C) Dwelling units for the resident owner/operator either as single detached units or attached to the commercial use, except for automobile service stations, shall also be permitted;
- D) Access points to and from Municipal roads or provincial highways shall be subject to appropriate design standards and access

controls of the public body having jurisdiction and shall be limited in number;

- E) Lighting poles and other surface utilities shall be carefully sited and advertisements or signs shall be in keeping with good design and highway safety practices in order to maintain the appearance and safety of the area;
- F) Adequate off-street parking and off-street loading facilities shall be provided;
- G) Adequate buffering shall be provided between the proposed commercial use and any adjacent residential uses. Such buffering in the form of a strip of land shall be devoted to no other purpose than landscaping;
- H) All commercial uses are subject to site plan control;
- I) Any commercial use is subject to the servicing policies of this Plan (see Section 4.19);and,
- J) Recognition shall be given to natural site amenities and other design principles in the siting of commercial uses such as:
 - i) Preserving existing vegetation, trees and topsoil and integrating these attributes with a landscaping plan;
 - ii) Matching the proposed building form to existing topography;
 - iii) Incorporating natural features into the design, (i.e., rock cuts, vistas, ridge lines, visual landmarks and landscapes);
 - iv) Clustering commercial uses in a node or in combination with small scale multiple use buildings;
 - v) Facilitating public access through barrier free design;
 - vi) Ensuring that the height, setback profile of the buildings and use are compatible with adjacent land uses; and
 - vii) Ensuring that waste disposal containers are screened.

4. Zoning

Commercial uses may be placed in one or more zones in the implementing Zoning By-law. Zoning categories are intended to reflect the locational criteria set out above as well as set out standards appropriate to the scale of development, (i.e., lot size, setbacks, lot coverage, parking, loading etc.).

5.2.6 Rural - Recreational Uses

1. Development Concept

Recreational uses and activities (e.g. walking and snowmobile trails, golf courses, etc.) are an integral component of the rural landscape and a source not only for leisure but are also an economic benefit to the municipality. East Ferris is emerging as a four season community and depends on the attributes of outdoor recreation in particular. The intent of the Plan is to recognize existing recreational uses and promote the development of new uses particularly where they take advantage of natural features and rural landscapes.

2. Development Criteria

The development of recreational facilities of an active or passive nature by either public or private persons or agencies shall be permitted in the Rural Designation and are in accordance with the following criteria:

- A) Proposed uses should be carefully designed to take advantage of natural features and rural landscapes and conserve existing vegetation;
- B) the lot area shall be large enough to accommodate the proposed use, on-site water and sewage disposal systems and to buffer the use from any adjacent sensitive land uses, (i.e., golf course, rifle range, adventure games, etc.).
- C) uses which are major traffic generators shall provide adequate off-street parking, designed access points and have direct frontage on and access to a year round maintained public road;
- D) while the locational criteria will vary depending on the type of private or public recreational use, care should be taken to establish linkages between complementary uses or activities, (i.e. recreational driving routes, snowmobile or multi use trails, water bodies etc);and,
- E) Residences as an accessory use may be permitted where the above development criteria can be met.

5.2.7 Rural - Waste Management Facilities

1. Scope of Use (see also Section 4.19.4)

Waste management facilities include active and defunct land fill sites identified on Land Use Schedule “E”, transfer stations, waste processing facilities, compost sites, hauled sewage or sewage disposal sites and sewage lagoons. Such facilities are not intended to include hazardous waste material disposal. Development which may generate the need for hazardous waste material disposal shall be required to demonstrate that sites elsewhere are licensed and available to receive such wastes before the development is approved.

2. Development Standards

In addition to compliance with the provisions of Section 4.19.4, waste management facilities may be permitted in the Rural Designation provided that:

- A) these facilities are zoned separately in the implementing Zoning By-law; and,
- B) the site of the facility is adequately buffered from adjacent land uses through the use of setbacks and planting or screening.

3. Recycling Depots

This policy shall not apply to recycling depots. Recycling depots are permitted in strategic locations in the Municipality to encourage the collection of recyclable materials and products.

5.2.8 Rural - Forest Management and Related Uses

It is the policy of Council to recognize the importance of forests as a sustainable resource within the Municipality.

Forest management and wood production activities shall be permitted and encouraged. Council will work with the Province and the forest industry to ensure that other resource attributes are considered and managed for their respective values. Council will encourage private property owners, including land owners with lesser capability agricultural lands, to develop forest management plans as a means to contribute to the quality of life and economic health of the community and to enter into Forest Management Agreements with the Province. The Municipality will also permit compatible land uses to forest management

practices and activities such as wildlife habitat improvement or ecosystem improvement and the active or passive use of forested areas for recreational activities such as cross-country skiing, picnicking and other recreational facilities and resource uses.

In recognizing the importance of the forest resource within the Municipality, it is a policy to both support and help coordinate the application of forest resource management techniques to ensure compatibility with harvesting, renewal and maintenance operations with other resource attributes, particularly wildlife and fish habitat.

5.2.9 Other Rural Uses

1. Kennels

As this use has the potential to create land use conflicts with adjacent land uses, it is the policy of Council to require an amendment to the Zoning By-law to control the location of kennels. The Zoning By-law may establish a minimum distance separation distance between a kennel and any adjacent land use which may be sensitive. A kennel is defined as an establishment that is associated with a veterinarian establishment or is operated as a commercial boarding or breeding facility.

2. Individual Recreational Vehicles and Recreational Vehicle Parks

A) Recreational Vehicle -Definition

Recreational Vehicles, which are also known as travel trailers, campers and trailers are for the purposes of this Plan, defined as follows: means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or is propelled by the motor vehicle and is capable of being used for the living, sleeping or eating accommodation of persons on a temporary, transient or short term basis, even if the vehicle is jacked up or its running gear is removed. Recreational vehicles are not intended to be a substitute for a permanent residential dwelling and shall only be used for temporary accommodation.

B) Recreational Vehicle Parks

Recreational vehicles, as defined above, shall only be permitted within a Recreational Vehicle Park or campground on land zoned for this purpose in the implementing Zoning By-law. Recreational Vehicle Parks shall be a permitted use in the Rural designation.

Recreational vehicle parks may be licensed by the Municipality under the authority of *The Municipal Act*.

In considering applications for amendments to the Zoning By-law to zone an area for a recreational vehicle park or campground, Council shall, amongst other matters, give consideration to the following development criteria:

- i) The type of facility proposed and what uses or facilities in addition to recreational vehicle sites are proposed (i.e. camping, picnicking, swimming);
- ii) The number of recreational vehicles and the duration of occupancy;
- iii) The location of the proposed site relative to the land use and other development policies in this Plan;
- iv) The appropriateness of the topography, soils and vegetative cover of the site relative to the proposed uses;
- v) The compatibility of the proposed use with existing and anticipated surrounding uses. The setting for these parks should include recreation oriented amenities, e.g., lake frontage, mature tree cover, proximity to wildlife, access to or proximity to recreational trails etc.;
- vi) The adequacy of existing or proposed roads to provide access for traffic and recreational vehicles to the site;
- vii) The proposed water supply and sewage disposal systems proposed shall comply with Section 4.19. A communal system may be considered as an option for servicing. Water usage and sewage disposal shall take into consideration provisions for shower, rest room and laundry facilities;
- viii) The adequacy of additional services to be provided such as hydro, telephone etc.;
- ix) Any additional facilities or uses proposed to be included such as eating facilities, retail commercial facilities, other commercial uses, recreational facilities, e.g., sports fields, community pavilions etc. Generally, such uses shall be planned and developed as accessory uses to the park;
- x) The adequacy of open space, parking facilities, buffering,

storage etc.;

- xi) The development plan prepared by the applicant shall illustrate the details of the layout of the proposed development including phasing and the ultimate plan; and,
- xii) The entering into of a Site Plan Control Agreement under *The Planning Act* (see Section 9.14).

C) Recreational Vehicles on Individual Lots

The intent of the Plan is to limit the storage, use and number of recreational vehicles on an individual lot not zoned for a Recreational Vehicle Park or Campground. The intent is to ensure that the use is temporary only and that the use and/or storage of recreational vehicles on the property does not detract from the rural character of the area.

D) Zoning

Provisions shall be made in the implementing Zoning By-Law to regulate recreational vehicle parks and individual recreational vehicles on lands outside of recreational vehicle parks.

5.2.10 Rural - Zoning

Permitted uses in the Rural Designation may be placed in as many zones as may be required to implement the policies established for the Rural designation. Zoning categories are intended to reflect the locational criteria set out above as well as to establish standards appropriate to the scale of rural development, (i.e. lot size, setbacks, lot coverage, parking, landscaping or buffering etc.).

5.3 Waterfront

5.3.1 Waterfront - Identification

The Waterfront designation generally includes those lands extending inland 150 metres (500 feet) from any standing waterbody greater than 8 hectares (20 acres) in area or any substantive river or other waterbody identified in this Plan except as further provided herein.

- a) Lands which physically or functionally relate to the Waterfront designation, although extending beyond 150 metres (500 feet) from the waterbody, will be

deemed to be within the Waterfront designation.

- b) Lands which do not physically or functionally relate to the Waterfront designation, although within 150 metres (500 feet) of the waterbody will be deemed not to be within the Waterfront designation.
- c) The Waterfront designation will not extend within any limit of a Village, Estate Residential, Extractive Industrial, Mobile Home Park or Salvage Industrial designation.

5.3.2 Waterfront - Development Concept

East Ferris is endowed with two major water bodies-Trout Lake and Lake Nosbonsing. These water bodies have attracted substantial residential and recreational development over the years and are largely developed. This development, in turn, has had an impact on water quality. Most development in this designation is redevelopment rather than new vacant lot development. This designation is not expected to contribute significantly to the future housing requirements of the Municipality

This Plan recognizes that these lakes play an important role in the rural settlement pattern of the Municipality as well as provide opportunities for commercial recreational activities. This capability is primarily based on the interpretation of Canada Land Inventory land capability classification for outdoor recreation foremost of which is lodging. The intent of this Plan is to ensure that new development and redevelopment is controlled so that over the long term water quality will improve and the attributes and amenities of these lakes are conserved. Limited new development is anticipated and will be based on the ability of the land and water areas to accommodate the impacts of waste disposal and water oriented recreational activities on the natural environment.

The reader of this Plan should consider the policies of the Waterfront designation and the Lake Specific Protection Policies of this Plan for Trout Lake and Lake Nosbonsing..

5.3.3 Waterfront - Permitted Uses *[Approval Withheld]*

1. Scope of Uses

The Waterfront designation of land will mean that the predominant use of land shall be for permanent residential dwellings, seasonal dwellings and recreational oriented commercial uses.

2. Physical Constraints

This Plan should not be interpreted as allowing the complete development of the entire area designated for Waterfront uses. Certain areas may be entirely unsuitable for development due to poor drainage or impermeable bedrock, while others may have development constraints such as thin soil cover over bedrock.

3. Zoning

The implementing Zoning By-Law shall recognize the existing zoning of lands for the permanent dwellings on public roads (in existence on January 11, 1989) within the Lakefront Residential (RL) Zone. In addition the Zoning By-Law shall establish criteria for properties on private roads and island properties set out in Section 5.3.4.4. The By-Law shall also provide zoning standards for new lots created in accordance with Section 9.15.2(18) (b) of this Plan.

Zoning Standards that reflect the locational criteria set out in Sections 5.3.3 through 5.3.8 shall also be established.

5.3.4 Waterfront - Residential Uses

1. Subdivisions and Condominium

New residential subdivisions and condominiums should be designed so as to avoid the complete development of the shoreline with a single row (tier) of lots. A comprehensive design of larger areas shall be encouraged, ensuring that where appropriate, adequate provision has been made for the development of park and/or recreational facilities as well as public access to water.

Where the developer is unable to provide direct access to the waterfront and deed shore land for public open space purposes, as part of the 5% park land conveyance, Council shall assess the possible impact of the proposal on existing facilities in the area. Where deficiencies exist and these can be alleviated through co-operation with the developer either on site or in a nearby location oriented to the water, favourable consideration may be given to such plan of subdivision.

2. Development Criteria

The following development criteria shall apply in considering applications for subdivisions and condominiums in the Waterfront designation:

- A) The need for the proposed subdivision based on substantiating the housing supply and demand (see also Section 4.10);

- B) The physical suitability of the land for the proposed use with respect to the susceptibility of the site to flooding or erosion, the suitability of the site for building purposes and, in the case of a site abutting a narrow water body or channel, the capability of the water body to accommodate accessory boat houses, docking facilities and shoreline structures (see also Section 4.2.3) without interfering with boat traffic and safe navigation;
- C) The lake development capacity;
- D) The compatibility of the proposed subdivision with adjoining uses and the effect of such development on the surrounding area;
- E) The lot size which shall be a minimum of 1 hectare (2.47 acres) with a minimum corresponding lot frontage of 60 metres (196.85 feet);
- F) The requirements for servicing set out in Section 4.19 shall be met;
- G) The subdivision shall have frontage on and direct access to a year round publicly maintained road. Development of subdivisions on islands shall only be permitted where Council is satisfied that there is public access on the main land, that there is adequate parking for each lot in the subdivision, that there is adequate boat docking and that provision is made for garbage removal and disposal; and
- H) Subdivisions and Condominiums shall have regard to the policies of Sections 5.3.7 – Lake Specific Protection Policies, and where there is a conflict, the more stringent standards shall apply.

3. Single Lot Development

Single lot development for seasonal or permanent residential uses may be permitted subject to meeting the requirements of Sections 4.19, 5.3.7 and Section 9.16.2 of this Plan. Lot size shall be a minimum of 0.81 hectare (2.00 acres) with a corresponding frontage of 60 metres (196.85 feet) unless more stringent standards apply. The general design principles set out in Section 5.3.4 (2) above shall apply for mainland or island development and in addition, natural vegetation and amenities shall be conserved.

4. Limited Services Residential

Council acknowledges that there is existing development on private roads and water access islands. Council acknowledges that there are limited

municipal services available to properties located on private roads and water access islands (e.g. no road maintenance, snow removal, door to door garbage collection and limited emergency services, etc.). Council does not maintain private roads and will not assume the private road or provide maintenance services on private roads within the Municipality.

5. Second Units

Second residential units within a residential dwelling shall not be permitted within the Waterfront designation.

6. Recreational Vehicles

Recreational vehicles shall be permitted in accordance with the above policies and the policies of Section 5.2.9.2 of this Plan.

5.3.5 Waterfront – Commercial *[Approval Withheld]*

1. Permitted Uses

Commercial uses permitted in the Waterfront Designation shall include fishing and hunting camps, lodges, housekeeping cabins and cottages together with retail and service uses accessory to such uses and located on the same property or an adjacent property, recreational vehicle parks, private or public camps together with retail and service uses accessory to such camps and located on the same or an adjacent property, private clubs (other than water ski, power boat, motor car, motor cycle or shooting clubs) and other commercial uses associated with recreation including retail and service uses, marinas, boat sales, rental and servicing.

Accessory uses shall include an attached or detached single dwelling unit for the resident owner/operator.

2. Development Criteria

It is the intent of this Plan to permit recreation oriented commercial facilities to locate in the Waterfront designation subject to the following criteria:

- A) That the site has a minimum frontage of 150 metres (492.1 feet) when located on a lake or a minimum frontage of 60 metres (196.8 feet) when located on a public road and no portion of the site abuts a lake;

- B) That the need for the proposed commercial use is justified in the area in question, e.g., by providing marketing evidence or a business plan;
- C) That such uses are permitted only by an amendment to the Zoning By-Law;
- D) That adequate buffering shall be provided between the commercial use and nearby residential areas. The land in such a buffer area shall be devoted to no other purpose than landscaping;
- E) That adequate provision shall be made for boat docking, garbage disposal and off-street parking of vehicles generated by the proposed use;
- F) That on-site servicing complies with Section 4.19.;
- G) That facilities for the sale of gas and oil and for the fuelling of marine craft shall be provided at a separate pier or dock area from where other craft are docked and meet the requirements of the Gasoline Handling Code or Propane Code;
- H) That lighting poles and other surface utilities shall be carefully sited and advertisements or signs shall be well designed in order to maintain the appearance and amenity of the area; and,
- I) That the applicant enter into a Site Plan Control Agreement under the *Planning Act* (see Section 9.14).

