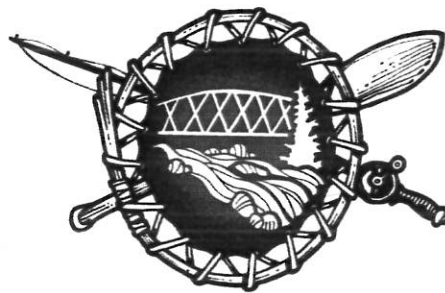


**OFFICIAL PLAN
FOR THE
TOWNSHIP OF SIOUX NARROWS-NESTOR
FALLS**



**Adopted: November 18, 2008
Approved by Minister with Modifications : January 13, 2011
Consolidated: September 26, 2014**

**Township of Sioux Narrows-Nestor Falls
P.O. Box 417
Sioux Narrows, Ontario P0X 1N0**

Table of Contents

1.0	INTRODUCTION	1
1.1	Purpose of the Plan	1
1.2	Effect of the Plan	1
1.3	Basis of the Plan.....	1
1.4	Title and Scope of the Plan	2
1.5	Amendments to the Plan	2
1.6	Review of the Plan	2
1.7	Responsibilities of Council	3
2.0	VISION STATEMENT	4
3.0	OBJECTIVES	5
3.1	General.....	5
3.2	Official Plan Objectives.....	5
4.0	GENERAL DEVELOPMENT POLICIES.....	7
4.1	Economic Development.....	7
4.2	Community Improvement.....	7
4.3	Housing	9
4.4	Services	11
4.5	Design Criteria for the Physically Challenged.....	12
4.6	Cultural Heritage and Archaeological Resources	12
4.7	Home Occupations and Home Industries	13
4.8	Bed And Breakfast Accommodation	14
4.9	Sleep Cabins.....	14
4.10	Public Uses - Public Works and Utilities.....	14
4.11	Group Homes	15
4.12	Natural Resources and Environmental Impact	15
4.13	Wayside Pits, Quarries, and Portable Asphalt or Concrete Plants.....	16
4.14	Pits and Quarries	17
4.15	Parkland Conveyance.....	19
4.16	Acquisition of Additional Parkland	20
4.17	Drainage.....	20
4.18	Crown Lands.....	21
4.19	Development Adjacent to Provincial Highway 71	21
4.20	Shoreline Development.....	21
4.21	Preservation of Vegetation.....	23
4.22	Development Near Airstrips	23
4.23	Contaminated Sites	23
4.24	Energy	24
4.25	Surface and Ground Water Resources	24
4.26	Highway Corridor Viewshed Management	25
4.27	Land Use Compatibility.....	25
5.0	LAND USE DESIGNATIONS.....	27

**Township Of Sioux Narrows-Nestor Falls
Official Plan**

5.1	General.....	27
5.2	Residential.....	28
5.3	Commercial.....	29
5.4	Industrial	30
5.5	Rural.....	31
5.6	Open Space / Park.....	32
6.0	DEVELOPMENT CONTROL AREAS.....	34
6.1	General.....	34
6.2	Hazard Lands	34
6.3	Sensitive Areas.....	35
6.4	Waste and Sewage Disposal Sites.....	38
6.5	Aggregate Resources	39
6.6	Metallic Mineral Resources	40
7.0	LAND DIVISION.....	41
7.1	General.....	41
7.2	Plan of Subdivision.....	42
7.3	Consent	42
7.4	Consent on a Private Road.....	43
8.0	TRANSPORTATION.....	44
8.1	General.....	44
9.0	IMPLEMENTATION AND ADMINISTRATION	46
9.1	General.....	46
9.2	Zoning By-Law.....	46
9.3	Public Works.....	46
9.4	Building Permits	46
9.5	Holding By-Laws.....	47
9.6	Temporary Use By-Laws.....	47
9.7	Sign By-Laws.....	48
9.8	Site Plan Control.....	48
9.9	Development Charges.....	49
9.10	Existing and Non-Conforming Uses.....	49
9.11	Existing Lots of Record	50
9.12	Property Standards By-Law	50
9.13	Acquisition of Lands.....	50
9.14	Public Participation – Official Plan and Zoning By-Law Amendments.....	51
9.15	Delegation of Approval Authority.....	51
10.0	INTERPRETATION.....	52
10.1	Reading the Plan as a Whole	52
10.2	Implementation Over Time.....	52
10.3	Permitted Uses	52
10.4	Land Use Boundaries.....	52
10.5	Legislation.....	52
10.6	Numeric Standards.....	52

10.7 Accessory Uses 53

SCHEDULES 54

Schedule A: Land Use Designations – Sioux Narrows

Schedule B: Land Use Designations – Nestor Falls

Schedule C: Land Use Designations – Township of Sioux Narrows-Nestor Falls (3 plates)

Schedule D: Sensitive Areas – Township of Sioux Narrows-Nestor Falls (3 plates)

1.0 INTRODUCTION

1.1 Purpose of the Plan

1.1.1 The purpose of the Sioux Narrows-Nestor Falls Official Plan is to:

- (a) provide a planning policy framework for decision making by the Township Council, its Committees, and other public bodies;
- (b) provide a guide to the public and business community regarding the future growth and development of the municipality;
- (c) to provide a local context for the application of Provincial planning policies; and,
- (d) establish policies which will guide the nature and location of development in the municipality having regard to the relevant social, economic, and environmental matters.

1.2 Effect of the Plan

1.2.1 Following the adoption and approval of the Official Plan pursuant the Planning Act, no public or private work shall be undertaken and, except as provided for under the Planning Act, no By-law shall be passed for any purpose that does not have regard for the policies of the Plan.

1.3 Basis of the Plan

- 1.3.1 This section of the Plan identifies the primary factors that have been considered in the preparation of the Plan. Should any of these factors change significantly, or should the economic or demographic profile of the municipality see considerable and unanticipated change, the Plan shall be reviewed to determine whether policy or land use designation changes are warranted.
- 1.3.2 This Plan is the first Official Plan for the Township of Sioux Narrows-Nestor Falls. The Township came into effect on January 1, 2001 and consists of the former Township of Sioux Narrows, the Nestor Falls Local Services Board and surrounding unincorporated areas.
- 1.3.3 For the most part the Township is undeveloped and natural in character. There are two significant areas of development within the Township, those being Sioux Narrows and Nestor Falls. Both areas are village like in character and hold the concentrations of commercial activity in the Township. With the exception of Sioux Narrows and Nestor Falls, development adjacent to Provincial Highway 71 is very limited.

- 1.3.4 The municipality's location and abundant natural beauty and resources have led to a significant and well-established tourism industry and a growing seasonal population.
- 1.3.5 The area has an active and important forestry and mining sector.
- 1.3.6 There are notable and significant First Nation communities and reserve lands located congruent to the Township.

1.4 Title and Scope of the Plan

- 1.4.1 This document, together with any Land Use or other Schedule(s) and any Amendment(s), which are adopted and approved pursuant the Planning Act, constitutes the Official Plan for the Township of Sioux Narrows-Nestor Falls and was prepared in accordance with the provisions of the Planning Act.
- 1.4.2 The Plan may be cited as the "Sioux Narrows-Nestor Falls Official Plan".
- 1.4.3 The Plan applies to all lands within the Township of Sioux Narrows-Nestor Falls.

1.5 Amendments to the Plan

- 1.5.1 No developments or activities shall occur within the Township of Sioux Narrow-Nestor Falls, which contravene the intent and policies of this Plan.
- 1.5.2 Development or activities deemed beneficial to the Township by Council, but not in conformity with the Plan, shall require an Amendment to the Official Plan before proceeding.
- 1.5.3 All Official Plan Amendments are subject to the approval of the Minister of Municipal Affairs.

1.6 Review of the Plan

- 1.6.1 Following the adoption and approval of the Official Plan pursuant the Planning Act, the basis, objectives, and policies of the Plan shall be reviewed at least once every five (5) years at a meeting of Council. Should economic or social changes occur which necessitate an earlier review, or should the monitoring of the plan identify areas that need further consideration, Council may direct such a review to be undertaken.

1.7 Responsibilities of Council

1.7.1 In respect to the Official Plan, Council has the responsibility to:

- (a) prepare and adopt the Official Plan;
- (b) review the Official Plan from time to time and make amendments as necessary;
- (c) advise and secure the views of the public, local authorities, agencies, and boards in respect to the Official Plan and amendments; and,
- (d) prepare, consider, and adopt local legislation, and amendments to local legislation, which implement the policies of the Official Plan.

2.0 VISION STATEMENT

The Township of Sioux Narrows-Nestor Falls will continue to be recognized for its enviable and unique blend of the natural beauty of its lands and waters and the attractive built environment that its people have created and which together attract, house, service, and employ residents, tourists, and visitors. The Township will prepare for the future by acting to protect its valuable natural environment and resources while planning for the sensitive development and growth of the community and its services. The Township's growth will reinforce the community's settlement areas and provide for an appropriate range of choice for residents and visitors in terms of housing, services, and opportunities. Economic activity within, and associated with the community, will continue to thrive and will provide employment and income opportunities for residents and businesses.

3.0 OBJECTIVES

3.1 General

- 3.1.1 The following Objectives will guide future development in the Township of Sioux Narrows-Nestor Falls. The policies and land use designations contained in this Plan are based on achieving these objectives. In the event that clarification on the intent of these policies is required, the objectives listed in this section should be considered.