3. Existing Uses

Existing waterfront commercial uses may be zoned to permit such uses to continue in their established location.

4. Recreational Vehicles

The provisions of Section 5.2.9 (2) shall apply to development including recreational vehicles in the Waterfront designation.

5.3.6 Waterfront - Public Recreational Uses

1. Permitted Uses

The development of recreational facilities of an active or passive nature by the Municipality or other public agencies shall be permitted in the

Waterfront designation provided that such recreational uses do not provide for seasonal or permanent residential facilities.

2. Development Criteria

The following development criteria shall apply:

- A) Adequate public access to the water must be provided;
- B) Adequate parking and access from a public road must be provided;
- C) The development shall be compatible with adjacent uses and where necessary, adequate screening shall be provided between recreational uses and adjacent residential development; and
- D) The lot size and frontage is adequate for the intended use.

5.3.7 Waterfront - Lake Specific Protection Policy *[Approval Withheld]*

1. Introduction

Council recognizes that both Lake Nosbonsing and Trout Lake are valuable recreational and environmental resources and as such should be protected from development that might cause further deterioration of their water quality. This Plan further recognizes that the Municipality of East Ferris has an obligation to adjacent municipalities who share the lakes with them as well as the existing residents and tourist camp operators located on these lakes, to protect the lakes by advocating a sensible land use policy for the use of the shore land and surrounding environment. (Reference should also be made to Sections 4.2.3 - Shoreline Structures, 4.19 - Sewage Disposal and Water Supply, 5.3.4(4) Limited Services Residential and Section 6 - Natural Heritage Features of this Plan for policies which supplement the policies of this Section of the Plan.)

5.3.7.1 Lake Specific Protection Policy - Trout Lake

1. General

Numerous studies of Trout Lake have been conducted over the years. Two landmark studies of Trout Lake and its watershed have been completed to determine lake and watershed management strategies. The "*Trout Lake Watershed Management Study*" was completed for the North Bay-Mattawa Conservation Authority in conjunction with the Municipality of East Ferris and the City of North Bay in 1989. The "*Trout Lake Pollution*

Control Plan" was completed by the City of North Bay in conjunction with the Ministry of the Environment and Climate Change in 1990. Planning policies for Trout Lake and its watershed are based generally on information provided by these two studies.

Council recognizes that Trout Lake is a valuable community resource in that it is the sole source of drinking water for the City of North Bay as well as for private systems which draw their water directly from the lake. The key element in a multi-barrier approach to providing safe drinking water for all users is source protection, involving the development and enforcement of effective lake and watershed assessments, protection policies and programs. This water body is a significant recreational resource at the fringe of the urban area which offers unique opportunities not found in such close proximity to most Canadian communities. The shoreline of this water body has a special aesthetic appeal for the development of seasonal and permanent residential uses, and the general population wishes to see that special care is taken through strict lake and watershed development controls to maintain or improve its existing level of water, aesthetic and fishery quality.

Further, Council recognizes that Trout Lake is an intricate system of living and non-living components which represents a highly valued community resource. The lake is oligotrophic, which means that it is a fragile resource which is highly sensitive to disturbances in the watershed due to human activity. It is imperative that individuals living near or using Trout Lake continue to act responsibly to minimize the impact of their activities on the shoreline, lake water quality and the fishery. It is also important for the shoreline and watershed property owners to note that individual actions taken on their land, whether by development or redevelopment have an impact on the quality of water in the Trout Lake ecosystem.

The cooperation of property owners is essential to maintain and improve water quality, lake aesthetics, fisheries and other benefits upon which the community depends. The largest potential impact to the lake may come from redevelopment of existing lots and parcels of record which are undersized or do not meet current development standards including required setbacks and vegetative buffer zones.

Phosphorus is recognized as the basic nutrient that causes eutrophication in Trout Lake. Eutrophication is the main threat to water quality. Eutrophication is at least partially controllable through planning policy.

Council recognizes that all lands located within the Trout Lake watershed are connected to Trout Lake by surface and ground water drainage and that all uses in the watershed directly or indirectly influence Trout Lake.

It is the intent of Council that this Plan strictly control or limit the nature and extent of development along the shoreline of Trout Lake, including second tier or back lot development, development on islands in Trout Lake, development along watercourses flowing into Trout Lake and development in the Trout Lake watershed in general. It is the objective of these controls to maintain or improve the existing level of water quality, aesthetic and recreational quality to improve the lake's fishery. It is also the objective of these controls to minimize the disturbance of shoreline ecosystems and where there are adverse effects from development, to restore natural ecosystem functions. While maintaining this commitment to protecting the water quality of Trout Lake, limited residential development or the commercial equivalent will be permitted based on the exercise of appropriate controls on the siting of buildings and structures, including tile beds, and the use of the best available technology for phosphorus removal.

It is also the intent of Council to establish a water quality objective for Trout Lake to identify the limits beyond which additional development along the shoreline and designated watercourses of Trout Lake will not be permitted. The objective shall consist of a water quality level for phosphorus and shall consist of a water quality level for dissolved oxygen to protect water quality and maintain the habitat necessary for the survival of lake trout. Should these levels be exceeded, the policies contained in this Plan pertaining to development in the Trout Lake watershed will be immediately reviewed. Based on previous water quality analysis (1999), the creation of approximately 20 new lots along the shoreline of Trout Lake or the bank of any designated watercourse flowing into the lake as identified on Schedule "D" and the development or redevelopment of existing parcels of record may be allowed, subject to the development controls and policies set out in this Plan. The Municipality will maintain a record on lots created in accordance with this policy. It is anticipated that there will be no adverse effect on the water quality of Trout Lake.

The Trout Lake watershed has been identified with an overlay designation as illustrated on Schedule "D". The overlay designation provides an additional level of protection to these areas. The uses permitted shall be those permitted by the underlying land use designation provided that the use also complies with the policies of the overlay designation. Whenever a policy in this Section conflicts with another policy contained in this Plan, the more stringent policy shall govern and apply unless specifically stated otherwise.

Portions of certain watercourses which flow into Trout Lake have been designated separately on Schedule "D". This designation has been

applied to those portions of watercourses with significant potential for impact on the water quality of Trout Lake. Lands with frontage on a designated portion of such watercourses will be treated in the same manner as those lands which front directly on the shores of Trout Lake, with the exception that second units may be permitted beyond 60 metres of the bank of a designated watercourse flowing into Trout Lake

Council recognizes that Drinking Water Source Protection is important for the protection of Trout Lake. This plan will be amended to reflect the changes required through the Drinking Water Source Protection Plan.

2. Development Policies for Trout Lake

Consideration may be given to development proposals for lands within the Trout Lake watershed provided that such proposals are consistent with the following;

A) Water Quality Objectives

The creation of new lots where the on-site subsurface sewage disposal tile bed would be situated within 300 linear meters (984.3 ft.) of Trout Lake or the bank of a designated watercourse flowing into Trout Lake as identified on Schedule "D" will be permitted provided that the water quality objective for Trout Lake is not exceeded.

The minimum water quality objective for Trout Lake is to maintain a measured average long term ice free phosphorus concentration below 7.0 mg/L and to maintain a measured mean (average) hypolimnetic dissolved oxygen concentration above 8 mg/L.

B) Monitoring

Monitoring of the water quality of Trout Lake will be carried out on an ongoing basis by the appropriate agency in association with other partners in lake protection. In order to provide useful historical sampling data for effective management of the lake, Council shall continue to cooperate with other partners and commit reasonable resources to the tasks of a regular water quality sampling of Trout Lake.

C) Lot Creation Quota

The creation of new residential lots shall be phased over a period of time as follows: a maximum of 5 new lots will be permitted in each year (from 1999) to a maximum of 20 lots (subject to meeting the minimum lot size requirements). Should either of the measured water quality objectives for phosphorus or dissolved oxygen be exceeded or there is a clear trend indicating that they will be exceeded, then no new lots shall be created along the shoreline and designated watercourses of Trout Lake.

D) Lot Size and Frontage

The minimum lot size for new lot creation shall be 0.81 hectares (2.00 acres) and the minimum lot frontage shall be 60 metres (196.85 feet) In conjunction with the requirements of Section 4.19 of this plan. Lots shall be properly proportioned, e.g., have sufficient depth, to accommodate the safe installation of a sewage disposal system.

E) Setbacks

It is the intent of Council to generally prohibit the creation of new lots where the setback for on-site subsurface sewage disposal beds from the shoreline of Trout Lake or the bank of the designated portion of a watercourse flowing into Trout Lake is less than 60 metres (196.8 feet).

On existing lots of record, the minimum setback for on-site subsurface sewage disposal tile beds from the shoreline of Trout Lake or the bank of a designated watercourse flowing into Trout Lake as identified on Schedule "D" shall be 60 linear metres (196.8 feet). Minor variances to the minimum setback for on-site subsurface sewage disposal beds may be considered provided such applications are accompanied by a report prepared by a competent professional engaged in the science and design of subsurface sewage disposal systems that clearly indicates that a minor variance is justified, but in no case shall a minimum setback of less than 30 metres (98.4 feet) be approved for development of a vacant existing lot.

In "emergency" situations, on existing lots containing development, existing on-site subsurface sewage disposal tile beds less than 30 metres (98.43 feet) setback, may be replaced provided the replacement system is no closer to the shoreline and is not increased in size to accommodate additional development. For the purposes of this section, an "emergency" situation is defined as a

failed or failing septic system as determined by the North Bay-Mattawa Conservation Authority.

F) Non-Residential Uses

Any application for a non-residential use within 300 metres (984.2 feet) of Trout Lake shall be reviewed in consultation with the North Bay-Mattawa Conservation Authority. No agricultural uses shall be permitted in the Waterfront Designation.

Further to Section 5.3.7.1(2)(C) above, non-residential lots may be created provided the impact on the water quality objectives is not greater than the equivalent number of residential lots. Where non-residential lots are created, this equivalent number shall be deducted from 20 or whatever residual number of lots remains on the date the application is accepted by the municipality.

G) Phosphorus Removal Technology

All new development within 300 metres (984.3 feet) of Trout Lake shall utilize a sewage disposal system which incorporates the best available technology for nutrient removal as approved by the Province.

H) Consents

Consents for lots within the Trout Lake watershed shall be reviewed in accordance with the policies contained in Section 9.15.2 of this Plan.

I) Plans of Subdivision and Condominium

Applications for plans of subdivision or condominium of five or more lots or dwelling units within the Trout Lake watershed shall be accompanied by a Servicing Options Study and a Hydrogeological Report of the environmental implications associated with the proposed development.

The Hydrogeological Report will describe the prevailing hydrogeological conditions with regards to subsurface soil and groundwater conditions, available recharge, water quality and flow patterns. The hydrogeological report will also determine the anticipated impacts of the proposed services on the shallow groundwater regime and on the adjacent lake or water courses.

The proposed creation of these new lots or dwelling units will only be considered where there is no significant adverse effect on the water quality and where the net increase in potential phosphorus export from the existing land use is less than 0.75 kg (1.6 lb.) per lot or dwelling unit per year (see also Sections 4.19, 5.3.7.1(2)(A) and 9.15).

J) Vegetative Buffer

It is the intent of Council to require the establishment and/or retention of a natural vegetative buffer on lands within 15 metres of the shoreline of Trout Lake or a designated inflowing watercourse. In situations where the natural vegetative buffer will be reduced to accommodate the expansion of an existing building, the replanting of an area equivalent or greater than the area required for the expansion, will be required.

K) Management Controls

The above policies will remain in effect until effective management controls are in place. Effective management will be achieved when predicted average nutrient loadings will maintain or reduce existing nutrient levels in Trout Lake. This shall occur under a scenario where all existing lots of parcels of record are developed and a steady state nutrient loading is occurring.

5.3.7.2 Lake Specific Protection Policy - Lake Nosbonsing

1. General

Council recognizes that Lake Nosbonsing is a major resource for the Municipality of East Ferris as it supports extensive recreational and tourism uses and opportunities as well as a large number of seasonal and permanent residences. Council further recognizes that all lands located within the Lake Nosbonsing Watershed are connected to Lake Nosbonsing by surface and groundwater drainage and that all uses in the watershed directly or indirectly influence Lake Nosbonsing.

Planning policies for Lake Nosbonsing are based on recommendations outlined in the "*Lake Nosbonsing Watershed Management Study, 1993*".

Council recognizes that Lake Nosbonsing is a productive lake ecosystem which is a highly valued community resource. Much of the Lake is mesotrophic which means that it can support a highly productive recreational fishery and provides other recreational opportunities to residents. The western basin of the lake is eutrophic, which means that

the recreational opportunities are lower and that the fishery may be at risk. It is imperative that individuals living near or using Lake Nosbonsing continue to act responsibly to minimize the impact of their activities on the shoreline, the lake water quality and the fishery. In addition, it is necessary that measures be introduced to reduce current loadings of phosphorus into the watershed.

It is the intent of Council to ensure that special care is taken through lake and watershed development controls to maintain or improve the existing level of water, aesthetic and fishery quality of Lake Nosbonsing. While maintaining a commitment to protecting the water quality of Lake Nosbonsing, limited development will be permitted based on the exercise of appropriate controls on the siting of buildings and structures, including tile beds, and the best use of available technology for phosphorus removal.

Stewardship of the shoreline ecosystem as a resource is a mutual responsibility of the property owner and the municipality or the Crown. This means that the shoreline should be left in its natural state as much as is possible in order to conserve the importance of the ecological functions of both aquatic and terrestrial flora and fauna.

With the exception of the East Basin of Lake Nosbonsing which has some very limited additional capacity for shoreline development, the creation of new lots along the shoreline of the Lake would cause phosphorus levels to exceed acceptable water quality standards.

The division between the East Basin and West Basin of Lake Nosbonsing has been identified on Schedule "D" as the "*East-West Basin Division*". The division has been identified to indicate those parts of Lake Nosbonsing where different development policies will apply in recognition of differences in existing levels of water quality.

Portions of certain water courses which flow into Lake Nosbonsing have been designated separately on Schedule "D". For the purpose of this Plan, the division between the East Basin and the West Basin of Lake Nosbonsing is more particularly described as the height of land on Shield's Point or the south shore respectively, which divides the flow of surface/ground water between the two basins. This designation has been applied to those portions of watercourses with significant potential for impact on the water quality of Lake Nosbonsing.

Council recognizes that Drinking Water Source Protection is important for the protection of Lake Nosbonsing. This plan will be amended to reflect the changes required through the Drinking Water Source Protection Plan.

Second units shall not be permitted within 300 metres of the bank of a designated watercourse flowing into Lake Nosbonsing identified on Schedule D.

2. Development Policies for Lake Nosbonsing

Consideration may be given to development proposals for lands within the Lake Nosbonsing watershed provided that such proposals are consistent with the following;

A) Lot Creation

On the West Basin of Lake Nosbonsing, West of Shield's Point, which is currently at capacity for development, no new lots can be created unless the on-site subsurface sewage disposal tile beds are setback a minimum of 300 linear metres (984.3 feet) from the shoreline of the Basin.

On the East Basin of Lake Nosbonsing, East of Shield's Point, no new lots shall be created unless the on-site subsurface sewage disposal tile beds are setback a minimum of 60 linear metres (196.8 feet) from the shoreline of the Basin or the bank of a designated watercourse identified on Schedule "D" to this plan.

The delineation of the East and West Basins of Lake Nosbonsing is depicted on Schedule "D".

These restriction shall remain in effect until such time that technologies which can effectively reduce impacts on the water quality of the Basin to an acceptable limit are available, proven and implemented (this restriction also applies to the establishment of additional residential units). New lot creation permitted in accordance with one of the above circumstances shall also comply with the requirements of Sections 4.19, 5.3.7.2 and 9.15 of this Plan.

B) Lot Size and Frontage

The minimum lot size for new lot creation along the shoreline of Lake Nosbonsing shall be approximately 0.81 hectares (2.00 acres) and the minimum lot frontage shall be 60 metres (196.85 feet) in conjunction with the requirements of Section 4.19 of this Plan. Lots shall be properly proportioned, i.e., have sufficient depth to accommodate the safe installation of a sewage disposal system in

accordance with the setback provisions of A) above and a drilled well.

C) Setbacks

It is the intent of Council to generally prohibit the creation of new lots where the setback for on-site subsurface sewage disposal tile beds from the shoreline of the East Basin of Lake Nosbonsing, east of Shield's Point, is less than 60 linear metres (196.8 feet).

On existing lots of record, the minimum setback for on-site subsurface sewage disposal tile beds from the shoreline of Lake Nosbonsing or the bank of the designated watercourse flowing into Lake Nosbonsing shall be 60 linear metres (196.8 feet). Minor variances to the minimum setback for on-site subsurface sewage disposal tile beds may be considered provided such applications are accompanied by a report prepared by a competent professional engaged in the design of subsurface sewage disposal systems that clearly indicates that a minor variance is justified, but in no case shall a minimum setback of less than 30 linear metres (98.4 feet) be approved for development of a vacant existing lot.

In "emergency" situations on existing lots containing development, existing on-site subsurface sewage disposal tile beds less than 30 metres (98.43 feet) setback, may be replaced provided the replacement system is no closer to the shoreline and is not increased in size to accommodate additional development. For the purposes of this section, an "emergency" situation is defined as a failed or failing septic system as determined by the North Bay-Mattawa Conservation Authority.

E) Non-Residential Use

Any application for a non-residential use within 300 metres (984.2 feet) of Lake Nosbonsing shall be reviewed in consultation with the North Bay-Mattawa Conservation Authority.

F) Consents

Consents for lots within the Lake Nosbonsing watershed shall be reviewed in accordance with the policies contained in Section 9.15.2 of this Plan.

G) Plans of Subdivision and Condominium

Applications for plans of subdivision or condominium of five or more lots or dwelling units within the Lake Nosbonsing watershed shall be accompanied by a Servicing Options Study and a Hydrogeological Report of the environmental implications associated with the proposed development. The Hydrogeological Report will describe the prevailing hydrogeological conditions with regards to subsurface soil and groundwater conditions, available recharge, water quality and flow patterns.

The hydrogeological report will also determine the anticipated impacts of the proposed services on the shallow groundwater regime and on the adjacent lake or water courses. The proposed creation of these new lots or dwelling units will only be considered where there is no adverse effect on the water quality and where the net increase in potential phosphorous export from the existing land use is less than 0.75 kg (1.6 lbs) per lot or dwelling unit per year (see also Sections 4.19, 5.3.7.2(2)(A) and 9.16.1).

H) Vegetative Buffer

It is the intent of Council to require the establishment and/or retention of a natural vegetative buffer on lands within 15 metres of the shoreline of Lake Nosbonsing or a designated watercourse. In situations where the natural vegetative buffer will be reduced to accommodate the expansion of an existing building, the replanting of an area equivalent or greater than the area required for the expansion, will be required.

I) Management Controls

The above policies will remain in effect until effective management controls are in place. Effective management will be achieved when predicted average nutrient loadings will maintain or reduce existing nutrient levels in Lake Nosbonsing. This shall occur under a scenario where all existing lots of parcels of record are developed and a steady state nutrient loading is occurring.

5.3.7.3 Lake Specific Protection Policy - Lake Nosbonsing Wetlands

1. General

The Shoreline wetlands of Lake Nosbonsing are critical components of the

lake's ecosystem. They serve as rearing areas for fish, refuges for wildlife, traps for nutrients from inflowing streams and to maintain special vegetative communities that contribute to landscape quality. Major wetlands bordering Lake Nosbonsing include Astorville Wetland Complex, the Depot Creek Wetland, the South Shore Road Wetland and the Quae Quae Wetland Complex

The above noted Lake Nosbonsing Wetlands have been designated on Schedule "D".

2. Development Policies

Within the Lake Nosbonsing Wetlands, development shall be restricted to open space, forestry and agricultural uses, excluding structures and development which requires major land form modification. (See also Section 6)

5.3.8 Waterfront Implementation

5.3.8.1 Zoning

Permitted uses in the Waterfront designation may be placed in as many zones as may be required to implement the policies established for the Waterfront designation. Zoning categories are intended to reflect the locational criteria set out above as well as to establish standards appropriate to the scale of development, (e.g., lot size, setbacks, lot coverage, parking, landscaping or buffering etc).

5.3.8.2 Site Plan Control

1. Area of Application

All lands within the Waterfront Designation shall be designated as a Site Plan Control Area (see also Section 9.14).

2. Application Requirements

Prior to the Submission of an application for Site Plan Control, proponents are required to consult with Municipal staff regarding their application. When an application is received for the development or redevelopment of

a lot or parcel of record or for the disposition of a shoreline road allowance within the Site Plan Control Area, the application shall be complete and shall be accompanied by a site plan which shows:

- A) The location of all existing or proposed buildings, structures, accessory buildings, wells and sewage disposal systems with an indication of accurate dimensions and setback distances from lot lines and from an abutting watercourse or lake; and
- B) The approximate location of all natural and artificial features on the subject land (i.e. roads, drainage ditches, watercourses, banks, slopes, wetlands, wooded areas etc.).

3. Site Plan Control Guidelines

The application will be reviewed against a set of Site Plan Control Guidelines. The Site Plan Control guidelines shall determine if additional studies are necessary to support the application and a Site Plan Control agreement.

The Site Plan Control guidelines will provide Municipal staff with checklists and explanatory text in order to develop appropriate Site Plan Controls respecting the following where needed:

- A) The siting of septic system components;
- B) The siting of water supplies particularly drilled or dug wells;
- C) Proposed site drainage;
- D) House and/or building siting;
- E) Requirements for the protection, conservation and/or revegetation;
- F) Site grading and replacement of fill; and,
- G) A bond may be requested and held by the Municipality to ensure the works are completed to the satisfaction of the Municipality. The bond shall be released to the owner once the works have been completed.

4. Natural Vegetative Buffer

When a Site Plan Control Agreement is required, for development or redevelopment on lands within the Waterfront designation or on a

designated watercourse, a natural vegetative buffer of not less than 15 metres adjacent to the shoreline or watercourse shall be identified on the site plan. The cutting or removal of trees, shrubs or ground cover will not be permitted within the natural vegetative buffer except for the removal of dead or diseased trees, debris or noxious plants or where a landscaped corridor not greater than 9 metres (29.5 feet) in width is required for access between the dwelling and shoreline. Council may require that a professional competent in shoreline landscaping be engaged to prepare a shoreline vegetation management plan suitable for conserving and sustaining the natural environment.

5. Site Plan Control - Additional Information

Where deemed necessary, in accordance with the Site plan Control guidelines, Council, or its designate, may require additional site information, which may include:

- A) A soils report which identifies site soil characteristics including soil type, depth, leaching characteristics, depth to water table, and mitigation measures for any soil deficiency related to a proposed use. The soils report may also address slope stability and erosion concerns based on the nature of the proposal and existing site conditions. This report should be verified by a soils analyst or consultant with demonstrated competence in soils analysis. This study should be sent to the North Bay-Mattawa Conservation Authority for review and comment;
- B) A groundwater or surface water quality impact study which shows the impact of the proposed use on water quality and how this impact can be effectively be minimized;
- C) A fisheries habitat assessment of the existing shoreline or stream with recommendations on how the existing habitat conditions can be preserved and/or enhanced; and,
- D) A screening plan showing how the proposed uses will be screened from view or how the existing aesthetic landscape of the waterfront will be preserved or enhanced.

5.3.8.3 Septic Pump Out By-laws

It is recognized that the potential impact to the water quality of Trout Lake and Lake Nosbonsing from private sewage disposal systems can be reduced by the periodic pumping out of septic tanks to remove solids. It is the intent of Council to regulate its municipal by-law which requires the septic tank of every private

sewage disposal system on any lot which fronts on Trout Lake or Lake Nosbonsing or a designated watercourse flowing into those lakes to be pumped out on a regular basis as set out in the said by-law. Council will continue to monitor the impacts of septic tanks on water quality in both lakes.

5.4 Village

5.4.1 Village - Development Concept

The three Villages of Astorville, Corbeil and Derland are small low density urban-like areas characterized by a mix of residential, commercial and institutional land uses. While these centres have been built-up over time, significant vacant lots and blocks of land still remain. The intent of the Plan is to provide for a sustainable development pattern in the Villages that will ensure the protection of the environment so that public services (water and sewer) will not be necessary and will therefore not burden the taxpayers of the community. The reconfiguration of lots forming part of the original village surveys can occur through consent, lot additions and deeming by-laws in a manner that will provide for sustainable private servicing and intensification of these communities. This may not preclude the installation of communal services in accordance with Section 4.19.2 of this Plan. Residential development will occur on existing vacant (building) lots while larger blocks of land are expected to be developed by Plan of Subdivision. It is forecasted that 20 % of the future housing supply will be met through residential development in the Villages.

The Municipality may acquire and develop land as a way to stimulate residential development within the Villages.

Given their urban-like character, the buildup of commercial and institutional uses in the Villages will be encouraged. These non-residential uses are intended to be located with access to major roads designed to handle larger traffic volumes.

5.4.2 Village - Application of Designation

The Village designation applies to the Villages of Astorville, Corbeil and Derland as shown on Schedule 'A' to this Plan.

5.4.3 Village - Permitted Uses

The predominant uses of land in the Village shall be residential including groups homes, commercial, limited industrial, institutional and public service uses. Agricultural uses shall not be permitted in the Village.

5.4.4 Village - Residential Uses

1. Permitted Uses

The permitted uses shall include various types of low density residential uses (single detached and second units), medium density residential uses (townhouses and small block apartments) in developments of not more than three storeys in height and not more than 30 dwelling units in a building or group of buildings, home based businesses, and public service and institutional uses.

2. Form of Development

The development of the Villages through an internal lotting pattern developed primarily by plan of subdivision shall be the preferred form of development rather than strips along the main roads. In the design of the built-urban form, provision shall be made in appropriate locations to reserve access points from the main road to allow the development of an internal road and lotting pattern behind the existing development.

3. Lot Size, Frontage and Density

The minimum lot size for a residential use shall be 0.81 hectare (2.00 acres) with a frontage of 60 metres (196.85 feet).

For multiple unit development or subdivisions, this lot size may be changed subject to meeting the servicing requirements of Section 4.19.

4. Parkland

Council shall ensure that adequate parkland or Cash-in-Lieu is provided for residential development as outlined in Section 4.14.

5. Zoning

Residential uses shall be placed in appropriate residential zone classifications through the implementing zoning by-law. Zoning categories are intended to reflect the development criteria set out above as well as to establish standards appropriate to the scale of urban development, (e.g., lot size, setbacks, lot coverage, parking landscaping or buffering etc).

6. Servicing

All residential development shall meet the same servicing requirements as stipulated in Section 4.19.

7. Subdivision Agreement

The developer of any new plan of subdivision shall enter into a subdivision agreement with the Municipality to implement any and all the conditions of approval set out by the public body having jurisdiction (See also Section 9.15.1).

8. Development by Consent

Where development is on an individual lot basis, regard shall be had to the policies of Section 9.15.2. Lot sizes should be reasonably consistent with those of surrounding lots to optimize the use of land and to provide for a compatible settlement pattern.

9. Site Plan Control

Site Plan Control shall apply to residential buildings of five or more units. (See also Section 9.14)

5.4.5 Village - Commercial Uses

1. Permitted Uses

Permitted uses shall include commercial service and retail uses oriented to the needs of local residents and to the needs of the travelling public and tourists.

Examples include, but are not limited to, grocery stores, hardware stores, or other convenience retail use, personal or commercial service uses such as hairdressers or shoe repair operations, hotels, motels and eating establishments. Other permitted uses may include accessory residential uses, tourist accommodation uses, automobile service stations and public service uses.

2. Form of Development

New commercial development shall be integrated with existing commercial uses by giving consideration to such design principles as:

- A) Clustering commercial uses to create an urban core;
- B) Designing the road pattern and access points for the safe and efficient movement of vehicular traffic both on and accessing the site;

- C) Ensuring adequate setbacks and compatibility with adjacent residential uses; and
- D) Providing aesthetic guidelines: e.g. landscaping, layout of buildings, parking areas, waste disposal areas, lighting etc.

3. Zoning

Commercial uses shall be placed in appropriate zone classifications in the implementing zoning by-law. Zoning categories are intended to reflect the development criteria set out above as well as to establish standards appropriate to the scale of urban development, e.g. lot size, setbacks, lot coverage, parking landscaping or buffering etc.

4. Servicing

All commercial development shall meet the servicing requirements of Section 4.19.

5. Site Plan Control

Site Plan Control shall apply to commercial uses. (See also Section 9.14)

5.4.6 Village - Industrial Uses

1. Development Concept

The intent of this Plan is to provide opportunity for business development of an industrial nature in locations in the Villages where they can be compatibly integrated into the land use pattern. Industrial development will be limited to Class I and II industries and will generally be directed to larger parcels of land suitable to accommodate parking, shipping and receiving, storage, buffering and expansion. Industrial uses may be located adjacent to commercial uses in a mixed use pattern.

Council may elect to establish a specific land use designation for industrial uses as a means of development control and to ensure compliance with the development criteria set out below.

2. Permitted Uses

The scope of the uses permitted may include service type industries, value-added industries, manufacturing and assembly industries. Markets may be local consumption or be export oriented. Such uses may include a retail outlet.

For the purposes of defining the scope of industrial uses, the following two classifications shall be used as guidelines:

A. Class I Industrial

Includes light industrial uses defined as a place of business for a small scale, self-contained plant or building which produces/stores a product which is contained in a package and has low probability of fugitive emissions, e.g., noise, dust, odour and/or vibration. These are daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage. Examples include electronics manufacturing, furniture repair, auto parts supply, packaging, crafting services and storage units.

The Recommended Separation Distance from sensitive land uses shall be 70 metres measured from the property line. In the event that the Recommended Separation Distance cannot be met and encroachment into the area of influence will occur, technical studies are required. A lesser separation distance may be acceptable to a minimum of 20 metres provided it is supported by the technical studies.

B. Class II Industrial

Includes a place of business for medium scale processing and manufacturing with outdoor storage of wastes or materials and periodic outputs of minor annoyance. There are occasional outputs of either point source or fugitive emissions of noise, odour, dust and/or vibration and low probability of fugitive emissions. Shift operations are permitted and there is frequent movement of products and/or heavy trucks during daytime hours. Examples include a feed packing plant, paint spray booths, dry-cleaning services, electrical production manufacturing.

The Recommended Separation Distance from sensitive land uses shall be 300 metres measured from the property line. In the event that the Recommended Separation Distance cannot be met and encroachment into the area of influence will occur, technical studies are required . Council will consider a lesser separation distance

through an Amendment to the Zoning By-law, to a minimum of 70 metres provided it is supported by the technical studies.

3. Development Criteria

The following design principles shall apply in considering applications for industrial development in Villages:

- A) Industrial uses should be clustered in locations which respect the Recommended Separation Distance. As indicated above, such distances may be reduced where Council is satisfied that adverse effects can be mitigated (see definition of adverse effects);
- B) Industrial uses may be integrated with commercial uses in a mixed uses pattern of development (see Section 4). Development will typically require rezoning as a means to control the location and zoning standards that will apply to the specific type of industrial use proposed. Council may establish appropriate zones in the zoning by-law for this purpose. Council may also use holding zones as a means to ensure the adequacy of water and sewage disposal services and compliance with environmental standards;
- C) All industrial uses are subject to site plan control (see Section 9.14). Applicants seeking approval will be expected to file a site plan application that clearly illustrates the details of development, e.g., layout, setbacks and massing of buildings, parking, shipping and receiving, on-site traffic movements, outdoor storage, waste disposal systems, landscaping and buffering, points of ingress and egress, signage etc.;
- D) Applicants must meet all environmental standards under *The Environmental Protection Act* and where requested, provide evidence, and Environmental Compliance Approval, to Council demonstrating compliance;
- E) Applicants shall meet the servicing requirements of Section 4.19. In general, only "dry" industries will be permitted;

4. Adverse Effects

For the purposes of this Plan, the definition of adverse effects as defined in *The Environmental Protection Act* will be used and means one or more of:

- A) Impairment of the quality of the natural environment for any use that can be made of it;

- B) Injury or damage to property or plant and animal life;
- C) Harm or material discomfort to any person;
- D) An adverse effect on the health of any person;
- E) Impairment of the safety of any person;
- F) Rendering any property or plant life unfit for use by humans;
- G) Loss of enjoyment of normal use of property; and
- H) Interference with normal conduct of business.