3.2 Official Plan Objectives

- 3.2.1 To minimize land use conflicts, ensure the compatibility of present and future uses, and promote the efficient use and preservation of land and resources.
- 3.2.2 To maintain and/or enhance the visual and aesthetic quality of the Township.
- 3.2.3 To enhance the quality of life for current and future residents by improving parklands and recreational facilities, encouraging a high standard of property and building maintenance and providing opportunities for a wide range of employment.
- 3.2.4 To provide a range of housing opportunities to meet the physical and financial needs of the permanent and non-resident population.
- 3.2.5 To ensure that appropriate lands are identified and available for the efficient and orderly future growth of the Township.
- 3.2.6 To preserve much of Provincial Highway 71 as a natural corridor which, in turn, will promote the Township as a natural and scenic environment.
- 3.2.7 To protect and preserve hazard lands, sensitive areas, important natural resources such as fish and wildlife habitat areas, wetlands, and all significant cultural heritage resources in the Township, including built heritage resources, cultural heritage landscapes, cemeteries and archaeological sites.
- 3.2.8 To reinforce and strengthen the existing settlement areas of Sioux Narrows and Nestor Falls by encouraging additional commercial and residential growth in these areas and in particular, to identify and encourage infilling and intensification within these settlement areas.
- 3.2.9 To discourage inappropriate types of commercial, industrial, and residential growth in the rural portion of the Township in order to protect, preserve and enhance the existing character of the Township and the roadside aesthetics of the

Township, especially in locations leading to shoreline residential developments and tourist commercial uses.

- 3.2.10 To protect the Lake of the Woods ecosystem and the shoreline from development which would adversely affect it and detract from the viability of existing tourist commercial uses and the enjoyment and safety of other existing uses.
- 3.2.11 To have regard for relevant provincial and federal land use policies.

4.0 GENERAL DEVELOPMENT POLICIES

The following General Development Policies apply to more than one land use designation. These policies must be read in conjunction with the more specific land use policies and be interpreted and applied within the context of the overall objectives of this Plan.

4.1 Economic Development

- 4.1.1 Council recognizes the importance of a healthy local economy. Non-permanent residents, tourism, resource development and industries, and the public travelling along Provincial Highway 71 all contribute to a healthy local economy in the Township.
- 4.1.2 Support for various economic development initiatives will continue and the Township may cooperate with other levels of government and participate in any programs offered to improve employment opportunities and promote economic development.
- 4.1.3 The Township shall foster a favourable climate for sustainable economic development and will promote the community as a desirable location for new business investment. In its economic development actions the Township shall recognize the importance of protecting and enhancing those characteristics that make Sioux Narrows-Nestor Falls desirable while at the same time providing economic opportunity.

4.2 Community Improvement

- 4.2.1 Community improvement is broadly defined as encompassing all those activities, both public and private, which maintain, rehabilitate and redevelop the existing physical development of a community to accommodate the local social and economic priorities.
- 4.2.2 Council is committed to community improvement within the Township of Sioux Narrows-Nestor Falls and will both participate in and encourage activities that will maintain or upgrade the Township's existing physical development. Council may also, in addition to other actions, use its authority granted under the Planning Act to designate a Community Improvement Project Area, adopt community improvement plans and acquire and redevelop land.
- 4.2.3 Within the Township, the objectives of community improvement are:

- (a) to safeguard the health, convenience, and enjoyment of both residents and visitors by improving social, cultural, and recreational facilities and services;
- (b) to improve the Township's physical environment by participating in and/or encouraging programs which improve the municipal physical services, facilities, and streetscapes and by encouraging private property owners to upgrade their holdings;
- (c) to protect and improve the economic well-being of the Township and its residents by encouraging and/or participating in programs that will promote new jobs, new capital investment and increases in the economic base and municipal tax base, having regard for the cost/benefit relationship of such programs; and,
- (d) to encourage the intensification within the settlement areas, the redevelopment of brownfield sites, and the reuse of vacant or underutilized buildings by utilizing available legislation and programming.

4.2.4 Within Sioux Narrows-Nestor Falls, Council shall work towards the Community Improvement objectives by undertaking the following initiatives, where feasible:

- (a) surface treat and provide adequate drainage on all public roads;
- (b) provide adequate street lighting on all public roads;
- (c) provide sidewalks of an adequate width on both sides of the street in the Sioux Narrows and Nestor Falls Commercial areas;
- (d) improve existing and establish new parks, playgrounds, rest areas, open space areas, indoor recreation facilities, beaches, and water access facilities;
- (e) improve existing and establish new social and recreation facilities and programs for children, adults, and senior citizens;
- (f) phase out non-compatible land uses as identified by both this Plan and the Zoning By-law;
- (g) prepare and implement a design scheme and marketing strategy for the Township's Commercial areas; and,
- (h) encourage the conservation and rehabilitation of buildings and areas of historical significance.

4.2.5 A Community Improvement Project Area shall be selected on the basis of deficiencies related to the following criteria:

- (a) condition and appearance of buildings, landscaping, and other site features;
- (b) condition, adequacy, and existence of municipal physical services such as roads, lanes, storm water drainage, sidewalks, lighting and hydro;

- (c) condition, adequacy, and existence of municipal recreational services and facilities such as parks, arena, play equipment, trails, beaches, sports fields, and water access points;
- (d) condition, adequacy, and availability of municipal, social, and cultural facilities, such as meeting rooms, museums, libraries, and community centres;
- (e) compatibility of land uses and uses of land in conflict with this Plan and/or the Zoning By-law;
- (f) size, location, and type of signage, adequacy, location, and condition of off-street parking, commercial vacancy rate, pedestrian accessibility to businesses, appearance and adequacy of streets, streetscapes and front and rear building facades, and potential for expansion in Commercial areas, in addition to the items above; and,
- (g) potential for expansion, adequacy of environmental protection facilities, adequacy of space on-site for operation and access to and within Industrial areas, in addition to the items (a), (b), and (e) listed above.

4.2.6 The following considerations shall be taken into account in the phasing of improvements:

- (a) the improvement which will most substantially increase the safety, stability, and aesthetic quality of the community shall be undertaken first;
- (b) in determining the importance of the projects, Council shall take into account the comments received from the landowners/residents at advertised public meetings;
- (c) the disruption to the community shall be limited wherever possible; and,
- (d) prior to undertaking any improvements, Council shall be satisfied that it can reasonably finance and afford the Township's share of costs associated with the required improvement.

4.2.7 Prior to participation in Provincial community improvement programs, the Township will develop detailed background information.

4.3 Housing

4.3.1 It is the policy of this Plan to enable a wide variety of housing by type, size, and tenure to be provided within the Township.

4.3.2 Council is especially concerned that housing that is affordable and accessible to residents of the municipality be maintained and developed. As a result, this Plan is more permissive in the range of housing types allowed with land use designations allowing residential development. As well the plan promotes and sets targets for residential intensification within the Townships settlement areas.

Council has set as a target that 10% of all new residential units in the Township be affordable to low and moderate income households. The definition of affordability will be based on the Provincial Policy Statement's definitions which are as follows.

Affordable means:

- (a) in the case of ownership housing, the least expensive of:
 - i. housing for which the purchase price results in annual accommodation costs which do not exceed 30% of gross annual household income for low and moderate income households; or
 - ii. housing for which the purchase price is at least 10% below the average purchase price for a resale unit in the regional market area;
- (b) in the case of rental housing, the least expensive of:
 - i. a unit for which the rent does not exceed 30% of gross annual household income for low and moderate income households; or
 - ii. a unit for which the rent is at or below the average market rent of a unit in the regional market area.

Low and moderate income households means:

- (a) in the case of ownership housing, households with incomes in the lowest 60% of the income distribution for the regional market area;
or
- (b) in the case of rental housing, households with incomes in the lowest 60% of the income distribution for renter households for the regional market area.

The Province has defined the regional market area for Sioux Narrows-Nestor Falls as the District of Kenora.

- 4.3.3 It is the goal of the Township to maintain at least a 3-year supply of suitably zoned, under the Zoning By-law, residential lots or units, based on past consumption rates. As well, it is the Townships goal to maintain at least a 10-year supply of lands which are suitably designated, under the Official Plan, to accommodate anticipated residential growth. The Municipality will monitor the consumption rates of residential lots and the growth of the population through the development process, assessment, and census population data.

4.4 Services

4.4.1 Council has determined that all development should take place on either:

- (a) individual private services on lots greater than 1 hectare in size; or
- (b) individual private services on lots/units less than 1 hectare in size if the applicant demonstrates, through a technical report prepared by a qualified consultant, in accordance with Ministry of the Environment (MOE) guidelines, that the proposed lots/units meet Ministry of the Environment requirements with respect to potential impacts on groundwater;
- (c) on communal systems, provided a suitable agreement can be reached with the owner of the land regarding the operation and maintenance of the system in the event of default as defined by the municipality and the Ministry of the Environment. Such an agreement may set out among other things:
 - responsibility for the provision of communal services;
 - standards and procedures for the operation, inspection, maintenance, repair, and replacement of the communal system;
 - requirements for lodging of a performance guarantee; and,
 - the establishment and annual payments into a reserve fund, held by the Township, and tied to the communal system.

4.4.2 Communal water systems will be subject to the Safe Drinking Water Act and will require approval under the Ontario Water Resources Act.

4.4.3 All development sites shall be assessed by the Ministry of the Environment and/or the Northwestern Health Unit in order to determine the suitability of the site for septic systems. A developer may be required to provide detailed terrain, hydro-geological, groundwater impact assessments or other relevant information to prove the suitability of the site for private or communal services. In cases where 5 or more lots/units are proposed, the developer will be required to demonstrate, through technical reports prepared by a qualified consultant in accordance with the MOE guidelines, that the proposed lots/units meet MOE requirements with respect to both groundwater quality and quantity, and potential impacts on groundwater.

4.4.4 Confirmation of available existing or planned capacity for the treatment of hauled sewage/septage will be required prior to the approval of new lots or units.

The preparation of a Municipal Septage Plan to identify and address future requirements for the treatment and disposal of hauled sewage/septage shall be undertaken by the Township prior to the 5-year review of this Official Plan.

- 4.4.5 In the interest of promoting water conservation and water use efficiency all new developments shall be required to use low flow fixtures.
- 4.4.6 Proponents will be responsible for receiving approval from the Ministry of the Environment and/or the Northwestern Health Unit for septic systems/tile fields on an individual basis.
- 4.4.7 Depending on operational requirements of any proposed new or expanded land use, MOE approval may be required for the establishment of water works and the taking of water in excess of 50,000 litres per day.
- 4.4.8 Prior to the 5-year review of this Official Plan, the Township shall consider undertaking a Servicing Options Study to investigate the feasibility of providing future municipal water and sewage services in the settlement areas of Sioux Narrows and Nestor Falls.

4.5 Design Criteria for the Physically Challenged

- 4.5.1 Recognizing the unique concerns of the physically-challenged as they specifically pertain to building design, Council shall ensure that the construction of new buildings, structures, and facilities and the reconstruction of existing buildings, structures, and facilities occur in a manner that is consistent with the needs of the physically-challenged. In pursuing this goal, the municipality shall:
 - (a) require building construction and reconstruction to occur in accordance with the regulations of the Building Code; and,
 - (b) encourage any relevant construction or reconstruction on public lands to occur in a manner consistent with the needs of the physically challenged.

4.6 Cultural Heritage and Archaeological Resources

- 4.6.1 Council shall ensure the conservation, preservation and enhancement of the rural character of the Township as a cultural resource. All new development by the land-use policies and designations of this Plan shall have regard for cultural heritage resources and shall, wherever possible, incorporate these resources into any new development plans. In addition, all new development will be planned in a manner that preserves and enhances the context in which cultural heritage resources are situated.
- 4.6.2 For the purpose of this Plan, cultural heritage resources include buildings, structures and bridges, archaeological and historic sites, cemeteries, docks, wharves, partially submerged and submerged archaeological sites, landscapes and landmarks, either individually or in group, which are considered by the Township of Sioux Narrows-Nestor Falls to be of heritage significance.

- 4.6.3 The Ontario Heritage Act and its provisions may be utilized to conserve, protect, and enhance the heritage of the Township through the designation of individual properties as areas of architectural and historical significance.

4.7 Home Occupations and Home Industries

- 4.7.1 Home occupations and home industries are an important component of the economy and may be permitted in association with a single detached residential use provided they are not offensive or create a nuisance as a result of noise, hours of operation, odour, traffic generation, or other means and shall not detract from the principal residential use.
- 4.7.2 The Zoning By-law shall contain regulations in respect to home occupations and home industries. These regulations shall indicate, amongst other matters, the zones in which home occupations are permitted.
- 4.7.3 Home industries shall require a site-specific amendment to the Zoning By-law, and may be permitted subject to the use of appropriate mitigate measures such as buffering and separation distances to address potential conflicts with residential and other sensitive land use. Home occupations which conflict with surrounding land uses will also require rezoning.
- 4.7.4 Home industries shall be adequately separated from residential or other sensitive land uses, both on and off the property, in accordance with MOE guidelines.

Proponents of Zoning By-law amendments to permit home industries will be required to address potential impacts on residential or other sensitive land uses, and to identify appropriate mitigation measures in accordance with MOE guidelines.

- 4.7.5 Where required by the *Environment Protection Act*, a Certificate of Approval must be obtained prior to the commencement of a home industrial use.
- 4.7.6 The home occupation or home industry shall be secondary to the main use of the property and not generate adverse or incompatible effects with the surrounding area. The home occupation or home industry shall relocate to an appropriate zoned site at such time as the home industry or home occupation can no longer be considered secondary to the main residential use of the property.
- 4.7.7 Access approval from the Ministry of Transportation is required for those home occupations or home industries that have access from a provincial highway.

4.8 Bed And Breakfast Accommodation

- 4.8.1 The Township supports the controlled establishment of bed and breakfast accommodation as a means of providing visitors to the community with a varied and interesting supply of temporary accommodation. As such, notwithstanding any provisions of this Plan to the contrary, bed and breakfast accommodation may be permitted within a single-detached dwelling subject to the provisions of the Zoning By-law.
- 4.8.2 The Zoning By-law shall contain detailed criteria and regulations dealing with Bed and Breakfast Accommodation. The Zoning By-law may provide regulations that among other items limit the size and number of rooms for let and may specify the minimum lot area, frontage, and off-street parking for such a residential facility.

4.9 Sleep Cabins

- 4.9.1 The Township recognizes the traditional use of sleep cabins to provide additional sleeping space. As such, notwithstanding any provisions of this Plan to the contrary, Sleep Cabins may be permitted on private residential lots within the Municipality subject to the provisions of the Zoning By-law.
- 4.9.2 Sleep cabins shall be accessory to a dwelling. It is not the intent that a sleep cabin function as a self contained living unit. Cooking facilities are not permitted in sleep cabins.
- 4.9.3 The Zoning By-law shall contain detailed provisions regulating sleep cabins. The Zoning By-law may provide regulations that among other items limit the size of sleep cabins, prescribe options for servicing, and restrict the location of the cabin on the lot.
- 4.9.4 In all cases sleep cabins will be developed consistent with the requirements of Section 4.4 of this Official Plan.

4.10 Public Uses - Public Works and Utilities

- 4.10.1 Except as specifically precluded by the policies of this Official Plan, it is intended that publicly owned institutional/community, utility, communication and publicly-owned transportation, park and playground facilities, including pedestrian and snowmobile trails and other uses deemed to serve a similar public function, be permitted in all land use designations without the need for an Official Plan amendment, providing that their design, particularly the design of any new buildings or structures, maintains general harmony with the uses permitted in the

specific land use designation, the intent of the Plan is maintained, and the applicable policies complied with.

For the purposes of this section “utility” means any hard public service such as, but not limited to, storm water management, electric, and communication services. The definition of a "utility" does not encompass a waste disposal site (landfill site or lagoon).

4.11 Group Homes

- 4.11.1 Group homes shall be permitted in all designations that permit residential development subject to the provisions of the Zoning By-law.
- 4.11.2 Group homes have land use features that will require special regulations and location considerations such as parking, compatibility, and buffering that shall be defined in the Zoning By-law. A minimum separation distance between group homes may be established in the Zoning By-law.

4.12 Natural Resources and Environmental Impact

- 4.12.1 The objectives of this Plan indicate the Township's intent to protect the municipality's resources and aesthetics. Council will act to protect identified significant and sensitive resources and areas through the use of appropriate development controls as set out in Section 6.0 of this Plan. In addition, Council and/or the Province may require investigations as to the effects of developments which are proposed.
- 4.12.2 The above-mentioned investigations shall take the form of an assessment of the impact on the environment and shall generally be required for all major or significant development projects including new roads, utilities and transmission lines, dams, and commercial, industrial, recreational, and residential developments which may be expected to have a significant or cumulative impact. In determining what is a major or significant development, consideration shall be given to the relationship to the surrounding area, traffic generation and impacts, possible effects on water quality, air quality, flora and fauna sensitive areas, the scale of the change that may be caused, the need to preserve the general amenities, and possible impacts on human health and safety.
- 4.12.3 Where the Provincial Environmental Assessment Act is applicable, the investigation and subsequent report/impact assessment shall follow the form required by the Act.
- 4.12.4 If an undertaking is subject to the Provincial Environmental Assessment Act, nothing in this Plan shall allow development to proceed without compliance with

the Act and no permit, approval, or consent shall be issued for an undertaking which is subject to the Provincial Environmental Assessment Act prior to the requirements of the Act being met.

4.12.5 Where the Township requires a report/impact assessment on a proposed development not covered by the Act, the report shall:

- (a) be completed by qualified professional(s) proficient in ecology, environmental planning, and/or other relevant sciences;
- (b) include a description of the environment assessed and affected;
- (c) evaluate the existing cultural heritage resources including built heritage features, cultural heritage landscapes and archaeological sites, and the existing significant natural features, linkages, and ecological functions of the subject property in the context of the entire natural area;
- (d) explain the details of the proposed development and identify feasible alternatives which demonstrate no negative impact upon the significant natural features for which the site has been identified;
- (e) obtain and document input from public and agency consultation and address any concerns; and,
- (f) be able to satisfy the policies of this Plan.

4.12.6 The preparation of assessment reports shall be the responsibility of the developer. Prior to the proposed development's approval, a copy of the report shall be submitted to Council and to all other parties having an interest in the matter for their review and comment.