5.4.7 Village - Public Service and Institutional Uses

1. Definition

Public service uses shall mean land, buildings and structures for the provision of public services delivered by a government or public body such as social services, recreation, police, fire, health, education and cultural services. Institutional uses shall mean uses which may be operated by public or private organizations including educational, social, medical, cultural and religious services.

2. Permitted Uses and Form of Development

Public service and institutional uses shall be permitted in the Village designation giving consideration to such principles as adequate lot size, frontage on a public road, adequate parking, landscaping, compatibility with any adjacent or proposed residential uses, safe access and adequate servicing (water and sewage disposal). Such uses shall generally be permitted anywhere in a Village although preference will be given to locations that form a cluster of uses to create an urban like core and front on major public roads.

3. Zoning

Public service and institutional uses shall be placed in appropriate zone classifications in the implementing zoning by-law. Zoning categories are intended to reflect the development criteria set out above as well as to establish standards appropriate to the scale of urban development, (e.g., lot size, setbacks, lot coverage, parking landscaping or buffering etc).

4. Site Plan Control

Site Plan Control shall apply to all public service and institutional uses (see Section 9.14).

5.5 Estate Residential

5.5.1 Estate Residential - Development Concept

The intent of the Estate Residential designation is to add to the diversity of the housing supply within the Municipality in locations that are serviceable without conflicting with resource development. Low density large lot development, using the subdivision process, will be the form of development. This allows for a comprehensive approach to development by controlling the location, servicing requirements and phasing. It is not anticipated that there will be many new estate lot developments during the life of this Plan given the current supply. It is forecasted that 20 % of the future housing supply will be met through residential development in the Estate Residential areas.

This Plan does not identify new areas for Estate Residential Development. New locations will be established through the Official Plan Amendment and Zoning By-law Amendment process. However, locational criteria are intended to set the framework for such amendments.

5.5.2 Estate Residential - Permitted Uses

The Estate Residential designation refers to areas where the predominant land use is single detached residential units on large lots. Accessory uses shall include Home-based Businesses.

5.5.3 Estate Residential - Servicing

It is the intent of Council that all Estate Residential lots will be serviced individually (on-site water and sewage disposal) or in small groupings (communal services) having due regard to the policies of Section 4.19 such that no municipal water supply or sanitary sewage system will be required and that roads are developed to an acceptable Municipal Standard. Council may consider development agreements to address servicing concerns before, during and after the development of the lots.

5.5.4 Estate Residential - Form of Development

Such development shall occur by plan of subdivision (see Section 9.15.1).

5.5.5 Estate Residential - Locational Criteria

Rural landscapes which qualify for this type of development will exhibit topographic diversity, superior scenic attributes and natural landscapes. The focus will be on the conservation of these landscapes.

The applicant shall provide the Municipality with the necessary planning, engineering and soci-economic information to justify that the proposed amendment for new Estate Residential development is warranted.

Adjacent farming, conservation, open space or any other land uses will not be detrimentally affected or prejudiced by such Estate Residential development uses.

5.5.6 Estate Residential - Phasing

Development will be phased to ensure that there is a substantial take-up of lots, (e.g., 75% or more), before new applications are considered. For this reason, only one designation at a time will be considered. However, if a developer does not actively pursue development of the subdivision within a reasonable time period, Council may consider a new application.

New applications will require an amendment to this Plan and will be reviewed on the basis of the supply and demand for Rural Estate Development, the impact of demand on the urban housing supply, and the locational attributes of the site. Regard shall be given to the resource management policies of this Plan in making such selections.

5.5.7 Estate Residential - Design Standards

The design standards to be considered in the development, zoning or extension of Estate Residential Areas are as follows:

- Developers will be expected to design the subdivision with a view to complement and enhance natural landscapes, emphasizing scenic vistas, conserving ecological attributes, natural vegetation and the wilderness setting. Proponents will be required to consider the need for and, if necessary, conduct an Environmental Impact Assessment having regard for Section 6 of this Plan;
- The lot sizes within the Estate Residential Area shall have an average lot size of 1.0 hectares (2.47 acres) with no individual lot

being less than 0.81 hectares (2.00 acres) in lot area and 60 metres (196.85 feet) in frontage;

- Access to the internal subdivision road shall be from a public road maintained year round by the municipality;
- Access to individual lots shall be, wherever possible, from internal secondary roads and not from existing or proposed concession roads or Provincial Highways. However, certain exceptions may be considered where topographic constraints are encountered;
- The lots must be well proportioned and of regular shape and dimension;
- The proposed lots must have sufficient table land in order that on-site (private) sewage disposal systems can be installed in accordance with Section 4.19;
- Servicing must be provided in accordance with Section 4.19. In particular, the quality and quantity of groundwater, where this is the source of supply, shall be verified. Where communal services are proposed, proponents of Estate Residential development are expected to present a costing package to the Municipality which details the capital and long term operational costs of developing and maintaining services and the associated tax revenue requirements;
- Dwellings shall be set back sufficiently from the edge or embankment of a water body in order to ensure adequate structural stability and to avoid adversely affecting the visual amenity of the landscape;
- All lots must have frontage on and direct access to a public road developed to municipal standards except where development is by plan of condominium;
- No buildings shall be erected on any part of any lot subject to the danger of flooding, (subsidence) or erosion;
- The future development of other lands in the immediate vicinity must not be prejudiced by the proposed development, especially by the proposed road patterns;
- Dwelling units on adjacent lots are varied in design and appearance;

- In cases where the existing topography and/or vegetation provides no protection adjacent to main peripheral roads, tree screening and earth berms shall be provided in order to protect dwellings from passing traffic and to create as much privacy and enclosure as is possible;
- Existing trees and vegetative cover shall be preserved. A landscape plan shall be submitted to illustrate measures for the conservation or revegetation of the subdivision.

5.5.8 Estate Residential - Zoning

Estate Residential uses shall be placed in a separate zoning category in the implementing Zoning By-Law. Zoning will be intended to reflect the development criteria set out above as well as to establish standards appropriate to the scale of Estate Residential development, (e.g., lot size, setbacks, lot coverage, parking, landscaping or buffering etc).

5.6 Extractive Industrial

5.6.1 Extractive Industrial - Development Concept

Mineral aggregate resources within the Municipality are limited. The intent of the Official Plan is to continue to recognize those resources which exist within the Municipality and to minimize the impacts on adjacent lands which might be sensitive to extractive operations.

Notwithstanding that the area may not host most types of economic mineralization, Council recognizes the possibility of exploration for, and the development of mineral deposits other than aggregates in the Municipality of East Ferris.

5.6.2 Extractive Industrial - Permitted Uses and Definitions

The Extractive Industrial designation shall mean that the use of lands so designated shall be related to the extraction and processing of raw materials on and from the earth and would include mineral mining operations, quarrying and sand and gravel pit operations together with the associated operations such as washing, screening, crushing and storage of sand, gravel, ballast, stone aggregate, clays, brick, peat and other surface and sub-surface resource materials.

It is also deemed to include accessory and associated operations such as cement and concrete batching plants, asphalt and road materials operations offices and weigh equipment, conveyors, parking and garage areas for trucks, as well as incidental accessory uses such as water storage.

Agricultural uses, forestry and conservation uses and passive recreation uses except for buildings or permanent structures will also be permitted in the Extractive Industrial designation provided they do not impede access and extraction of the resource.

For the purposes of this Plan:

1. Pit means a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside pit;
2. Quarry means a place where consolidated rock has or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine.

5.6.3 Extractive Industrial - Development Criteria

The general principles to be considered in the development and zoning of the Extractive Industrial designation are as follows:

1. It is the intent of Council that existing licenses of extractive operations be recognized and that only those areas presently being used for the extraction and processing of raw materials taken from the earth shall be zoned in the implementing Zoning By-Law;
2. Other lands designated, but not zoned may be rezoned subject to the filing of a site development Plan which includes details as set out in Section 5.6.3 (3) below;
3. The establishment of any new Extractive Industrial operation not previously designated, shall require both an amendment to the Official Plan and Zoning By-Law. Applications for amendments for the new Extractive Industrial operations must include site development plans which show the following information:
 - A) The topography, contours, dimensions, area and location of the

property to be developed as well as the extent of adjacent property held for future mineral mining and mineral aggregate operations;

- B) The existing use of all lands and the location and use of buildings and structures lying within a distance of 300 metres (928 feet) from the land for a pit or 1,000 metres (3,280 feet) from the land for a quarry that is to be the subject of the extractive operation;
- C) The location, height, dimensions and use of all buildings or structures existing and proposed to be erected on the property;
- D) Existing and anticipated final grades of excavation for at least the first phase of operations shown by contours where necessary as well as excavation setbacks;
- E) The provision for drainage planning and drainage works such that after post-extractive use is feasible and that no polluted waters from washings, screenings and/or other water using operations shall be discharged directly into any creek or any water course or drainage channel or ditch;
- F) All entrances and exits and equipment storage and employees parking areas;
- G) Proposed phasing and rehabilitation plans, ultimate pit development, location of stockpiles, and where possible, the intended use of the land after the extractive operations have ceased; and
- H) Cross sections through the deposit.

Applications for an amendment to the Official Plan and Zoning By-Law shall be given consideration provided that evidence can be produced which would indicate that the proposed operation will not be detrimental to the Municipality. Study(ies) should be completed in accordance with the applicable MOE D-Series Guidelines to ensure that the operation and any sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise, dust and other contaminants, and minimize risk to public health and safety. The adequacy of municipal controls on the proposed operation may be taken into account.

5.6.4 Extractive Industrial - Non-Extractive Uses

1. It shall be a policy of Council that non-extractive Industrial uses may be permitted in ~~the areas so designated~~ known deposits of mineral aggregate

resources and on adjacent lands⁷ where it can be shown that:

- A) Extraction would not be feasible;
- B) The proposed land use or development serves a greater interest to the general public than does aggregate extraction; or
- C) The proposed land use or development would not significantly preclude or hinder future extraction; and
- D) Issues of public health, public safety and environmental impact are addressed.

2. In dealing with such matters, Council shall have regard to:

- A) The necessity of the land use in comparison to the value of the mineral aggregate deposit, taking into account the extent, type and quality of mineral aggregate resources in the municipality;
- B) The reason for the choice of location and an appraisal of alternative locations for the non-aggregate land use;
- C) The feasibility of sequential land use in which the mineral aggregate is removed prior to the proposed use;
- D) The impact that the proposed use may have on any existing pits and quarries in the vicinity and on future aggregate extraction in the surrounding mineral aggregate;
- E) Whether or not the mineral aggregate has been extracted or further studies have indicated that the aggregate resource on the specific site is not economically viable; and
- F) Whether or not existing adjacent uses within the influence area are incompatible and may make future extraction impossible [(see Section 5.6.4. (3)].

3. Influence Area

It is a policy of Council to recognize an influence area as a means of protecting against incompatible land uses in the vicinity of proposed pits and quarries or the expansion of existing pits and quarries. Incompatible uses will be discouraged or strictly controlled in areas surrounding pit and

quarry operations. For the purposes of this Plan, the influence area shall be considered to be 1,000 metres (3,280 feet) for quarries and 300 metres (928 feet) for pits respectively, from the boundary of the Extractive Industrial designation shown on the Schedule "A", Land Use Schedule.

Within the influence area, development may be permitted where it is clearly demonstrated that impacts such as noise, dust, vibration and truck movements can be mitigated by the operator and/or land owner (in the influence area) on adjacent properties and that the quantity and quality of ground water will not be compromised where excavation activities are below the water table.

In the event that a pit or quarry is proposed to be located in proximity to a sensitive land use, the Recommended Separation Distance is to be determined solely by technical studies.

5.6.5 Extractive Industrial - Wayside Pits and Quarries

1. Definition

For the purposes of this Plan, wayside pit or wayside quarry means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and is not located on the road right-of-way.

2. Location

It shall be a policy of Council that wayside pits and quarries will be permitted throughout the Municipality without requiring an amendment to the Official Plan or Zoning By-Law except for areas within the Village and Environmental Protection Areas where a zoning amendment will be required.

3. Rehabilitation

It is a policy of Council to require the progressive rehabilitation of wayside pits and quarries. Permitted uses for rehabilitated sites shall conform to the policies of the respective planning designations contained in this Plan in which the lands are located.

5.6.6 Extractive Industrial - Legislative Authority

It shall be the intent of Council to regulate the operation of pits and quarries within the Municipality under the enabling authority of *The Planning Act* and *The Municipal Act* and without limiting the foregoing, may use Site Plan Control. Council will recognize the pre-emptive authority of *The Aggregate Resources Act*.

It is the expectation of Council that the operator or contractor of the pit or quarry or wayside pit or quarry will obtain the required approvals for the operation of the pit or quarry.

5.6.7 Extractive Industrial - Portable Asphalt/Concrete Plants

It is a policy of Council to recognize portable asphalt/concrete plants as an important part of aggregate operations.

Portable asphalt/concrete plants, used by a public road authority or their agents, shall be permitted throughout the Municipality without an amendment to this Plan or to the Zoning By-law except for areas within the Village and Environmental Protection areas where a zoning amendment will be required.

If asphalt or concrete for a public road project cannot be obtained from an existing asphalt/concrete plant, attempts should be made to locate the portable plant in a wayside pit, vacant industrial site, the highway right-of-way, or on inactive or less productive agricultural lands.

Portable asphalt plants are subject to the following provisions:

1. Portable asphalt/concrete plants will be removed from the site upon completion of the project;
2. All portable asphalt/concrete plants must have an Environmental Compliance Approval from the Ministry of the Environment and Climate Change; and,
3. Sites used for portable asphalt/concrete plants within the agricultural area shall be rehabilitated to their former agricultural capability.

Definitions

“Portable asphalt plant” means a facility:

1. With equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes

stockpiling and storage of bulk materials used in the process; and,

2. Which is not of permanent construction, but is designed to be dismantled and moved to another location as required.

“Portable concrete plant” means:

1. A building or structure used for the manufacturing of concrete in a form suitable for the immediate use in the construction of buildings, structures, roads or driveways.

5.7 Mobile Home Park

5.7.1 Mobile Home Park - Development Concept

The intent of Council is to allow for mobile homes in the Municipality as a means to meeting the housing demand and providing for a variety of housing types. The expectation is that such development, however, will be limited. To ensure quality development, policies of this Plan require new mobile homes to be located in Mobile Home Parks where a comprehensive approach can be taken to the design, development and servicing of mobile homes.

5.7.2 Mobile Home Park - Permitted Uses

The Mobile Home Park designation of land shall mean that the predominant use of land in the areas so designated shall be for Mobile Home Parks for permanent year round occupancy. For the purposes of this Plan, mobile homes are considered to be transportable factory built single detached dwelling units suitable for occupancy, designed to be transported on their own wheels and chassis and arriving at the site ready for occupancy apart from incidental operations such as location on foundation supports, which meet the requirements of *The Building Code*, and connection to service utilities. In addition, accessory uses such as parks and playgrounds shall be permitted.