4.13 Wayside Pits, Quarries, and Portable Asphalt or Concrete Plants

4.13.1 For the purposes of this Plan, wayside pits, quarries and portable asphalt or concrete plants are temporary pits and quarries and fully portable and temporarily placed asphalt or concrete plants opened and used by a public authority, or its agent, solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

4.13.2 Wayside pits, quarries, and portable asphalt or concrete plants used on public authority contracts will be permitted, without the need for official plan amendments, rezoning, or development permit under the Planning Act in all areas, with the exception of the following:

- (a) areas of existing development;
- (b) areas zoned Residential;
- (c) areas within 300 metres of any existing residential lot; or,
- (d) areas of particular environmental sensitivity.

4.13.3 It should be noted that in addition the above, accessory aggregate processing equipment for use on site, such as crushers, screening plants, and portable asphalt or concrete plants will also require the issuance of a Certificate of Approval, under the Provincial Environmental Protection Act, from the Ministry of the Environment

4.13.4 Prior to the establishment of a wayside pit, quarry or portable asphalt or concrete plant the Ministry of Natural Resources and/or the Ministry of Transportation is encouraged to consult with the municipality in respect to such matters as the location, life span, extent of the proposed excavation, and buffering from adjacent uses.

4.14 Pits and Quarries

4.14.1 Aggregate resources extraction areas that are covered by the Aggregate Resources Act require an assessment for the potential of impacts to cultural heritage resources.

4.14.2 Legally existing pits and quarries shall be recognized as conforming uses in the Zoning By-law and incompatible land uses will be discouraged from locating in proximity to these.

4.14.3 All new pits and quarries and the expansion of existing pits and quarries shall require an amendment to the Zoning By-law.

4.14.4 In considering an amendment to the Zoning By-law or other planning approval needed to permit a pit or quarry, or an expansion of such, Council will confer with the Ministry of the Environment, the Ministry of Natural Resources, and have regard for:

- (a) the location, nature, extent, and potential of the mineral aggregate;
- (b) the nature and location of existing and committed future land uses, particularly residential or other sensitive land uses, in the area of the proposed amendment;
- (c) the effect of the proposed extraction site on adjacent property and on the road network which will be utilized in association with the extraction site; and,
- (d) the environmental effects of the proposed operation.

Where planning approvals are required to allow for new or expanded pits or quarries, proponents may be required to provide supporting technical studies, prepared in accordance with MOE guidelines, to address potential impacts on lands zoned for residential or other sensitive land uses. These studies will be required to identify the actual influence area of the proposed/expanded pit or

quarry, address potential impacts on surrounding land uses, and identify appropriate mitigation measures. Where potential impacts cannot be mitigated, planning approvals will not be supported.

- 4.14.5 Council supports the rehabilitation of pits and quarries. As a result, Council shall encourage on public lands and may require on private lands such rehabilitation. Any rehabilitation shall be compatible with surrounding land uses. When considering an application for the expansion of a pit or quarry, Council shall require the applicant to rehabilitate some or all of the existing operation in an agreed upon manner.
- 4.14.6 Council shall encourage the Ministry of Natural Resources to require the rehabilitation of all pits and quarries on Crown Land. The Ministry of Natural Resources is requested to make this a condition under the Aggregate Resources Act. In assessing an application, the Ministry of Natural Resources is encouraged to have regard for the established planning policies of the Municipality.
- 4.14.7 Prior to the enactment of an amendment to the Zoning By-law to extract privately-owned mineral aggregate, the developer should be required to enter into an agreement with the municipality, backed by a financial guarantee, which may among other items pertain to the following:
- (a) arrangements for the rehabilitation of the site, including assurances that all topsoil will be retained for rehabilitation;
 - (b) assurances that polluted water from washing, screening, or site runoff and drainage is not discharged into any watercourse or waterbody;
 - (c) timing of blasting operations; and,
 - (d) protection of the water table.

Approvals and advice may be required from the Ministry of Natural Resources and the Ministry of the Environment.

- 4.14.8 Minimum standards in respect to the location of a pit and quarry are as follows:
- (a) no excavation or extraction shall take place within 120 metres of the high-water mark of any watercourse, lake, or pond;
 - (b) in the absence of technical studies prepared in accordance with MOE guidelines defining an actual influence area of less than 1000 metres, no excavation or extraction shall take place within 1000 metres of a zone permitting residential or other sensitive land uses. Where technical studies prepared in accordance with MOE guidelines confirm an actual influence area of less than 1000 metres, a separation distance equal to or greater than the actual influence area shall be required between the proposed extraction/excavation area and any zone permitting residential or other

sensitive land uses. Under no circumstances shall excavation or extraction occur within 300 metres of a zone permitting residential or other sensitive land uses.

- 4.14.9 Where planning approvals are required to allow for residential or other sensitive land uses, proponents may be required to provide supporting technical studies, prepared in accordance with MOE guidelines, to address potential impacts caused by pits or quarries. These studies will be required to identify the actual influence area of the pit or quarry, address potential impacts on surrounding land uses, and identify appropriate mitigation measures. Where potential impacts cannot be appropriately mitigated, planning approvals will not be supported.

In the absence of technical studies defining an actual influence area of less than 1000 metres, residential or other sensitive land uses shall not be permitted within 1000 metres of a zone permitting aggregate extraction. Where technical studies prepared in accordance with MOE guidelines confirm an actual influence area of less than 1000 metres, a separation distance equal to or greater than the actual influence area shall be required between the proposed use and any zone permitting extraction. Under no circumstances shall residential or other sensitive land uses be permitted to occur within 300 metres of a zone permitting aggregate extraction.

4.15 Parkland Conveyance

- 4.15.1 To ensure adequate and appropriate public open space is available to meet the recreational needs of the community, Council may according to the provisions of the Planning Act require the conveyance of a parkland dedication in the case of residential, commercial, and industrial development or redevelopment. Generally, Council shall seek the maximum dedication of parkland feasible.
- 4.15.2 In the case of approvals of plans of subdivision or condominium for residential purposes, Council may seek up to 5% of the lands to be subdivided. For subdivisions or condominiums proposed for commercial or industrial purposes, Council may seek a conveyance of up to 2% of the lands.
- 4.15.3 Council may also seek lands for parkland purposes at equivalent rates as a condition of development or redevelopment of land by by-law application to the whole municipality or defined areas of the Township.
- 4.15.4 All lands dedicated for parkland purposes must be in satisfactory physical condition and located in a manner, which provides for its easy use by the general public. Lands susceptible to flooding or other environmental hazards need not be

accepted as part of the parkland dedication. The municipality may separately acquire such lands where it is deemed in the public interest.

4.15.5 Before accepting lands for park purposes, the municipality shall enter into an agreement with the developer dealing with such matters as the responsibility for grading, seeding, fencing, landscaping, and/or the installation of water and sanitary sewage disposal facilities.

4.15.6 Where Council deems it appropriate, it may require the payment of money to the value of the land otherwise required to be conveyed as cash-in-lieu of parkland dedication.

4.16 Acquisition of Additional Parkland

4.16.1 In circumstances where the acquisition of new parkland is deemed in the public interest to ensure its long term preservation and/or to facilitate the location of active or passive recreational uses, the Township may choose to encourage its conveyance to the municipality through the development approval process, land trusts, easements, development agreements or other means at Council's disposal, in addition to the parkland dedication provisions of the Planning Act.

4.17 Drainage

4.17.1 No development will be permitted which would interfere with or reduce the drainage capacity of any natural watercourse or where the watercourse represents a hazard to the proposed development. Development of a natural watercourse or waterbody will not be permitted without the prior approval of the Ministry of Natural Resources and the Department of Fisheries and Oceans.

4.17.2 Storm water management shall be considered a part of the development approval process particularly for subdivisions, multiple residential, commercial, industrial, and institutional developments and shall be used to ensure that the quality of runoff is at least maintained at pre-development levels. Storm water management practices shall be used to minimize storm water volumes and contaminate loads and shall encourage the use of natural storm water management practices and maintain or increase the extent of vegetative and pervious surfaces where such would not impact on groundwater resources used for domestic water supplies.

4.17.3 Any development located adjacent to Provincial Highway 71 will require the submission of a storm water management plan, or report, detailing the intended treatment of the calculated runoff for review and approval by the Ministry of Transportation.

4.18 Crown Lands

- 4.18.1 The Ministry of Natural Resources is encouraged to have regard for the policies and schedules of this Plan and consult with Council in respect to the management and disposition of Crown Lands.

4.19 Development Adjacent to Provincial Highway 71

- 4.19.1 In addition to all the applicable municipal requirements, all development adjacent to provincial highways is also subject to the safety and geometric requirements and permits of the Ministry of Transportation. Ministry of Transportation permits must be obtained prior to any construction and/or grading being undertaken. Access to provincial highways is restricted and development shall only be permitted where applicable approvals and/or permits have been obtained.

4.20 Shoreline Development

- 4.20.1 It is recognized that inland lakes and other water bodies with the municipality are valuable recreational and environmental resources and as such should be protected from development that might cause deterioration of their water quality or fish or wild life habitat. It is the intent of Council that this plan controls the nature and extent of development along the shoreline of water bodies including second tier or back lot development, development on islands and development along watercourses flowing into lakes. The design and development or redevelopment of waterfront properties shall also have regard for the following:

(a) Set Backs

All development except for docks, boathouses, minor structures and accessory buildings shall be set back from the shoreline in accordance with legislative requirements and/or impact assessment.