5.7.3 Mobile Home Park - Development Criteria

Mobile Home Parks shall be properly laid out and in considering applications for Mobile Home Parks, Council shall be satisfied with respect to the following principles:

1. Consideration shall only be given to Mobile Home Park developments that, represent a high standard of quality, have adequate resources to provide

their own planning controls and amenities, that are sufficient in size and are designed with due regard to all planning aspects;

2. Mobile Home Park developments should adapt to individual site conditions, type of market to be served, reflect advance on site planning techniques and be adaptable to the trends in the design of the mobile home itself. Site planning which integrates the mobile home park and individual mobile home units to the terrain, existing vegetation, other natural site features and rock formations is preferred. Favourable views or vistas should be conserved;
3. Where a development caters to different groups such as retired persons, young households, care should be taken to avoid disturbance and intrusion of privacy;
4. The site should be separated from commercial and industrial uses (see provisions for Recommended Separation Distances) and the proposed Mobile Home Park should not conflict with the density and character of adjacent development;
5. Mobile homes proposed in locations such as scenic areas, should be planned to minimize their impact(s) on the quality of the environment and surroundings;
6. As a guideline, effect mobile home park development outside of the Villages shall not exceed 10 units per gross hectare (4 units per gross acre) and a minimum parcel size of approximately 10 hectares (24.7 acres) shall be required subject to site suitability for the provision of services⁸;
7. Provision shall be made for adequate off-street parking, landscaping and buffering, the standards of which shall be established in the implementing Zoning By-Law and through the use of Site Plan Control (see also Section 9.14);
8. All streets shall be constructed to an acceptable municipal standard;
9. Mobile homes should be arranged in planned groups or clusters and not more than one mobile home shall be located on a designated mobile home site on a lot;
10. A wide variety of mobile home sites and shapes should be provided to accommodate mobile homes of differing sizes including expandable and double wide units. The placement of individual units should also be varied

to avoid monotony;

11. Servicing shall be in accordance with Section 4.19 and may include individual or communal services;
12. Not less than 10% of the gross site area shall be devoted to recreational facilities, generally provided in a central and accessible location. In large developments (more than 100 units), recreation facilities may be decentralized with at least one area large enough for activities such as a small sports field. Recreation areas may include space for community buildings, as well as community recreational facilities. Recreation areas should be bordered by a fence or hedge or definable separation where it is desirable to control access to the area or separate the area from traffic or nearby mobile home sites. Recreation areas should be appropriately landscaped to give a pleasing appearance;
13. Vacant mobile home sites lots in parks, shall not be allowed to become weed covered and overgrown and shall comply with the municipality's Property Standards By-law;
14. To ensure adequate control, each new development shall require an amendment to this Plan and to the implementing Zoning By-Law and shall be subject to a Site Plan Control agreement. In addition, Council shall require that the applicant submit the following information so that Council can assess the full impact of such proposed development:
 - A) The area and dimension of the land to be developed;
 - B) An overall fully dimensioned plan showing the location and size of all mobile home sites, service buildings, communal facilities, roads, walks and parking areas and the details of water supply and sewage disposal facilities per the requirements of Section 4.19;
 - C) Details of the individual mobile home sites showing the location and size of the mobile home stand, service connections, patio areas, storage buildings, fences and landscaping;
 - D) Details with respect to storm water management and drainage;
 - E) Full details of site development and landscaping with special attention to grading and overall surface drainage patterns;
 - F) Details of surrounding developments with special attention to existing and proposed zoning and land use patterns; and

- G) An indication of the proposed mobile home type, size and design of units.
- 15. The Property Standards By-law shall be used to ensure that mobile home developments are kept in a state of good repair.

5.7.4 Mobile Home Park - Zoning

Mobile Home Parks shall be permitted by amendment to this Plan and shall be included in a separate zoning category in the implementing Zoning By-Law. Zoning is intended to reflect the development criteria set out above as well as to establish standards appropriate to the scale of rural development (e.g., lot size, setbacks, lot coverage, parking, landscaping or buffering etc.).

5.8 Salvage Industrial

5.8.1 Salvage Industrial - Development Concept

There are potential land use conflicts associated with this type of land use and therefore the intent of this Plan is to direct these uses to locations which minimize the impact on surrounding or adjacent land uses through an amendment to this Plan.

5.8.2 Salvage Industrial - Permitted Uses

On lands designated as Salvage Industrial, the uses shall include the storage, crushing, dismantling, recycling, sorting or transfer of vehicles, building materials, non-hazardous wastes, junk and other materials and shall include the incidental retail, shipping and receiving of such materials. Accessory uses may include storage buildings, crushing or processing equipment, waste storage facilities and administration facilities.

5.8.3 Salvage Industrial - Amendment

Scrap, junk, salvage or wrecking yards shall be located on lands designated for these purposes by an amendment to this Plan, e.g., to Salvage Industrial. Existing sites may also be recognized.

5.8.4 Salvage Industrial - Development Criteria

In considering applications for amendments to this Plan to designate an area for

scrap, junk, salvage or wrecking operations or an extension to an existing area, Council shall, amongst other matters, give consideration to the following development criteria:

1. The general need and desirability of the type of operation proposed;
2. The location of the proposed site relative to the land use and development policies in this Plan;
3. The appropriateness of the topography and soils relative to the proposed uses;
4. That insofar as is practical, scrap, junk, salvage and wrecking operations will generally be restricted to areas not exposed to public view;
5. The adequacy of existing or proposed roads to provide access to the site and capability to support truck traffic;
6. That provisions have or will be made to obtain the required approvals under *The Environmental Protection Act* to assure the minimization of pollution to air soil and water and the adequate control of noise, dust, fumes, vibration or other emissions;
7. That adequate provision is made for fencing, buffering or berming the operation; and,
8. The entering into of a Site Plan Control Agreement under *The Planning Act*.
9. Separation distances shall be in accordance with Section 4.13 and development may be restricted or prohibited where noise, vibration or odour cannot be satisfactorily attenuated.⁹

5.8.5 Salvage Industrial - Zoning

Provisions shall be made in the implementing Zoning By-Law to regulate Salvage Yards.

5.9 Lands for Economic Development

5.9.1 Development Concept

It is the intent of Council to provide for a sufficient land base for industrial

development in the municipality in areas that can be adequately serviced. While opportunities have been identified for new industrial development in the Villages (Class I and II), the municipality has identified large blocks of land (see Land Use Schedule “B” - Lands for Economic Development) where new industrial or other economic development could be directed without conflicting with surrounding land uses. These blocks are owned by the municipality or are part of the Provincial land base. The focus of industrial uses in the Economic Development Overlay will be on ‘dry industries’ except where lands can be serviced with communal water and sewer systems (e.g., see Section 4.19). It is not the intent of Council to designate these lands at this time. Amendments to designate any of these lands as lands for Economic Development will only be considered in accordance with the policies of this section.

The intent of Council is to maintain this land bank as candidate areas which may have potential for an industrial park or single purpose sites for industrial uses or other economic development purposes. Any of these candidate sites will be further evaluated according to the criteria in Section 5.9.4 before an amendment is proposed.

5.9.2 Permitted Uses

Areas within the Economic Development Overlay may be used for a class or classes of industrial uses and may include plants for manufacturing, extracting, assembly and processing of raw materials or partially manufactured components, repair workshops, storage of goods, research or commercial laboratories, printing houses, and transportation facilities. Certain other uses, including offices, eating places, wholesale and distribution operations, retail outlets in association with an industrial use, establishments which provide supportive services to the industrial area and automotive commercial uses shall be permitted.

The amenities of adjacent non-industrial areas shall be safeguarded, and industrial development shall not be allowed to adversely affect the areas surrounding them. Any emissions to the air, water and/or land must meet the requirements of the Ministry of the Environment and Climate Change.

5.9.3 Control of Future Development

Development within this land use designation is subject to Site Plan Control, as outlined in Section 9.14 of this Plan. In addition to the Site Plan Control requirements identified in Section 9.14 adequate buffering shall be provided between any industrial uses and any adjacent sensitive uses or abutting highways.

5.9.4 Industrial Park or Industrial Uses

An industrial park or industrial uses on an individual basis may be developed in the Rural Area on lands shown as Lands for Economic Development and other uses show on Schedule “B”, subject to an amendment to the Official Plan and to meeting the following criteria:

- A) The land area is sufficient for the intended use;
- B) The area is accessed from a public road;
- C) The location is appropriate to the type or mix of industrial uses, e.g., consideration should be given to transportation costs, visibility, marketing, technological support and labour supply. Such factors should be presented as part of a business plan by a prospective developer;
- D) The lands can be adequately serviced in accordance with the policies of Section 4.19 of this Plan. Servicing options may include individual on-site or communal services;
- E) The lands can meet the applicable Recommended Separation Distances for industrial classifications to ensure compatibility with surrounding land uses; and
- F) The size and use would not detract from the existing industrial base of the Village areas.

5.9.5 Industrial Classes and Recommended Separation Distances

For the purposes of this Plan the following Industrial Classes shall apply:

A) Class I Industrial

Includes light industrial uses defined as a place of business for a small scale, self-contained plant or building which produces/stores a product which is contained in a package and has low probability of fugitive emissions, e.g., noise, dust, odour and/or vibration. There are daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage. Examples include electronics manufacturing, furniture repair, auto parts supply, packaging and crafting services.

The Recommended Separation Distance from sensitive land uses shall be

70 metres measured from the property line. In the event that the Recommended Separation Distance cannot be met and encroachment into the area of influence will occur, technical studies are required. A lesser separation distance may be acceptable to a minimum of 20 metres provided it is supported by the technical studies.

B) Class II Industrial

Includes a place of business for medium scale processing and manufacturing with outdoor storage of wastes or materials and periodic outputs of minor annoyance. There are occasional outputs of either point source or fugitive emissions for noise, odour, dust and/or vibration and low probability of fugitive emissions. Shift operations are permitted and there is frequent movement of products and/or heavy trucks during daytime hours. Examples include feed packing plants, paint spray booths, dry-cleaning services, electrical production manufacturing.

The Recommended Separation Distance from sensitive land uses shall be 300 metres measured from the property line. In the event that the Recommended Separation Distance cannot be met and encroachment into the area of influence will occur, technical studies are required. A lesser separation distance may be acceptable to a minimum of 70 metres provided it is supported by the technical studies.

C) Class III Industrial

Describes large scale industries with substantial variations in industrial processes, shift operations, large production volumes, outdoor storage of raw and finished products and therefore emissions, e.g., noise vibration, odour, particulate and gaseous discharges or combinations may be anticipated. Examples of heavy industries include refineries, salvage yards, pulp and paper mills, etc.

The Recommended Separation Distance from sensitive land uses shall be 1,000 metres measured from the property line. In the event that the Recommended Separation Distance cannot be met and encroachment into the area of influence will occur, technical studies are required. A lesser separation distance may be acceptable to a minimum of 300 metres provided it is supported by the technical studies.

5.9.6 Development Criteria

The following design principles shall apply in considering applications for industrial development:

1. Industrial uses should be clustered in locations with respect to the Recommended Separation Distances. As indicated above, such distances may be reduced where Council is satisfied that adverse effects can be mitigated (see Section 5.9.7);
2. Industrial uses may be integrated with commercial uses in a mixed use pattern of development. Development will typically require rezoning as a means to control the location and zoning standards that will apply to the specific type of industrial use proposed;
3. Council may establish appropriate zones in the Zoning By-law for this purpose. Council may also use holding zones as a means to ensure the adequacy of water and sewage disposal services and compliance with environmental standards;
4. All industrial uses are subject to Site Plan Control (see also Section 9.14). Applicants seeking approval will be expected to file a site plan application that clearly illustrates the details of development, e.g., layout, setbacks and massing of buildings, parking, shipping and receiving, on-site traffic movements, outdoor storage, waste disposal systems, lighting, landscaping and buffering, points of ingress and egress, lighting, signage etc.;
5. Applicants must meet all environmental standards under *The Environmental Protection Act* and where requested, provide evidence, e.g., Environmental Compliance Approval, to Council demonstrating compliance;
6. Applicants shall meet the servicing requirements of Section 4.19. In general, only 'dry' industries will be permitted;

5.9.7 Adverse Effects

For the purposes of this Plan, adverse effects as defined in *The Environmental Protection Act*, means one or more of;

- impairment of the quality of the natural environment for any use that can be made of it;
- injury or damage to property or plant and animal life;
- harm or material discomfort to any person;
- an adverse effect on the health of any person;
- impairment of the safety of any person;
- rendering any property or plant life unfit for use by humans;

- loss of enjoyment of normal use of property; and
- interference with normal conduct of business.

5.9.8 Alternative Uses

While the primary intent of the land bank is for industrial uses, this shall not be deemed to preclude the consideration of such land for other forms of economic development, e.g., golf course, commercial uses, etc. Prior to considering these lands for other uses, Council will evaluate whether such alternative uses will prejudice its options for future commercial and industrial development.

6.0 NATURAL HERITAGE FEATURES

6.1 Introduction

Natural Heritage Features and Areas are those areas which are important for their environmental and social values as a legacy of the natural landscapes of the area. Collectively, the individual natural heritage features and areas within a given Municipality form a natural heritage system. It is intended by Council, that the natural heritage features identified on Schedule “D” to this Plan will be conserved for their natural heritage values.

6.2 Natural Heritage Features Policies

The Municipality of East Ferris has a wide variety of natural heritage features which includes provincially and locally significant wetlands, fish habitat, Species at Risk, and significant wildlife habitat. The general location of these Natural Heritage Features are generally located on Schedule “D”, with the exception of Species at Risk, which have not been identified due to their sensitivity and protection. Due to the scale of the mapping, the exact location and precise limits of the features shall be determined through on-site inspection by the appropriate authority or through the preparation of an Environmental Impact Assessment.

6.2.1 Wetlands

It is a policy of Council to protect and manage the identified wetlands as ecosystems which are important as habitats for a variety of plant and animal species, for water quality, flood control and water storage and recharge areas and for their value for passive recreation.

The La Vase River-Dreany Lake Provincially Significant Wetland shall be recognized as a Provincially Significant Wetland and shall be subject to the *Provincial Policy Statement 2014*. The Depot Creek Wetland, the Astorville Wetland and the Quae Quae Wetland shall be recognized as locally significant wetlands.

Development or site alteration shall not be permitted in the La Vase River-Dreany Lake Provincially Significant Wetland except for conservation or passive recreation activities.

Development in the three locally significant wetland areas, is limited to the uses listed below, may be permitted only where it has first been demonstrated that such development or site alteration will not negatively impact on the ecological values and functions of the wetland. Permitted uses may include agriculture, forestry, trapping, conservation and outdoor recreation. No structures shall be permitted other than for flood control and erosion or which are associated with educational activities (e.g. board walk, interpretive trails etc.).

Development or site alteration may be permitted on lands adjacent to provincially and locally significant wetland areas if it is demonstrated that such development or site alteration will have no negative impacts on the wetland's natural features or ecological functions.

The Municipality contains a number of other wetlands whose significance has not yet been evaluated or has been determined not to be provincially or locally significant. The North Bay-Mattawa Conservation Authority shall be consulted with respect to development within or adjacent to these other wetland areas.

6.2.2 Fish Habitat

It is a policy to protect water bodies identified on Schedule "D" for their fish habitat value. Development and site alteration shall not be permitted in fish habitat except in accordance with Provincial and Federal Requirements. With consultation of the North Bay-Mattawa Conservation Authority, development and site alteration shall not be permitted on adjacent lands to the fish habitat unless it has been demonstrated that there will be no negative impacts on the fish, their habitat or their ecological functions.

6.2.3 Endangered and Threatened Species

The Municipality supports the notion that special efforts should be made to protect species that are at a risk of becoming lost from the region or province and that the protection of endangered and threatened species is necessary in order to slow or prevent the loss of species from the province, and in some cases, their extinction on a global basis.

Development or site alteration shall not be permitted in habitat of endangered and threatened species except in accordance with Provincial and Federal requirements.

Recognizing that existing species and habitat information is limited, Council will require an appropriate level of site assessment be completed.

Council may seek the most up-to-date species information and technical advice

from the Ministry of Natural Resources and Forestry when reviewing development applications in known or suspected habitat of endangered and threatened species.

6.2.4 Significant Wildlife Habitat

The Municipality hosts a broad range of significant wildlife habitats, including but not limited to, deer wintering yards, waterfowl concentration areas. Development or site alteration shall not be permitted within or adjacent to significant wildlife habitat unless it can be demonstrated that there will be no negative impacts on the natural features or on their ecological function.

6.2.5 Adjacent Lands

Adjacent lands are those lands contiguous to a specific natural heritage feature or area within which impacts must be considered and the compatibility of a development proposal must be addressed. Adjacent lands will generally be considered those lands 120 metres from a significant natural feature or area. The adjacent land width may vary depending on the type of development proposed and the type of natural feature.

6.2.6 Shoreline Setback

It is a policy that buildings be set back a minimum of ~~20 metres (65.6 feet)~~ 30 metres (98.4 feet)¹⁰ from the Surveyed Normal Water's Edge of a water course except for shoreline structures as permitted in Section 4.2.3 of this Plan.

6.2.7 Shoreline Alteration *[Approval Withheld]*

It is a policy to maintain or enhance the natural vegetation along the shoreline of a lake or any designated water course to a target depth of 15 metres for 75% of the water frontage. Where it is demonstrated that alteration is required, it shall be carried out with professional advice. (See also Sections 4.2.3 and 5.3.7 of this Plan.)

6.2.8 Environmental Impact Assessment

Council will require an Environmental Impact Assessment for development, such as the construction of buildings or structures or the alteration of the shoreline prior to the approval of development within a natural heritage feature and in adjacent lands. Development or site alteration will not be permitted within lands adjacent to significant natural heritage features or area unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. Where the development impacts cannot be mitigated, development will

not be permitted. An Environmental Impact Assessment (EIA) is intended to provide for an assessment of the potential impact of a proposed development on a particular natural heritage feature and shall be used to determine whether development or redevelopment should or should not be permitted. The components of the EIA shall be tailored to the scale of development and may range from a simplified assessment (scoped assessment) to a full site assessment (e.g., a single detached dwelling may only require a scoped assessment while a subdivision, multiple unit residential complex, major commercial development, golf course or major public work will likely require a full site assessment). Council may consult with the North Bay-Mattawa Conservation Authority in determining the type and content of an EIA. The following is intended to provide a guideline on the potential scope of an EIA:

An Environmental Impact Assessment will be required for development proposed within 120 metres (393 feet) ~~of the significant portion~~ of the ~~significant~~¹² wildlife habitat, provincially significant wetland, locally significant wetland or significant fish habitat and shall include:

- A description of the study area and landscape context;
- A description of the development proposal;
- The identification of those features and functions likely to be affected by the development proposal;
- An assessment of the potential impacts of the proposed development on key features and functions;
- The identification of mitigation requirements and monitoring requirements;
- The quantification of residual impacts (those that cannot be mitigated) if any; and
- A review and recommendation.

Council may consult with a public authority to assist with the technical review and findings of an Environmental Impact Assessment.

6.2.9 Implementation Measures

Council may use zoning, site plan control and the provisions of the *Municipal Act* (site alteration controls) as measures to implement recommendations or results of an Environmental Impact Assessment or to govern the spatial relationship of buildings and structures to natural heritage features.

7.0 NATURAL AND HUMAN MADE HAZARDS

7.1 Introduction

Within the Municipality, there are a number of Natural and Human-Made Hazards which impose constraints on development or are hazards which prohibit development altogether. These include:

- Hazardous Lands impacted by flooding hazards and/or erosion hazards
- Organic soils
- Unstable slopes, steep slopes, marshland and exposed bedrock
- Contaminated lands

The intent of Council is to ensure public safety by avoiding development on lands which pose threats to public health or safety or by requiring certain measure to be undertaken to overcome the hazard. The policies of this Plan group these natural and human-made hazards into three categories: flood plains, development constraints and contaminated lands.

7.2 Natural Hazards and Approximate Regulated Areas

7.2.1 Policies - Flood Plains

1. Flood plain mapping has been prepared for most of the major watercourses in the municipality and is the basis for establishing the regulatory flood line (One-Zone Concept) in the Municipality. Reference may be made to Schedule "E" for the lands within the Municipality which fall within the regulatory flood or to more detailed mapping available through the municipality or the North Bay-Mattawa Conservation Authority. Flood elevations are shown for the key waterways on Schedule "E".

Lands at or below the prescribed elevations are considered to be in the flood plain and are subject to flooding.

2. No new buildings are permitted to be constructed within the flood plain except flood or erosion control structures, or low impact buildings or structures such as a gazebo, wharf or dock, boat slip, boat house and garden storage sheds.

In particular, no use, building or structure which involves the storage of

neither hazardous nor toxic materials, e.g., ignitable, corrosive, reactive, radioactive or pathological materials and sewage facilities, nor any institutional use shall be permitted to be constructed, enlarged or expanded in a flood plain.

Uses permitted in flood plains shall be limited to agriculture, conservation uses, horticultural nurseries, forestry, golf courses and other outdoor recreational activities provided that no structures except for shoreline structures as set out in Section 4.2.3 are constructed and that the requirements for fill and construction controls are adhered to.

3. Where approved by the North Bay-Mattawa Conservation Authority and Council, minor extensions or enlargements to existing habitable or other buildings located in the flood plain (other than an institutional use) may be permitted where the building or structure is adequately flood proofed and any openings in buildings are located above the flood elevation. Such developments shall be considered on a site-by-site basis and evaluated based on the characteristics of the site, e.g., susceptibility to flooding, erosion, slopes or other physical conditions and may also include the requirement for an impact assessment.
4. In areas of the Municipality where the flood plain has not been determined, the setback of habitable buildings, non-residential buildings and sewage disposal systems from the shoreline or Surveyed Normal Water's Edge shall be 45 metres (147.6 feet). The setback provisions may be waived where the river bank or adjacent lands constitute an escarpment, bluff or other topographic feature that distinctively separates the river valley from the surrounding lands.

7.2.2 Policies - Approximate Regulated Areas

1. Approximate Regulated Areas have been established and are regulated by the North Bay-Mattawa Conservation Authority under *Ontario Regulation 177/06 Development, Interference with Wetlands & Alterations to Shorelines & Watercourses*. This regulation is pursuant to Section 28 of *The Conservation Authorities Act*. Under this authority, a permit shall be required for any site alteration and/or any construction or renovation work, the placing or dumping of fill, altering grades, development and/or interference with wetlands, changing the channel of any water body or diverting a water course within the prescribed limits of the Approximate Regulated Areas as shown or referred to on the Land Use Plan. The permit shall be obtained from and to the satisfaction of the North Bay-Mattawa Conservation Authority. In general, development which limits the flood capacity of the flood way, or obstructs the flood way within the

prescribed Approximate Regulated Area shall be discouraged.

2. Site Plan control may be used in conjunction with a permit under *The Conservation Authorities Act* to regulate development within a fill or construction line.

7.3 Development Constraints

7.3.1 Organic Soils

1. For the purposes of this Plan, organic soils are described as those soils normally formed in a water saturated environment (e.g., wetland) where the soil is not exposed to the air for a sufficient enough time to permit the breakdown of vegetative material. As a result, these soils may not contain sufficient strength to support a building or structure.
2. Organic soils, as shown on the land use plan, shall be considered as a constraint to development and no development shall be permitted including the installation of sewage disposal systems in organic soils unless the hazard can be overcome using acceptable engineering techniques and where applicable, the standards set out in the *Ontario Building Code* can be met.

7.3.2 Unstable Slopes, Steep Slopes, Marshland and Exposed Bedrock

Unstable slopes, steep slopes, marshland and exposed bedrock shall be considered as a constraint to development and no development shall be permitted including the installation of sewage disposal systems unless the hazard can be overcome using acceptable engineering techniques and where applicable, the standards set out in the *Ontario Building Code* can be met.

7.4 Contaminated Sites

7.4.1 Policies - Site Decommissioning and Clean Up

1. Potentially contaminated sites include lands where contaminants may be present due to previous industrial, transportation, utility or similar uses. Sources of site contamination can include disposal of waste materials, raw material storage, residues left in containers, maintenance activities and spills. Some commercial uses such as gasoline stations and automotive repair garages have a similar potential.

It is a policy of this plan to ensure the proper decommissioning and clean-up of contaminated sites prior to their redevelopment or reuse. Council shall undertake or require the following:

- A) The establishment and maintenance of an inventory for existing and potential contaminated sites.
- B) That the applicant undertake an evaluation of the contaminated site having regard for the procedures set out under the "Records of Site Condition A Guide on Site Assessment, the Cleanup of Brownfield Sites and the Filing of Records of Site Condition."
- C) Where the evaluation indicates that remediation work is necessary, Council shall require a Record of Site Condition as a condition of approval of development or redevelopment.
- D) Contaminated sites may be placed in a holding zone in the Municipality's Zoning By-Law. Where a holding zone is used, the "H" may be removed when the Municipality has received a Record of Site Condition.
- E) When no contamination is suspected but a change to a more sensitive use is proposed, O.Reg. 153/04 under the Environmental Protection Act should be reviewed to determine if filing a Record of Site is required.

7.5 Wildland Fire Hazards

Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire. Development may however be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards identified by the Ontario Ministry of Natural Resources and Forestry.¹²

8.0 TRANSPORTATION POLICY

8.1 Introduction

This section establishes the general transportation policies for the Municipality of East Ferris.

The Roads Plan as set out on Schedule “C” is based on the interrelationship between land use and transportation. The roads are intended to correlate with the adjacent land uses and are designed to facilitate the movement of both people and goods to and from the various land use designations within the Municipality, as well as to facilitate through traffic.

Council will ensure in reviewing applications for new residential development, that no undue extensions to the present school bus routes shall be required to service such development.

8.2 Road Classification

8.2.1 Hierarchy of Roads

The Official Plan policies with respect to roads are based on a three level hierarchy of roads:

1. Provincial Highways
2. Municipal Roads
3. Private Roads

8.2.2 Provincial Highways -Policies

Highways 11, 17 and 94 as shown on Schedule “C” Transportation and Infrastructure Corridors are recognized by the Ministry of Transportation as follows:

Highway 11 - Class I Freeway
Highway 17 - Class III Special Controlled Access Highway
Highway 94 - Class V Minor Highway

1. **Function and Access**

A) Class I Freeway

Class I Freeways are high volume provincial highways being upgraded and/or expanded in stages to facilitate passenger and freight movement. The Class I Freeway shall be identified on Schedule "C" as a Controlled Access Highway.

Some access for existing uses may be considered but no additional direct land access for new ownerships is permitted. All land access will ultimately be removed or relocated to local roads.

B) Class III Special Controlled Access Highways

Class III Special Controlled Access Highways are provincial highways carrying through traffic where limited access is allowed. Class III Special Controlled Access Highways shall be identified on Schedule "C" as Controlled Access Highways.

C) Class V Minor Highways

Class V Minor Highways are highways carrying both local and through traffic. Access is allowed provided safety requirements can be met. Class V Minor Highways shall be identified on Schedule "C" as the King's Highway.

The intent of Council is to ensure that the function of these provincial highways is maintained and that safety of the highway is not compromised.

Any development located adjacent to a provincial highway will be subject to the geometric and safety requirements of the Ministry of Transportation. Ministry permits must be obtained prior to any construction being undertaken for any development located within the permit area of the Ministry of Transportation.

2. **Buffering and Landscaping**

Where open storage, outdoor display, or loading areas are proposed along provincial highways in association with a commercial or industrial land use, they shall be appropriately screened from view and shall be subject to site plan control in accordance with Section 9.14 of this Plan.

8.2.3 Municipal Roads - Policies

1. The primary function of Municipal roads will be to provide access to abutting properties primarily for local traffic.

2. Standards for new road construction will include a minimum of 20 metres (66 feet) right-of-way, engineered design and layout, appropriate drainage and construction. Roads on lands under plan of subdivision may be assumed by the Municipality provided the standards for road construction have been satisfactorily met. No construction, alteration or maintenance of the Municipal roadway shall be permitted without the expressed permission of the Municipality.
3. Construction or maintenance of existing Municipal roads, bridges, culverts and railway crossing structures will continue to be based on a regular program of capital expenditures. The kilometrage of hard surfaced roads may be increased with priority being given to roads with higher traffic volumes and/or the need for improvements to meet contemporary design and safety standards.
4. An entrance permit will be required for any new access to a Municipal road. The installation or replacement of culverts will be to acceptable standards for drainage. The Municipality will be responsible for maintaining only one entrance (culvert) per property. The property owner will be responsible for maintaining any additional entrances which have been approved by the Municipality. Where the Municipal roadway is damaged or may be subject to damage arising from improper maintenance of one or more additional entrances, the Municipality may undertake repairs at its sole discretion and recover its costs from the property owner(s).
5. Unopened road allowances will generally be retained under Municipal jurisdiction and may be utilized to provide access to abutting properties or an access corridor through the Municipality (e.g. snowmobile corridor). Council recognizes that the public may use unopened road allowances even though they are not maintained by the Municipality. Council is under no obligation to upgrade unopened road allowances to Municipal standards. Council may, as a condition of development (i.e. creation of a new lot, change in land use, construction of a building), require that the road be upgraded and maintained to a Municipal standard.
6. Council shall ensure, wherever possible, that all future utilities are located within a Municipal road allowance. The alignment or location of the utilities within the road allowance shall be subject to Municipal approval.
7. Council recognizes that there are Municipal roads which are abandoned and are no longer maintained by the Municipality. Where such roads have been abandoned, it is not the intent of Council to maintain these roads nor to permit development on such roads.

8. As authorized by the *Planning Act*, the dedication of a widening of a Municipal road allowance, to a standard width of 20 metres, may be required as a condition of provisional consent, subdivision approval, condominium approval or site plan approval, along all or part of the abutting or immediately adjacent lot line. Such road widenings of the Municipal road allowance will generally be dedicated in equal widths from the centre line on each side of the road allowance.

8.2.4 Private Roads - Policies

1. A private road is defined as a road under private ownership which serves two or more legally conveyable lots and may include a right-of-way registered on title.
2. Except for condominium developments, new private roads shall not be permitted. Access to a condominium development shall be via public road, and internal roads may be private roads.
3. Existing private roads are intended to provide access to abutting properties including existing lots of record. As a condition of approval of any new development on an existing private road, Council may require that a private road be brought up to a minimum standard, e.g., width, construction standard.
4. Unless it is clearly in the public interest for the Municipality, it is not intended that existing private roads will be assumed by the Municipality and no responsibility for access, snow removal, maintenance or use by school buses is acknowledged. Where, however, the Municipality chooses to assume a private road, the road must first be improved to the standards for Municipal roads as set out in Section 7.2.3. (2).

8.2.5 Transportation Corridors - Policies

1. It is the intent of Council that existing transportation corridors for road and rail be protected from land use activities which may interfere with the function and safe operation of these corridors including Highways 11, 17, 94 and the CNR and CPR Rail Lines.
2. It is the intent of this Plan that the network of the Trans Ontario Provincial Trails (TOP) system be protected.

8.2.6 Infrastructure Corridors - Policies

It is the intent of this Plan that existing infrastructure corridors for utilities be protected from land use activities which may interfere with the function and safe operation of these corridors. (See also Section 4.17.)

8.2.7 Recreational Trails

Council recognizes the importance of recreational trails to the economic base of the community as well as to recreation. Council's intent is to maintain the integrity of through trail systems and in particular, work with organizations involved in the development of the TransCanada Trail and other single or multi use trails that serve the residents of East Ferris or which may be connected to trail systems in adjacent municipalities (e.g., City of North Bay and the Municipality of Callander).

Any trail crossings of provincial highways will require the prior approval of the Ministry of Transportation.

9.0 IMPLEMENTATION

9.1 General

This Official Plan will be implemented by the Council of the Corporation of the Municipality of East Ferris. In particular, this Plan shall be implemented by Zoning By-Laws, legislation pursuant to the *Ontario Municipal and Building Code Acts as amended* from time to time, Subdivision and Part-lot Control By-laws, the construction of public works, capital works programs, Site Plan Control, and specialized zoning tools such as Holding, Temporary Use and Interim Control By-Laws. Other enabling legislation including but not limited to the *Environmental Assessment Act*, the *Environmental Protection Act*, the *Ontario Water Resources Act*, the *Conservation Authorities Act* may be utilized where required to implement the policies of this Plan. These measures are set out in the following Sections of this Plan.