(b) Shoreline Character and Shore Road Allowances

Council strongly encourages shoreline areas to be kept in their natural state as much as possible through the establishment and/or retention of the natural features and shoreline (riparian and littoral) vegetation. Shore road allowances may be sold to an abutting property owner where Council does not require their retention for public access to a water body and where development will comply with the policies of this plan.

(c) Lake Capacity Assessment

Development, except on existing lots of record, may be permitted subject to any lake development assessment that may be required by the province to demonstrate that such development will not result in a decline in the water quantity or quality of the lake and that lake capacity is available. The cost of such assessment will be borne by the proponent. Where the creation of lots or units within 300 metres of the shoreline of any waterbody is proposed, the Township will contact the Ministry of the Environment (MOE) to determine if a Lakeshore Capacity Assessment is required.

Where MOE has determined that a Lakeshore Capacity Assessment is necessary, the creation of lots or units within 300 metres of a waterbody may be considered only where the results of the Lakeshore Capacity Assessment, completed in accordance with MOE requirements, has identified that there is sufficient development capacity remaining to support the proposed development.

(d) Water Access

Water access lots may be permitted for islands, or for shoreline areas provided public access to the lake is available and parking is available through lease agreement or a public facility.

(e) Conversion of Seasonal Residential Uses and Redevelopment

Where seasonal residences are converted for year round usage, or where existing properties are developed, Council may require, as a condition of redevelopment or rezoning, the sewage disposal system be upgraded and that all development comply with the Ontario Building Code.

4.20.2 Docks, waterfront, and marina structures on property abutting or adjacent to any navigable water body shall:

- (a) be subject to the policies of the Ministry of Natural Resources, the Canadian Coast Guard, Fisheries and Oceans, and the Township of Sioux Narrows-Nestor Falls, and where such structures are to be on Crown Land covered by water, the comments of adjacent land owners;
- (b) be designed, constructed, and maintained in a manner that contributes to the amenity of the municipality;
- (c) be capable of withstanding damaging storms, ice, and high water conditions;
- (d) not contain sanitary facilities, pressurized water systems or dwelling units;
- (e) be located so as not to interfere with navigation or aids to navigation;

- (f) be constructed and placed so as to minimize the impact on natural vegetation, fish habitat, and topography; and,
- (g) in the case of marinas, be constricted to meet the requirements of Ontario Regulation 351 under the Environmental Protection Act.

4.20.3 Wherever possible, septic systems servicing shoreline areas shall be located at least 30 metres from the high water mark of the abutting water body. All residential lots should be large enough to ensure that sewage systems shall not be within 30 metres of a water body.

4.21 Preservation of Vegetation

4.21.1 Council shall encourage the preservation of mature vegetation, existing trees and tree lines, wherever possible.

4.21.2 Where new development occurs adjacent to any navigable waterway within the municipality a three metre natural vegetation area will be required adjacent to 80% of the shoreline to minimize the impact of development on the water quality of the waterbody.

4.21.3 In this regard, Council shall consider the enactment of a tree cutting and preservation by-law under the Municipal Act, and other such by-laws under other relevant statutes.

4.22 Development Near Airstrips

4.22.1 There are two airstrips in operation within the Township as identified on Schedules A and B of the Plan. When dealing with proposed developments in proximity to these airstrips Council shall give consideration to the potential impacts the operation of these airstrips may have on the proposed developments. Where planning approvals are required to allow for residential or other sensitive uses in close proximity to these airstrips, proponents may be required to conduct feasibility or other supporting technical studies to determine the actual influence area of the airstrips and address potential impacts and appropriate mitigation measures. Developments determined to be incompatible should be directed elsewhere and where potential impacts cannot be appropriately mitigated, planning approvals will not be supported.

4.23 Contaminated Sites

4.23.1 Where development is proposed on a site known or suspected to be contaminated, the development application shall be accompanied by a report, prepared in accordance with Provincial guidelines, which determines the nature and extent of the contamination and the necessary methods of remediation, if required. Where

the need for remediation is identified, the site shall be restored in accordance with the remedial plan before development occurs to ensure there will be no adverse effects on the proposed use or adjacent land uses. Where planning approvals are required to provide for the development of any property which may have been contaminated by previous uses, Council shall require the proponent to submit a Record of Site Condition, prepared by a qualified consultant in accordance with Ministry of the Environment guidelines, and acknowledged by the Ministry of the Environment.

4.24 Energy

- 4.24.1 Council supports and promotes the development and use of renewable energy systems and alternative energy systems within the Township where feasible. Alternative energy systems and renewable energy systems are permitted in all land use areas subject both to provincial and federal requirements and compatibility and impact considerations.
- 4.24.2 Locating of renewable energy systems and alternative energy systems may be further controlled through the Zoning By-law with site specific rezoning to allow for specific systems and/or through the use of Site Plan Control.

4.25 Surface and Ground Water Resources

- 4.25.1 Council recognizes that the municipality does not provide municipal water services in any areas at the present time and is committed to ensuring that ground and surface water resources are managed so that contamination of domestic water supplies is not encountered. The following policies shall apply:
- (a) the watershed shall be used as the ecologically meaningful scale for planning;
 - (b) in reviewing development applications where the effects of the development on ground or surface water can have cross jurisdictional impacts, Council shall confer with the adjacent or neighbouring jurisdiction; and,
 - (c) recognizing both the scale and inter-provincial and international nature of watershed within which the Township is located, Council may, if resources are available, participate in a study of ground and surface water features in the municipality in order to determine sensitive surface and ground water features and shall enact policies and by-laws to restrict development and site alteration in or near these features in order to protect, improve or restore such features and their hydrologic functions.

4.26 Highway Corridor Viewshed Management

- 4.26.1 Council recognizes that fact that the tourism industry forms the backbone of the local economy, and further that the scenic views of the lakes, granite shield and boreal forest form the foundation of the visitor experience in the area. These images are unique, and their preservation is fundamental to the future health and wellbeing of the local tourism economy.
- 4.26.2 Council shall encourage the preservation of mature vegetation, existing trees, tree lines and sight lines along Highway 71, outside of the built up areas, in an effort to maintain a natural highway corridor viewshed.
- 4.26.3 Council shall discourage any development along Highway 71, outside of the built up areas, which in its opinion has a detrimental effect on the scenic views along the highway corridor viewshed.
- 4.26.4 Council shall enact appropriate provisions in the zoning by-law in order to implement this policy.

4.27 Land Use Compatibility

- 4.27.1 As much as possible, land use conflicts should be avoided. The encroachment of residential or other sensitive land uses (such as day care centre, educational and health facilities) and major facilities (such as airports/airstrips, industries, resource extraction activities, waste management systems, sewage treatment facilities, and transportation infrastructure and corridors) on one another is discouraged. Whenever a change in land use is proposed, consideration will be given to the effect of the proposed use on existing and committed future land uses.
- 4.27.2 Where planning approvals are required to accommodate the establishment or expansion of either major facilities or residential/other sensitive land uses, proposal will be reviewed in accordance with the requirements of Ministry of the Environment (MOE) guidelines to ensure that land uses will be appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise, and other contaminants, and minimize the risk to public health and safety.
- 4.27.3 Where proposed developments may result in land use compatibility concerns, proponents may be required to provide supporting technical studies, prepared in accordance with MOE guidelines, to assist in the evaluation of proposed developments and, where applicable, to determine influence areas, address potential impacts, and identify appropriate mitigation measures. Consideration may also be given to the extent to which increased site plan requirements can

reduce the potential impacts. Where potential land use compatibility impacts cannot be mitigated, proposed developments will not be allowed to proceed.

5.0 LAND USE DESIGNATIONS

5.1 General

5.1.1 Land uses within the Township of Sioux Narrows-Nestor Falls shall be developed in accordance with the land use designations on Schedules A, B, and C. These designations establish the municipality's future development patterns in general terms by dividing the Township into seven (7) land use classifications. These seven land use classifications are as follows:

- (a) Residential;
- (b) Commercial;
- (c) Industrial;
- (d) Rural; and,
- (e) Open Space / Park.

5.1.2 Each land use designation establishes the general uses that are provided for in each designation. Together they describe where housing can be built, where stores and industries can locate and where a mix of uses is desired. However, while in principle identified general uses are permitted on designated lands, any particular site or location may not be suitable for each of the potentially permitted uses. The suitability of a particular site or location for a specific use shall be determined in accordance with:

- (a) all the policies of this Plan;
- (b) public input and the comments or review of approval agencies;
- (c) land use compatibility and sustainability;
- (d) servicing considerations;
- (e) economic and financial impact;
- (f) other applicable legislation and policy/guidelines;
- (g) the individual merits of an application; and,
- (h) other matters Council may deem appropriate.

5.1.3 The actual location and nature of acceptable permitted uses shall be based on the above considerations and will be implemented through Zoning and site plan control, as well as other appropriate measures. It is the policy of this Plan that Council is under no obligation to permit a specific use through such implementation measures simply on the basis of the designation and its potential range of permitted uses.

- 5.1.4 Minimum lot sizes will be established through technical studies if less than 1 hectare in size and implemented through the Zoning By-law.

The following sections provide individual policies related to each of these designations.

5.2 Residential

- 5.2.1 The Residential land use designation recognizes the existing and future residential areas of the Sioux Narrows and Nestor Falls settlement areas. These areas currently provide the greatest concentrations of residential uses in the Township. In order to maintain the strength of these settlement areas and the rural character of the rest of the Township, they will continue to be the focus of future residential growth.

5.2.2 Residential Land Use Objectives

- (a) To support the provision of a choice of housing types including location, size, cost, tenure and design so that a broad range of housing opportunities are available.
- (b) To encourage infill residential development of vacant or underutilized parcels of land in residential areas where such development will be compatible with existing uses and where acceptable servicing options exist in accordance with the policies of Section 4.4 of this Plan.
- (c) To promote the maintenance and rehabilitation of the existing housing stock and to preserve and enhance the desirable village character of these areas.

5.2.3 Intensification and Redevelopment Target

Council has set a target of achieving a 5% intensification of residential units within the lands currently designated as Residential. This target will be achieved prior to, or concurrent with, any expansion of the lands designated as Residential.

Intensification is defined as the development of a property, site or area at a higher density than currently exists through redevelopment, including the reuse of brownfield sites, the development of vacant and/or underutilized lots, infill development, or the expansion or conversion of existing buildings.

- 5.2.4 Permitted uses in the Residential designation shall be residential uses in the form of single-family dwellings, mobile homes, and multiple family dwellings and group homes.
- 5.2.5 Other uses complimentary to, and compatible with, residential development, such as schools, churches and parks are permitted, subject to a rezoning.
- 5.2.6 Home occupations and home industries may be permitted in accordance with the requirements of Section 4.7 of this Plan.
- 5.2.7 All areas designated Residential may be designated, by by-law, as site plan control areas. Policies concerning site plan control in Section 9.8 of this Plan shall apply.

5.3 Commercial

- 5.3.1 The Commercial land use designation, much like the Residential designation, recognizes the existing and future commercial areas of the Sioux Narrows and Nestor Falls settlement areas. These concentrated village like commercial areas contribute greatly to the appeal of the Township as a whole. In order to maintain the strength of these areas and the rural character of the rest of the Township, they will continue to be the focus of future commercial growth.
- 5.3.2 Commercial Land Use Objectives
 - (a) To support, maintain, and strengthen the commercial sector of the Township.
 - (b) To encourage development and redevelopment which is consistent with and strengthens the visual identity of the commercial areas as attractive and convenient service centres for residents and visitors.
- 5.3.3 Permitted uses in the Commercial land use designation include retail and service commercial facilities, business and professional offices, entertainment facilities and accessory residential apartments above or behind ground floor commercial uses. Accessory residences for a caretaker, owner, or essential worker are also permitted. High demand uses such as Laundromats and car washes shall not be permitted on individual private services.

- 5.3.4 Institutional uses including hospitals, clinics, places of worship, and municipal offices, and Public Uses (per Section 4.10) are also permitted in the Commercial land use designation.
- 5.3.5 Manufacturing uses accessory to a commercial use are permitted.
- 5.3.6 Uses in the Commercial designation shall provide adequate on-site parking and loading facilities.
- 5.3.7 No unscreened outside storage, other than that for vehicles and recreational equipment, which are being offered for sale or lease, shall be permitted in the Commercial designation.
- 5.3.8 All areas designated Commercial or utilized for permitted commercial uses may be designated, by by-law, as a site plan control area. Policies concerning site plan control in Section 9.8 of this Plan shall apply.

5.4 Industrial

- 5.4.1 Permitted uses in the Industrial designation are light manufacturing industries, communications facilities, bulk storage facilities, transportation facilities, service shops, vehicle and equipment sales, servicing and leasing establishments, contractors' establishments, bulk fuel sales, home and building supply outlets and residential uses for a caretaker, owner or essential worker. High water demand uses such as Laundromats and car washes shall not be permitted on individual private services.
- 5.4.2 In that municipal services are not foreseen, all uses shall be of a dry nature. Dry uses are those in which only the disposal of domestic waste of employees is permitted and treated. No industrial or commercial liquid wastes, wash or cooling water, or process wastes are permitted. Where planning approvals are required to permit new or expanded industrial uses on individual private services, a groundwater impact assessment, prepared in accordance with MOE guidelines, will be required to determine the ability of the subject land to treat sewage effluent to acceptable standards, and to determine the susceptibility of groundwater to contamination from sewage effluent. In addition, the hydrogeological study should determine whether there is water of an acceptable quality and quantity to service the proposed development, without inference to users on adjoining properties.
- 5.4.3 Uses which are obnoxious by nature of noise, smell or other characteristic or which are classified as obnoxious by Federal or Provincial Statutes or any Regulations there under shall be prohibited.

- 5.4.4 Development shall occur in an orderly manner in the Industrial designation and shall primarily be by plan of subdivision. Development, however, may occur by consent(s), if the proposal meets the consent policies of this Plan, no undue extension or expenditure of public services or funds is required, and the consent will not adversely affect the future development of the Industrial designation.
- 5.4.5 Adequate off-street loading and parking shall be provided on each lot in the Industrial designation.
- 5.4.6 Council recognizes the value of the employment provided within industrial areas. As result conversion of any lands within the Industrial designation to other non-employment uses will first be subject to a comprehensive review demonstrating that the land is not required for employment purposes over the long term and that there is a need for the conversion.
- 5.4.7 All areas designated Industrial or utilized for permitted industrial uses may be designated by by-law as site plan control areas. Policies concerning site plan control in Section 9.8 of this Plan shall apply.
- 5.4.8. Where planning approvals are required to accommodate the establishment or expansion of either industrial uses or residential or other sensitive land uses, proposals will be evaluated for resulting conflicts between proposed uses and existing/committed future land uses. The policies of Section 4.27 of this Plan, regarding land use compatibility, shall apply.

5.5 Rural

- 5.5.1 The Rural land use designation comprises the majority of the land area of the Township and its largely undeveloped nature contributes to the attractiveness and unique character of the Municipality. The vast majority of the land in the Rural land use designation is Crown Land.
- 5.5.2 Rural Land Use Objectives
 - (a) To maintain and preserve the largely undeveloped nature of Rural lands while supporting appropriate activities and uses.
- 5.5.3. Permitted uses in the Rural designation are residences, group homes, lodges and camps, marinas, forestry, mineral exploration and mining, aggregate extraction, public recreation uses, agricultural uses and uses that produce value added agricultural products from the farm operation on the property, resource management, public waste disposal sites, cemeteries, schools, churches, fish and wildlife harvesting, and sawmills.

- 5.5.4 All farm and non-farm development will comply with the Minimum Distance Separation formulae by the Province in order to minimize odour conflicts between livestock facilities and development.
- 5.5.5 Residential development in the Rural land use designation must meet the following conditions:
- (a) the proposed development shall be compatible with the natural environment and in this respect, natural site features and tree cover should be retained where possible and incorporated into the overall development scheme; and
 - (b) site conditions must be suitable for individual water and sewage systems and must meet the standards of the Northwestern Health Unit and/or the Ministry of the Environment.
- 5.5.6 The establishment of uses not permitted in the Rural designation will require an amendment to the Official Plan. In approving an Official Plan amendment, the Municipality shall consider the following:
- (a) the use for which the land is needed and compatibility with existing and future adjacent uses;
 - (b) the ability to provision services;
 - (c) access requirements and suitability;
 - (d) the potential impact on the ability of the remaining Growth Areas lands to develop in an efficient manners; and,
 - (e) wherever possible development should occur in a contiguous manner as a logical expansion of existing development.
- 5.5.7 All areas designated Rural may be designated, by by-law, as site plan control areas. Policies concerning site plan control in Section 9.8 of this Plan shall apply.

5.6 Open Space / Park

- 5.6.1 Open Space / Park areas provide opportunity for public access and recreation. These areas may also represent lands that are environmentally sensitive and the Open Space designation is one method of preserving these areas.
- 5.6.2 Permitted uses in the Open Space / Park designation include parks, non-facilities based public and private recreational uses, and municipally owned recreation facilities.

- 5.6.3 Open Space / Park uses and facilities shall be designed to meet the needs of the Township's residents and visitors, while preserving the environmental features and functions of those areas.
- 5.6.4 One of the ways that parks and recreation facilities will be created and financed is by means of the parkland conveyance policies as set out in Sections 4.15 and 4.16 of this Plan. Where possible, Council will seek to have parkland conveyances required for development on waterfront properties to be developed for public use. Where "cash-in-lieu" is taken, Council will consider the use of such funds to acquire property for public shoreline access.
- 5.6.5 Where land designated as Open Space / Park is under private ownership, the Plan does not intend that this land will necessarily remain as Open Space / Park indefinitely, nor shall it be construed as implying that such land is free and open to the general public or that it will be purchased by some public agency. If proposals to develop such lands are made and no public agency has an interest in their acquisition, then an application for re-designation to another use by amendment to this Plan shall be given consideration.
- 5.6.6 All areas designated Open Space / Park may be designated, by by-law, as site plan control areas. Policies concerning site plan control in Section 9.8 of this Plan shall apply.