9.2 Amendments and Notification

The notice procedures as prescribed in the *Ontario Planning Act*, and *Ontario Regulations* thereto, shall be adhered to. However, no notice or public meeting is required for technical amendments to the Plan or for the creation of a consolidated Official Plan. For the purposes of this section, the following should be considered technical in nature:

1. The creation of a consolidated Official Plan provided that only existing approved amendments are added to the Plan;
2. The updating of Section references to *The Planning Act* or other Provincial Statutes;
3. The translation of measurements from one unit to another provided that no change to the standards result;
4. The renumbering of Sections of the Plan; and,
5. The correction of grammatical or typographical errors, punctuation or language provided that they do not result in changes in policy.

9.3 Capital Works Program

Implementation of policies contained in this Plan involve the provision of municipal infrastructure and public service facilities together with other programs which require public financing. The text and schedules of this Plan outline the nature and scope of these projects, directly or by implication, and would include for example:

- The development of community parks and open space and recreational facilities;
- Road and bridge improvements and new roads and street lights; and,
- Waste management and recycling facilities.

It is the intent of Council to establish a priority list for all capital improvement projects with cost estimates where possible, relating to land acquisition, and the development and maintenance of these facilities.

A five-year Capital Improvement Program may be developed by Council as a means to carry out systematically those capital improvements which are identified, adopting initially the first year of the program as part of the municipal budget. Such a five year program would be reviewed annually as part of the capital budget procedure.

It is the intent of Council that construction of public works within the area be carried out in accordance with the policies of this Plan. Without limiting the foregoing, the Official Plan shall be considered as a statement of intent and the basis for capital improvements that may be funded in part through a Development Charges By-Law under *The Development Charges Act*.

9.4 Cash-in-lieu of Parkland

Cash-in-lieu of parkland is authorized under *The Planning Act* for park or public recreational uses. Cash-in-lieu may be required for residential severances or residential subdivisions at the rate of 5% or for commercial or industrial severances or subdivisions at the rate of 2% of the value of land. Such monies shall be placed in a special account and spent only for the acquisition of land to be used for park or other recreational purposes, including the erection or repair of buildings and the acquisition of machinery for park or other recreational purposes.

9.5 Committee of Adjustment

It is intent of Council to maintain the appointment of a Committee of Adjustment to consider applications under Section 45 of the *Planning Act*.

The Committee shall also bear in mind the policies set out in Sections 4.8.1 and 4.8.2 of the Plan in reviewing applications.

9.6 Community Improvement

9.6.1 Goals and Objectives

It is a goal of the Council to improve the physical aspects of the municipality. Council, therefore, encourages participation in programs designed to assist both public and private interests in the following matters:

1. Reconstruct/repair components of the Municipal road system.
2. Improve traffic circulation and parking;
3. Install/repair components of water supply, sanitary sewage disposal and storm drainage systems;
4. Add or improve municipal facilities and properties such as parks, libraries and other recreational or cultural amenities;
5. Construct/rehabilitate buildings and structures to improve their function and/or appearance;
7. Remove or relocate buildings and structures which are not compatible with adjacent uses, ~~while considering potential heritage value~~ except for built heritage resources as part of a protected heritage property.¹³;
8. To Encourage and Promote Affordable Housing; and,
9. Encourage the expansion of existing and new economic activity in the municipality.
10. Promote heritage conservation.

9.6.2 Selection Criteria

Community Improvement Areas will be selected on the basis of the following criteria. To be selected, an area must have one or more of the following problems:

1. The area has been identified as being deficient in terms of streets, street lighting and pathways which do not conform to municipal standards of which substantial improvements relative to the level of service is required to adequately service the area.
2. The area has been identified as being deficient in terms of neighbourhood and/or community park land, recreational or community facilities inclusive of such facilities as swimming pools, athletic fields, community centres, day care centres, libraries, senior citizen facilities or other similar social and/or recreational facilities.
3. The area has been identified as being deficient in terms of the level of municipal services that is water mains, sanitary and/or storm sewers, in that such services do not conform with municipal standards relative to the level of service required to properly meet the needs of the area.
4. The area contains human-made hazards, such as level railway crossings, poor intersection design or vacant and abandoned buildings or structures, which should be eliminated in order to ensure a greater degree of public health and safety and to further enhance the community function.
5. The area has been identified as one where the housing stock or commercial or industrial buildings are approaching the end of their functional life, which buildings should either be rehabilitated and restored for sequential uses in keeping with the nature of the area or demolished so as to allow for redevelopment of the area for a use more compatible with adjacent land uses.
6. The area contains vacant and underutilized lands and buildings or structures which could be developed or redeveloped in a manner, which reinforces the functional role of the area, provides opportunities for energy conservation, and, at the same time provides for the enhancement of the municipal tax base.
7. The area contains areas of incompatible land use in the form of commercial/residential or industrial/residential conflicts which may prejudice the functional or economic role of the area for residential, commercial or industrial purposes.
8. The area or a portion thereof lies within a flood susceptible area or has

natural drainage characteristics which require that such measures as flood proofing or storm water management be undertaken to alleviate storm related flooding situations.

9. The area includes commercial areas which are in need of upgrading and/or streetscape improvements to improve the area's economic viability as a central place in the community.
10. The area has been identified as having deficiencies in terms of off-street parking and loading facilities in relation to commercial and industrial land uses for off-street parking in relation to residential uses.

9.6.3 Delineated Areas

The whole of the Municipality of East Ferris shall be designated as a Community Improvement Area.

9.6.4 Phasing of Improvements

When determining priorities for improvements, Council will consider the following:

1. The need for the improvement based on its own studies and investigations, on advice from residents and on advice from other agencies.
2. The need to establish the sequence of certain activities (such as the need to resurface a street after carrying out drainage improvements or improving the grade or cross-section of a street).
3. The effect of undertaking the improvement on adjacent areas (such as the disruption of traffic).
4. The availability of funds from sources exclusive of or in addition to those provided by the municipality to undertake the improvement.

9.6.5 Methods of Implementation

Council will encourage the use of various means of implementing community improvement policies including the following:

1. The designation of Community Improvement Project Areas under Section 28 of *The Planning Act* and the preparation of Community Improvement Plans.
2. The participation of Federal and Provincial community improvement

programs designed to assist in achieving the municipality's goals and objectives for community improvement.

3. The offering of assistance to private interests in obtaining funding from senior levels of government for private improvement projects. Private sector investment in community improvement will also be encouraged through public-private sector partnerships and private investment in the rehabilitation of the building stock.
4. The participation of mutually beneficial programs with individuals, groups and organizations involved with community improvement.
5. The use/enforcement and updating of the Property Standards By-Law.

9.7 Delegation and Condition of Delegation of Council's Authority

Under Section 5(1) of *The Planning Act*, Council may delegate any authority, by by-law, where such authority has been delegated to Council by the Minister, and may in turn, delegate such authority to a Committee of Council or an appointed officer. Examples include the authority for granting consents and the administration of Site Plan Control.

Council may also withdraw authority for the approval of site plans (under Section 5 (4) of *The Planning Act*) where the site plan, by virtue of its complexity or impact on the Municipality, should be approved by Council. Council will withdraw such authority by By-Law as set out in Section 5 (5) of *The Planning Act*.

9.8 Holding Zones

In order to show a future zoning designation while retaining control of the timing of development, a "Holding" designation may be used, in the form of a symbol "H" as a suffix to the zone designation. As long as the "H" is retained, the use of the land shall be limited to the existing uses.

9.8.1 Rationale for the Use of Holding By-Laws

Holding By-laws may be used under the following circumstances:

9. To hold land from development until water and sewage services are provided, or, studies have been undertaken to prove that servicing is

possible on the site and the servicing has been included in the Municipal budget or provided for through a Subdivision Agreement or other acceptable means with a developer;

10. To hold land that is designated in the Official Plan, but, as yet is undeveloped until a proposal is submitted to develop the land for the use/uses intended in the Official Plan;
11. To hold land from development until other environmental or physical improvements to the site are made. For example, road improvements or infill on a site may be required prior to development of the site;
12. To prevent or limit the use of land in order to achieve orderly phased development;
13. To hold land until a Community Improvement Policy Plan and program is in place;
14. To allow for the implementation of special design features in specific locations of developments (energy conservation, residential or commercial design);
7. To ensure that all conditions of development including financial requirements and agreements in accordance with the provisions of this Plan and/or *The Planning Act*, have been complied with;and,
8. To place contaminated sites in a Holding Zone (see also Section 7.4).

9.8.2 Conditions to be Met for Removal of the Holding Symbol

The Holding “H” may be removed by By-law when the above circumstances in Section 9.8.1 have been satisfied and the following conditions are met:

1. Approval for the servicing of the site or area to required standards is given;
2. A proposal is submitted for a site that conforms to the policies of the Official Plan;
3. A secondary plan or phasing plan is submitted;
4. A Community Improvement Policy Plan and program is developed;
5. Architectural or design drawings and studies, where applicable, are

submitted showing the required features;

6. Financial securities have been submitted; and,
7. With respect to contaminated sites, the “H” may be removed where the requirements of Section 7.4 of this Plan have been satisfied.

By-laws to establish such Holding Zones shall be subject to the provisions of Sections 34 and 35 of *The Planning Act*, including the notice for and holding of a public meeting. Prior to the removal of the Holding “H” symbol, Council shall give notice of its intention to pass the amending By-law removing the Holding symbol, in accordance with Section 35 of *The Planning Act*.

9.9 Interim Control By-Law

In order to control development in an area where the Municipality is reviewing its long-term planning, an Interim Control By-Law may be passed, effective for up to one year and renewable for a further year so that the maximum period it is in effect is two years from its imposition. An Interim Control By-Law shall allow the Council to place a temporary freeze on land uses in order to allow a review of land use policies. After that, at least three years must elapse before another Interim Control By-Law may be passed covering any part of the same area. An Interim Control By-law must be preceded by a By-law or resolution, directing that a study be undertaken of planning policies in the affected area and setting out the terms of reference for the study. Notice of the passing or extension of an Interim Control By-Law shall be given in accordance with the requirements of *The Planning Act*.

When an Interim Control By-Law expires, the prior zoning shall automatically apply, unless a new Zoning By-Law is passed.

9.10 The Municipal Act

It is intended that the municipality shall review existing legislation pursuant to the Municipal Act governing such uses as automobile wrecking yards, signs, landfill sites and recreational vehicles (trailers) and, where necessary, amend existing By-laws or pass new By-laws as may be required, to ensure such uses are properly regulated and controlled.

9.11 Municipal Plan Review

The Ministry of Municipal Affairs and Housing will be responsible for the Plan Review function for Official Plan amendments and subdivisions and will act as the “one window” reviewer for the interests of various Provincial Ministries. In assuming this role, the following procedures shall generally apply:

1. The applicant will be required to submit a complete application as required by *The Planning Act*;
2. The applicant shall undertake to submit any supplementary information as may be required by the Municipality prior to the acceptance of the “complete application”. Such supplementary information may include, but not be limited to:
 - i. Approvals/comments pertaining to an entrance permit or other matters governed by the Ministry of Transportation under the auspices of *The Public Transportation and Highway Improvement Act*;
 - ii. Approvals/comments pertaining to on-site (sewage) services;
 - iii. An assessment/comments with respect to the conservation or preservation of cultural heritage resources;
 - iv. An Environmental Impact Assessment for any of the matters set out in Section 6.2.8 of this Plan respectively.
3. The applicant shall pay any application fees and enter into any development agreements with the Municipality for the costs associated in the processing of a Planning application;
4. Upon the receipt of a “complete application” including any required additional information, the Municipality will provide notice of the application to required Ministries and agencies as required by *The Planning Act*;
5. In parallel to the notification requirements, the Municipality may circulate the application for technical comments and input to all Ministries, outside agencies and Municipal departments.
6. The Municipality will co-ordinate the review of technical comments in the preparation of a Planning Report and will undertake to negotiate the resolution of concerns or issues arising from the review through a modification of the development proposal, requirement for additional information or studies, requiring the applicant to enter into one or more agreements, or to consider a “no development” option. The Municipality will make a recommendation to the Approval Authority following the completion of the review. Where Council is the Planning Approval Authority, the review will be coordinated and completed by the

municipality.

7. Council will hold any required public meetings as may be required by *The Planning Act* to solicit public input on the Planning application, first having given the required notice.
8. Council will exercise its authority to approve or reject an application in rendering a decision and shall notify the applicant and such other persons as may be required by *The Planning Act* of Council's decision on the matter.
9. Where the decision of Council is appealed, Council will process the appeal in accordance with the procedures set out under *The Planning Act* and any directions given to the Municipality by the Ontario Municipal Board.

9.12 Property Standards By-Law

Council will administer minimum standards of maintenance and occupancy through the use of a property standards By-law to conserve, sustain and protect the existing and future building stock and properties in the Municipality. Council will review the By-law from time to time and enact amendments where appropriate.

The Property Standards By-Law shall be applicable to all property and contains requirements with respect to:

- garbage disposal;
- pest prevention and controls;
- structural maintenance of buildings;
- safety of buildings;
- cleanliness of buildings;
- service to buildings - plumbing, heating and electricity;
- keeping lands and waterfront properties free from rubbish, debris, weeds, abandoned or used vehicles, trailers, boats, barges, mechanical equipment or material;
- maintaining yards, lands, parking and storage areas;
- minimum standards for the maintenance of heritage attributes for properties designated under the Ontario Heritage Act;
- maintaining fences, swimming pools, accessory buildings and signs; and,
- occupancy standards.

Council will use or encourage the use of associated legislation such as the *Ontario Fire Code* for the retrofit of buildings.

Council shall appoint a Property Standards Officer who will be responsible for administering and enforcing the Property Standards By-Law

Council shall also appoint a Property Standards Committee for the purpose of hearing appeals against an order of the Property Standards Officer.

The measures to be used generally in achieving the property maintenance program will include an education and public relations program to show people the benefits of continued maintenance, together with information showing what improvements can be made without increasing assessment.

Complementary to the enforcement of minimum standards on private properties, Council shall undertake to keep in a fit and well-maintained condition all municipally owned properties and structures, and to provide or maintain in good repair such municipal services as roads, sidewalks, etc.

9.13 Public Participation

Council shall undertake a program of planning education for the citizens of East Ferris whenever opportunities may arise, and shall be satisfied that an adequate opportunity of public understanding with regard to the purpose and content of the Official Plan occurred at the time of preparing the Plan and during the formal approval process and also with any future amendments to the Plan as they arise. Public discussion of the Plan shall be encouraged and informed opinions shall be solicited from local citizens through formal public meetings and pre-consultation prior to the adoption of the Plan as the Official Plan of East Ferris.

The importance of public awareness and understanding of the proposals contained in this Plan shall be stressed since the broadening of the base of public understanding and participation in land use planning will strengthen the possibility of accomplishing lasting benefits for the Municipality.

9.14 Site Plan Control

9.14.1 Purpose

The purpose of exercising Site Plan Control regulations is to assist the municipality to achieve its objective of encouraging development that is environmentally acceptable and attractive and leads to greater compatibility and harmony with adjacent land uses.

9.14.2 Designated Areas

In accordance with the provisions of the *Planning Act*, the total area within the corporate limits of the Municipality of East Ferris is hereby designated as proposed Site Plan Control Areas.

Specific areas, uses and/or zones subject to Site Plan Control as described in this Plan shall be identified in the Municipality's Site Plan Control By-law, and amendments thereto, passed under the provisions of the *Planning Act*.