6.0 DEVELOPMENT CONTROL AREAS

6.1 General

- 6.1.1 Development Control Areas are lands identified as requiring special restrictions on development and use. Where possible and practical these lands have been identified on Schedule D. However, due to limitations in scale and detailed data not all Development Control Areas are identified on the Schedules. As a result it is the intent that Schedule D be used only as a guide. Detailed delineation and identification of development control areas will be established by Zoning, site-specific investigation, and consultation with appropriate agencies and authorities.

Development Control Areas include:

- (a) Hazard Lands;
- (b) Sensitive Areas;
- (c) Waste Disposal Sites;
- (d) Aggregate Resource Sites; and,
- (e) Metallic Mineral Resource Sites.

6.2 Hazard Lands

- 6.2.1 All lands below the elevation of 324.6 metres (CGVD28-Canadian Geodetic Vertical Datum of 1928) are subject to flooding and considered Hazard Lands.
- 6.2.2 In addition to the lands identified above all lands within the municipality abutting watercourses and below corresponding recognized high water marks for that watercourse will be considered subject to flooding and recognized as Hazard Lands.
- 6.2.3 Permitted uses in the areas subject to flooding are outdoor recreation uses, conservation, forestry, parks, provided that no buildings shall be permitted, except bridges, culverts, hydro structures, docks, picnic pavilions, boat ramps and related facilities, parking facilities, structures associated with passive recreation and structures associated with water management and erosion protection, provided that these uses do not affect flood flows.
- 6.2.4 Where new development is proposed on lands, part of which are subject to flooding, such lands shall not necessarily be acceptable as part of the dedication for park purposes under the Planning Act. All lands dedicated to the municipality shall be conveyed in a satisfactory physical condition. Where an open water course is involved, adequate space shall be provided for maintenance operations.

- 6.2.5 A building setback will be imposed on the margins of Hazard Land and will be related to the extent of severity of the hazard. Building setbacks from all open watercourses and municipal drains will be provided for in the Zoning By-law.
- 6.2.6 Where land subject to flooding is under private ownership, this plan does not intend that it will necessarily remain as such indefinitely, nor shall it be construed as implying that such areas are free and open to the general public or will be purchased by the municipality or any other public agency. There is no public obligation, however, either to re-designate or to purchase any land if it exhibits an existing or potential hazard that could be difficult or costly to overcome.
- 6.2.7 Development on, abutting or adjacent to lands affected by mine hazards, former mineral resource operations, or mineral aggregate operations will be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are under-way or have been completed.

6.3 Sensitive Areas

- 6.3.1 Sensitive Areas are fragile areas, which need to be protected. They are areas that contain features of value whose preservation is the main theme of management. Sensitive areas include fish spawning and feeding areas, avian nesting sites or colonies, calving and fawning areas, habitat of threatened and endangered species, critical winter deer habitat, waterfowl habitats, provincially significant wetlands, unique rare plant communities, and areas of natural and scientific interest. Council recognizes that the diversity and connectivity of the above features should be maintained, restored or improved where possible recognizing the linkages between and among these features and surface and ground water features.
- 6.3.2 The protection of Sensitive Areas on Crown Land is the responsibility of the Ministry of Natural Resources.
- 6.3.3 Uses, which could detract from and/or negatively impact Sensitive Areas, will not be permitted on or adjacent to these areas. Development and site alteration will not be permitted in significant habitat of endangered or threatened species.
- 6.3.4 In determining whether or not a proposed development detracts from, adversely affects, negatively impacts a Sensitive Area, Council may require a study/impact assessment which identifies and describes:
 - (a) the natural environment and Sensitive Area that will be affected (plant and animal species, natural systems, groundwater table, historical site, etc.);
 - (b) the affects on the environment or historical site that may result from the development;

- (c) actions necessary to remedy or prevent any adverse affects; and,
- (d) the reasons for the choice of location and an appraisal of alternative locations for the development.

Council may determine the need for such a study through referral/consultation with the appropriate agency.

- 6.3.5 The above-mentioned study shall be the responsibility of the applicant and shall be prepared by a qualified specialist(s).
- 6.3.6 It is recognized that sensitive area mapping is subject to change as values change and as new information becomes available. It is also recognized that due to the size of the Township and level of past inventory work, current values mapping is likely incomplete. When reviewing proposals/applications, Council will have regard for the status of this information. Where Council feels it is likely that potential unidentified values may occur reasonable efforts to confirm their existence will be made and appropriate consideration of this section applied. As values are identified or no longer exist, changes to the appropriate schedule will be made in accordance to Section 10.4 of this Plan.
- 6.3.7 The Ministry of Natural Resources is encouraged to consult with Council prior to the development or use of Crown Lands that may affect a Sensitive Area located on private lands.
- 6.3.8 Adjacent Lands

Development and/or site alteration may be permitted on adjacent lands to a natural heritage feature or area where Council is satisfied that there will be not negative impacts on the natural features or ecological functions for which the area is identified. For the purpose of this plan, the following constitute “the adjacent lands” for the respective feature or area:

- (a) 120 metres from the boundary of a provincially significant wetland or locally significant wetland;
- (b) 50 metres from the identified boundary of the significant portions of the habitat of an endangered species or threatened species;
- (c) 30 metres from the seasonal high water mark for fish habitat;
- (d) 50 metres from significant wildlife habitat; and,
- (e) 50 metres from the boundary or limit of areas of natural and scientific interest.

The determination of negative impacts, if any, shall be through an Impact Assessment.

6.3.9 Fish Habitat

Council supports the management of fisheries within the municipality. Development shall be in compliance with the Federal Fisheries Act and the Ministry of Natural Resources guidelines. An impact assessment may be required. Compensation or reconstruction of fish habitat, where permitted/required, shall be subject to the approval of the Federal Department of Fisheries and Oceans. Fish habitat includes all water bodies.

6.3.10 Wildlife Habitat, Areas of Natural and Scientific Interest, Endangered and Threatened Species

Development and/or site alteration may be permitted in wildlife habitat, areas of natural and scientific interest, where there is no negative impact on the respective ecological functions or natural features as demonstrated by an impact assessment. Development and/or site alterations will not be permitted in the significant portions of the habitat of endangered or threatened species as identified on mapping provided by the Ministry of Natural Resources.

6.3.11 Wetlands

Development and/or site alterations may be permitted in wetlands where there is no negative impact on their ecological functions or natural features demonstrated by an impact assessment.

6.3.12 Sites of Historical and/or Archaeological Significance

Council recognizes that there are archaeological remains of prehistoric and historic habitation, or areas containing archaeological potential within the boundaries of the municipality. Archaeological potential areas are determined through the use of Provincial screening criteria, or criteria developed based on the known archaeological record within the Township and developed by a licensed archaeologist. Such criteria include features such as proximity to water, current or ancient shorelines, rolling topography, unusual landforms, and any locally known significant heritage areas such as portage routes or other places of past human settlement. As such is the policy of this Plan that:

- (a) Council shall require archaeological assessments conducted by archaeologists licensed under the Heritage Act, as a condition of any development or site alteration proposal adjacent to or affecting areas containing a known archaeological site or considered to have

archaeological potential. Archaeological assessment reports conducted by licensed archaeologists are to be in compliance with guidelines set out by the Ministry of Culture, as well as licensing requirements developed under the Heritage Act. Development and site alteration shall only be allowed on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation or by preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.

- (b) Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved
- (c) Council shall consult appropriate government agencies, including the Ministry of Culture and the Ministry of Consumer and Business Services, when an identified human cemetery, marked or unmarked human burial is affected by land use development. The provisions under the Heritage Act and the Cemeteries Act shall apply.
- (d) Any significant built heritage resources or significant cultural heritage resources shall be identified by the Township and shall be appropriately protected and conserved.

6.4 Waste and Sewage Disposal Sites

- 6.4.1 Lands designated on Schedule D as Waste Disposal Sites are areas which have in the past been or are presently used as waste or sewage disposal land fill sites and/or lagoons or other sewage treatment or disposal facilities. Due to the problems of unstable soil conditions, methane gas, and toxic leachate, development on or near these sites is subject to approval of the Ministry of Environment and the municipality.
- 6.4.2 For development proposals occurring within 500 metres of an operating or non-operating waste or sewage disposal site, Council will ensure that potential adverse effects and/or risks to health and safety are adequately addressed. Council may require special studies to be completed detailing the extent and nature of impacts from the disposal site on the property, the proposed development, and the intended use. Any necessary remedial measures shall also be identified. The above-mentioned studies shall be the responsibility of the applicant and shall be prepared by qualified specialist(s) in accordance with Ministry of the Environment (MOE) guidelines. Where significant impacts are encountered beyond 500 metres, the size of the study area may be expanded.

- 6.4.3 It is a policy of this Plan that waste and sewage disposal sites and facilities will be planned and maintained so as to ensure the sanitary, economic, efficient, and most environmentally appropriate disposal of waste and sewage. New waste and sewage disposal sites or treatment facilities shall proceed only by way of amendment to this Plan. Incompatibilities between waste and sewage disposal and other land uses should be minimized.
- 6.4.4 All waste and sewage disposal sites shall be established, operated and maintained in accordance with the standards established by the Ministry of the Environment.
- 6.4.5 All waste and sewage disposal sites no longer in use shall be rehabilitated to the standards required by the Ministry of the Environment.