9.14.3 Development Guidelines for Site Plan Control

The areas in which Site Plan Control regulations will be exercised is described in various sections of this Plan. Council, through the application of Site Plan Control, shall require each applicant submitting such a development proposal to enter into an agreement with the Municipality as a condition to the approval of the development proposal. Where a development proposal is of a minor nature, some or all of the points listed below may be waived in the agreement. The agreement may include conditions on the following facilities and matters:

1. The construction or reconstruction of the access or egress onto all major roads or highways and any upgrading of the roads, that will be necessary as a result of the increased traffic caused by the development;
2. The number and location of all off-street loading areas and parking areas to be provided within each development, and the surfacing of such areas and driveways;
3. The number, location and construction of all stairs, elevators and escalators to which members of the public have access from streets, open spaces, interior walkways, walkway ramps and pedestrian access points to be provided in the development and how these will eventually be connected to adjacent areas;
4. The location, number and power of any facilities for lighting, including floodlighting of the site or any buildings or structures (such as signs) thereon;
5. All grading required to be done on the property and how storm, surface and waste waters will be disposed of in order to prevent erosion including the period during construction of the project. Plans will show the location and connections for all services to municipal services including elevations and inverts.

6. Sustainable design elements and techniques that are to be used on the site for landscaping of the property for the protection of adjoining lands, water bodies or natural heritage features, including the type of vegetation and techniques to be used, the existing (native) vegetation which is to be preserved, paving materials, street furniture, curb ramps, bicycle parking facilities and any structures such as walls, fences or barriers that are to be used;
7. The location, height, number and size of all residential units to be erected on the site and the method by which the development will be staged and may include the exterior design, scale and appearance of the buildings;
8. The location, height, and type of all other buildings located in the proposal;
9. Illustration of the contours and final elevations of the site on a contour interval of 1 metre (3.2 feet) or less;
10. The location and type of any facilities and enclosures for the storage of garbage and recycling and other waste materials;,
11. The location and extent of any easements or other covenants on the land to be conveyed to the Municipality or a local board for public utilities;
12. Facilities designed to have regard for accessibility for persons with disabilities; and,
13. That the owner grants simply unto the Municipality of East Ferris free of any charges, all lands measured 33 feet from the centerline of any existing publicly maintained road along the full length of the owner's total holdings being the subject to site plan control.

In the review of Site Plan Applications, Council may circulate to Municipal departments and outside agencies who are considered to have a vested interest for their comments prior to the approval of any site plan or site plan agreement.

A bond may be requested and held by the Municipality to ensure the works are completed to the satisfaction of the Municipality. The bond shall be released to the owner once the works have been completed.

Agreements entered into under the authority of Section 41 of *The Planning Act* shall be for the provision of any or all of the facilities, works or matters as provided for in the Act and the maintenance thereof and for the registration of such agreements against title to the land to which they apply.

9.15 Subdivisions Condominiums, Consents and Part-lot Control

9.15.1 Subdivision Control

All lands within the Municipality are subject to subdivision control and part-lot control as provided for under *The Planning Act*.

It shall be the policy of Council to recommend to the Minister for approval, or where subdivision approval is delegated to the Municipality of East Ferris, to approve, only those plans of subdivision which conform with the policies of this Plan and which, to the satisfaction of the Council, can be supplied with adequate public service facilities (see Section 4.17).

It shall be a further policy of Council to ensure that where old registered plans of subdivision or parts of old registered plans of subdivision exist and are deficient in some way by reason of inadequate lot size, poor access, or would encourage development in undesirable locations, consideration shall be given to passing a By-law under Section 50 (4) of *The Planning Act* deeming such plans not to be registered for the purposes of subdivision control.

Land development by Plan of Subdivision shall be the preferred method of land division for development in the Villages and for Estate and Waterfront development where four or more lots are proposed and for any business park. Consents shall otherwise be the method of land division.

An application for a plan of subdivision or condominium shall be in accordance with the requirements of *The Planning Act or Condominium Act*. Additional information may be required in assessing the appropriateness and the location of the subdivision or condominiums. Regard shall be given to the requirements for an impact assessment for subdivisions proposed with shoreline frontage or in the vicinity of identified natural heritage features, Archaeological or cultural heritage resources or natural or human-made hazards (flood plains, development constraints, noise and vibration, sewage treatment or waste disposal facilities). Reference shall also be made to the servicing policies of this Plan (see Section 4.19) for the requirements for on-site or communal servicing for subdivisions.

The Municipality may, as a condition of draft plan of subdivision or draft plan of condominium approval pursuant to the Planning Act, require the owner of land to enter into one or more agreements which may be registered against the title of the subject lands. Subdivision agreements shall ensure that the provision of funds, services, facilities, and other matters. The applicant shall be required to post appropriate securities with the Municipality to ensure the conditions of the

subdivision agreement are fulfilled.

9.15.2 Consents

General

Consents shall be permitted when it is clearly not necessary, or in the public interest, that a plan of subdivision is required. If a plan of subdivision is not deemed necessary, regard shall be had to other policies in this Plan and, more specifically, to the following criteria when considering applications for consent:

1. The applicant has provided confirmation that capacity exists at a sewage disposal or treatment facility (e.g. a letter signed by holder of the Certificate of Approval (C of A)), for the lot's septage exists.
2. Consent should be given only when the land fronts on and has direct access to a year round maintained public road which is of a reasonable standard of construction except in the case where the lands are designated or intended to be used in the Waterfront designation (see section 8.15.2(18)(A)) or are located on an island, or are located within or adjacent to an area which has already been developed primarily on the basis of water access only.
3. Consents for lots within the Trout Lake Watershed Overlay Designation should only be granted when the policies set out in Sections 5.3.7.1 are satisfied.
4. Consents for lots within the Lake Nosbonsing Watershed or its designated streams should only be granted when the policies set out contained in Sections 5.3.7.2 are satisfied.
5. For all other water bodies, consents should only be granted only if it has been established by Council and/or other agencies that the water quality of the water body is capable of accepting further development.
6. Consents should by granted only when it has been established by the public authority having jurisdiction, that soil and drainage conditions are suitable to permit the proper siting of buildings, to obtain a sufficient and potable water supply and to permit the installation of an adequate means of sewage disposal. Consideration should be given to the adequacy of water supply and sewage disposal for both the severed and retained portions of the subject property. It is the responsibility of the applicant to obtain the necessary clearances from the approval authority for on-site sewage disposal systems and to conduct the necessary studies (e.g.,

hydro geological or terrain evaluation) prior to the submission of an application. Where two or more buildings or dwelling units are proposed on the same servicing lines, an agreement shall be registered on title to ensure that independent service easements area available to each building or unit.

7. Consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on a curve or grade.
8. The size of any parcel of land to be created by consent should be appropriate for the use proposed and in no case should any parcel be created which does not conform to the provisions of the implementing Zoning By-Law.
9. No severance shall be approved which will result in the creation of a landlocked parcel unless such parcel is to be consolidated with an abutting property which abuts and has direct access to an improved public road. To avoid the creation of landlocked parcels, both the severed and retained portions of the subject property must abut and have access to a dedicated public highway.
10. Where the Municipality or the Ministry of Transportation has identified the need for road widening, extensions or rights-of-ways or for the provision of road allowances to meet required standards, the consent granting authority shall ensure that the necessary land for any or all of these purposes is dedicated as a condition of severance approval. Also, where an entrance permit may be required from the *Ministry of Transportation under the Public Transportation and Highway Improvement Act*, the applicant shall obtain comments from the Ministry prior to submission of an application.
11. No severance for a year-round residential use shall be approved if the necessary school accommodation is not available. The proposed lot should also be served by an existing school bus route.
12. In the review of a severance application, the consent granting authority shall have regard to matters of public health and safety (e.g., areas prone to flooding, erosion, steep slopes, organic soils, sewage treatment and waste disposal facilities, noise generation from road traffic and non-compatible industrial uses) and shall ensure that appropriate mitigation measures are implemented. In the absence of appropriate mitigation, the application may be refused.
13. Consideration shall be given to a land or cash dedication/conveyance in

accordance with Section 9.4 for park land or recreational facilities and the dedication of land required for possible road widenings or other conditions to be met in the granting of a provisional consent.

14. Except as expressly permitted in Section 9.15.2 (16), it shall be a policy of Council to generally permit a maximum of two severances (e.g., creation of two additional lots) from any parcel of land. The number of new lots permitted to be created by severance within the combined Rural and Waterfront designations within any calendar year shall be limited to a maximum of 25, provided that the severance(s) conform(s) to all other applicable sections of this Plan.

Council will only consider more than two severances from one property by way of consent if:

- there is no need for the extension of Municipal services as a result of the approval of the consents;
- the proposed new lots are located on an existing publically maintained and assumed road;
- the approval of the consents will be in keeping with the existing character of the area; and,
- the severance would conform with all other applicable sections of this Plan.

15. Despite the criteria outlined in '1' to '14' above, consents may be granted for the following purposes:

- A) To correct lot boundaries;
- B) To convey additional land to an adjacent lot provided the conveyance does not lead to the creation of an undersized or irregularly shaped lot for the purpose for which it is being or will be used;
- C) To clarify title to the land;
- D) Where the effect of the severance does not create an additional building lot, except to separate dwellings or structures in existence as of December 31st 2012 or to dispose of surplus dwellings when two or more parcels are consolidated;
- E) To permit an easement; or
- F) To permit a severance for municipal or other government purposes.

16. Village

In addition to the above criteria:

- A) Consents may be granted only in areas where the undue extension of any major service would not be required otherwise development will occur through plan of subdivision;
- B) Consents may be granted only when the land fronts on and has direct access to a maintained public road which is of a reasonable standard of pavement or gravel construction;
- C) Consents should have the effect of infilling in existing Village areas and not of extending the Village area unduly; and,
- D) Notwithstanding the provisions of Section 9.15.2.14 of the Official Plan, infill development in the Village will be permitted subject to meeting the frontage and area requirements of the implementing Zoning By-law.

17. Rural

In addition to the above criteria:

- A) In considering the appropriateness of a consent and the Minimum Distance Separation Formulae I and II shall apply;
- B) Encouragement should be given to the preservation of existing farm units of 40 hectares (100 acres);
- C) The addition of land to existing farm units should be encouraged;
- D) Consents may be granted per Section 9.15.2 (14) above provided that:
 - the viability and flexibility of existing or potential farm operations are not adversely affected;
 - the dwelling must be surplus to a farm operation when consolidating parcels or disposing of surplus dwellings; and
 - the land to be severed should preferably be on poorer quality agricultural land.

18. Waterfront

- A) Despite other consent policies of this Plan, a consent may be granted in the Waterfront designation for one new lot that does not have frontage on a year round publicly maintained road but does have a minimum lot area of 0.81 hectare (2.00 acres) and a minimum lot frontage of 90 metres (295.2 feet) on the mainland of either Trout Lake or Lake Nosbonsing. In the granting of such a consent, however, there shall be conformity with the policies of Section 5.3.7 of this Plan.
 - B) New lots which may be granted under Section 9.15.2 (18) (A), shall only be created on an infill basis on private roads which existed on December 31st 2012 and are identified on Schedule “C”. Extension to private roads shall not be permitted.
 - C) New lots which may be granted under Section 9.15.2 (18) (B) shall have a legal right-of-way registered on title to ensure legal access is provided.
19. In addition to the above, Council may request studies be conducted and submitted with an application for Consent to prove any of the above matters

9.15.3 Part-Lot Control

Part-lot control may be used for existing plans of subdivision where it is necessary to re-align lot boundaries to clarify or grant title, exact specific servicing requirements as a condition of consent such as a road widening or to further control internal development on a lot.

9.16 Temporary Structures

Temporary structures associated with a construction project may be permitted by a temporary building permit for a period of time not to exceed one year. These temporary structures shall not be connected to any available municipal water or sewage services. For the purposes of this section, a temporary structure includes structures built of traditional construction materials and structures which can move under their own power or be moved on their own chassis.

9.17 Temporary Use By-Law

In certain circumstances, it may be desirable to pass a Temporary Use By-Law to implement the policies of this Plan or to implement measures for economic growth and prosperity within East Ferris (e.g., it may be desirable to locate certain uses in vacant commercial or institutional buildings or on lands zoned for institutional uses on a temporary basis despite the fact the uses are not permitted under the provisions of the Official Plan). It may also be beneficial to temporarily zone lands for industrial or commercial uses as an incubator or temporary location for a use which does not conform to the Plan.

Council may, therefore, in a By-law passed under Section 39 of the *Planning Act*, authorize a temporary use of existing structures for any purpose set out therein. The period of time for a temporary use by-law may be for a period of up to three years which is renewable. Notice of a Temporary Use By-Law shall be given in the same manner as that of a Zoning By-Law under Section 34 of the *Planning Act*.

Any use introduced under such a Temporary Use By-Law does not acquire the status of a legal non-conforming use at the expiration of the By-law(s) and at that time must therefore cease.

It is not the intent of Council that Temporary Use By-Laws be used to permit a new use while an amendment to the Official Plan and/or Zoning By-Law is being processed to permit the use on a permanent basis. However, once a temporary use is established and it becomes apparent to Council that the use should be permitted on a permanent basis, the use may continue under a Temporary Use By-Law while any required amendments are passed.

9.18 Zoning By-Law

The Zoning By-Law for the Municipality of East Ferris shall reflect the principles, policies and land use descriptions set out in this Plan. The By-Law shall zone land and establish regulations to control the use of land and the character, location and use of buildings and structures in accordance with this Plan.

It is not intended to zone all land at the outset for the land uses designated on the Land Use Schedules to this Plan. Provision may be made for certain holding zones (see Section 8.8) to be established in the various land use designations in order to achieve orderly development and to ensure that design and other criteria established in the Plan have been met prior to removing the holding symbol.

Lands may also be placed in a general category and rezoning for specific uses envisioned by the Plan may occur by application for an amendment to the Zoning By-Law.

It shall also be a policy of Council to permit the zoning of some existing uses located in the Municipality which are not designated in this Plan as of the date of the passing of the By-Law, but are generally in compliance with the provisions relating to Non-Conforming Uses under Section 4.8.2.

Where deemed necessary by Council, development shall be controlled in accordance with Section 41 of *The Planning Act* as a supplement to the zoning requirements.

10.0 INTERPRETATION

10.1 General

This Plan generally provides a twenty (20) year development framework to guide the future growth of the Municipality of East Ferris. In order to achieve as much flexibility in the Plan as is possible, an attempt has been made to control uses in policy statements rather than designating specific individual use areas.

It should be noted that in conjunction with a permitted use, that accessory uses, buildings and structures that are normally incidental and subordinate to the principle use are also permitted (see also Section 4.2)

10.2 Land Use Boundaries and Quantities

The boundaries between land uses designated on Schedules “A-F” are approximate only, except where they coincide with major roads, railway lines, rivers or other clearly defined physical features. Where the general intent of the Plan is maintained, minor adjustments to boundaries will not necessitate an amendment to this Plan. Regard shall be had to Section 5.3.1 with respect to the Waterfront designation.

Numerical standards set out in the text are not to be construed as being absolutely rigid and minor variations to these numbers can be made provided that the intent of the Plan is maintained. In this context, most of the suggested planning standards have been included as guidelines for Council to follow and should be periodically reviewed as to their adequacy in meeting changing circumstances.

10.3 Amendments

In determining whether or not an amendment to the Plan is required, special regard shall be had to the definitions and policies for each land use category and other general development policies set out in Section 4 and the policies of each land use category under Section 5.

While it is not the intent of Council to limit the rights of any person under the Planning Act to apply for an amendment, any proponent of development shall

discuss the need for an amendment with the Municipality prior to making an application. The Municipality shall require pre-consultation in making this determination as well as in the review of any application for an amendment filed with the Municipality prior to a public meeting or decision.

Pursuant to Section 17 (9) of *The Planning Act*, Council in exercising its responsibilities for the exemption from approval for Official Plan Amendments (Ontario Regulation 525/97), where so delegated by the Province, shall:

- provide a copy of the proposed Official Plan Amendment to the Minister of Municipal Affairs and Housing during consultation under Section 17 (15) (a) of *The Planning Act*;
- provide a copy of a sworn declaration made under subsection 17 (28) of *The Planning Act* within 15 days of it being sworn;
- shall submit a copy of the record compiled under subsection 17 (29) or 22 (9) of *The Planning Act* to the Minister at the same time it is forwarded to the Ontario Municipal Board.

10.4 Agency Names and Responsibilities

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