6.5 Aggregate Resources

- 6.5.1 Schedule D identifies those lands which have a high aggregate resource potential. In order to adequately secure the potential future use of the aggregate resources within the Municipality no development other than resource extraction will be permitted in these areas unless it can be shown that:

- (a) extraction would not be feasible; or
- (b) the proposed land use or development serves the greater long-term interest of the general public than does aggregate extraction; or
- (c) the proposed land use or development does not significantly preclude or hinder future extraction.

Forestry uses are an acceptable use on those lands identified on Schedule D as having high aggregate resource potential.

- 6.5.2 In considering the approval of a non-resource extraction land use in an area determined to have a mineral aggregate potential, Council shall review the following matters:
- (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 the mineral aggregate resource in the municipality;
 - (b) the reasons for the choice of location and appraisal of alternative locations on non-aggregate lands;
 - (c) the feasibility of sequential land use in which the mineral aggregate is removed prior to the proposed use being developed;
 - (d) the impact that the proposed non-aggregate use may have on any existing pits and quarries in the vicinity and on future aggregate extraction in the surrounding mineral aggregate potential area;

- (e) whether the mineral aggregate has been extracted or studies have indicated the aggregate resource on the specific site is not economically viable; and,
- (f) whether adjacent uses are incompatible with mineral aggregate extraction and may make future extraction impossible.

6.6 Metallic Mineral Resources

6.6.1 Schedule D identifies those lands which have a high metallic mineral resource potential as greenstone belts. In order to adequately secure the potential future use of the metallic mineral resources within the Municipality, development which would preclude or hinder the establishment of new operations or access to the resources will only be permitted if it can be shown that:

- (a) resource uses would not be feasible; or
- (b) the proposed land use or development serves the greater long-term interest of the general public than does metallic mineral extraction; or
- (c) the proposed land use or development does not significantly preclude or hinder future extraction; and,
- (d) issues of public health, public safety, and environmental impact are addressed.

Forestry uses are an acceptable use on those lands identified on Schedule D as having high metallic mineral resource potential.

- 6.6.2 Mineral mining operations will be protected from activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.
- 6.6.3 Rehabilitation to accommodate subsequent land uses will be required after extraction and other related activities have ceased. Progressive rehabilitation will be undertaken where feasible

7.0 LAND DIVISION

7.1 General

7.1.1 All land division in the Township shall take place by consent to a land severance or by registered plan of subdivision or condominium.

7.1.2 In addition to the other policies of this Plan, the following shall apply to the review and approval of all land division applications:

- (a) land locked parcels shall not be created;
- (b) regard shall be had for the impact that such land division and related activity will have upon the timber, mineral and fish and wildlife resources of the Township in accordance with the policies of this plan relating to protection of resources;
- (c) the shape and pattern of lots, roads and intersections to be established shall be appropriate in terms of the intended use of the land, the natural features of the site, adjacent patterns of development and safety;
- (d) the location of an access driveway onto a public or private road should not create a traffic hazard because of its concealment by a curve, grade or other visual obstruction. Access driveways should be limited in number and designed so as to minimize the dangers to vehicular and pedestrian traffic;
- (e) Proposals for lot creation to support either residential or other sensitive land uses (such as day care centres, educational and health facilities) or major facilities (such as airports/airstrips, industries, resource extraction activities, waste management systems, sewage treatment facilities, and transportation infrastructure and corridors) shall be reviewed, in accordance with the requirements of Ministry of the Environment (MOE) guidelines, to ensure that land uses will be appropriately designed, buffered, and/or separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize the risk to public health and safety.

Where lot creation may result in land use compatibility concerns, proponents may be required to provide supporting technical studies, prepared in accordance with MOE guidelines, to identify influence areas, address potential impacts and identify appropriate mitigation measures. Where potential land use compatibility impacts cannot be mitigated, lot creation proposals will not be supported;

- (f) lots shall not be created on lands in the Development Control Areas designation unless sufficient non-Development Control land forms part of the proposed lot and will accommodate all necessary structures, except

- those permitted in the Development Control designation, and all wells and septic systems;
- (g) prior to the approval of new lots or units, confirmation of available existing or planned capacity to treat the hauled sewage/septage generated as a result of the proposed development will be required;
- (h) proposals for the creation of lots or units within 300 metres of the shoreline of any waterbody will be subject to Policy 4.20.1 (c) regarding Lakeshore Capacity Assessment;
- (i) individual private services on lots greater than 1 hectare in size; or
- (j) individual private services on lots/units less than 1 hectare in size if the applicant demonstrates, through a technical report prepared by a qualified consultant, in accordance with Ministry of the Environment guidelines, that the proposed lots/units meet Ministry of the Environment requirements with respect to potential impacts on groundwater.

7.2 Plan of Subdivision

7.2.1 A plan of subdivision shall generally be required:

- (a) where an application to subdivide land does not conform to the consent policies of Section **Error! Reference source not found.**; or
- (b) where land division would necessitate the undue extension of municipal services at public expenses; or
- (c) where it is deemed to be in the public interest to require a plan of subdivision; or
- (d) where a new road or an extension to an existing road is required.

7.2.2 The creation of six (6) or more lots on a land holding as recorded in the records of the Land Registry Office on the ninth day of February, 1998 requires a plan of subdivision.

7.2.3 The alternative method of land division in the Township shall be by consent to land severance granted by the consent-granting authority.

7.3 Consent

7.3.1. Prior to considering any consent application, the consent-granting authority shall establish that a plan of subdivision is not necessary for the proper and orderly development of the land.

- 7.3.2 No parcel of land shall receive consent for the creation of more than three (3) lots (i.e. two new lots and one retained). For the purposes of this plan, a “parcel of land” is defined as a lot that was in existence on or before February 9, 1998.
- 7.3.3 Notwithstanding any other policies of this Plan, consents may be granted for the following purposes, provided that the requirements of the Zoning By-law are met:
- (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;
 - (c) to allow for agricultural uses (farm splits);
 - (d) where there is more than one use legally existing on a property prior to the approval of this Plan a consent may be granted for the severance of such uses provided the consent does not result in the creation of an undersized lot, and there is compliance with all other relevant policies of this Plan; and,
 - (e) for Public Use purposes as defined in Section 4.10.
- 7.3.4 Prior to approving the severance of a property that contains an existing building, the consent-granting authority shall require confirmation that the existing water supply and sewage disposal facilities are functioning properly. If such facilities are not properly functioning, the consent granting authority shall ensure that any approval of the severance will be conditional upon the improvement or replacement of malfunctioning facilities.

7.4 Consent on a Private Road

- 7.4.1 A consent abutting a private road may be approved under the following circumstances:
- (a) the private road was in existence at the time of the adoption of this Plan;
 - (b) that a private road is maintained to standards generally suitable for access by emergency services vehicles;
 - (c) the new lot represents infilling; infilling shall refer to the situation where the proposed lot is located between two existing dwellings;
 - (d) there are agreements acceptable to Council regarding services and the maintenance of the private road;
 - (e) that any other service deemed necessary by Council shall exist or shall be provided to the site by the applicant;
 - (f) in addition, consents abutting private roads may be granted for any of the purposes set out in Section 0; and
 - (g) the owner establishes a legal easement over the private road or proof of a permanent agreement with the owner of the private road.

8.0 TRANSPORTATION

8.1 General

- 8.1.1 The planned minimum right-of-way width for municipal public roads within the Township is 20 metres. In certain circumstances, a lesser right-of-way width may be permitted for municipal public roads, provided such reduction is approved by the Municipality.
- 8.1.2 The Ministry of Transportation will determine right-of-way widths for Provincial Highway 71. Ministry of Transportation permits are required for all development located within the permit control area of the Ministry of Transportation. Permits must be obtained from the Ministry of Transportation prior to any construction or grading being undertaken.
- 8.1.3 New access onto Provincial Highway 71 will require approval from the Ministry of Transportation and will be subject to the Ministry's geometric and safety standards.
- 8.1.4 In addition to all the applicable Municipal requirements, all development adjacent to Provincial Highway 71 is also subject to the safety and geometric requirements and permits of the Ministry of Transportation.
- 8.1.5 Where land being developed by a plan of subdivision abuts Provincial Highway 71, the layout of the subdivision should be designed such that the lots back onto the provincial highway and front onto an internal street.
- 8.1.6 New municipal roads will generally be developed through plans of subdivision.
- 8.1.7 In most cases, development shall only be permitted if access to a public road is available or established as a condition of approval. Development on new lots on private roads shall only be permitted provided the requirements of Section 7.4 in respect to such lot creation are followed. Development on existing lots of records on private roads shall follow Section 9.11.
- 8.1.8 Where land is required for road widening, road extensions, road right-of-way or intersections, such land shall be obtained, by the appropriate agency, in the course of approving plans of subdivision, development or redevelopment applications, site plan approval applications, and consent for land severances. Any proposals to widen, extend or improve roads in the Township should take into account the scenic factors and natural attributes of the adjacent lands, particularly trees and watercourse crossings that may be on or near the road allowance.
- 8.1.9 Those roads, which are being maintained by the Township at the date of adoption of this Plan, are identified on Schedules A, B, and C. These shall be referred to as

municipal public roads. All other roads, with the exclusion of Provincial Highway 71, are considered to be private roads.

- 8.1.10 The Township of Sioux Narrows-Nestor Falls Municipal Road Policy will serve as a guide in considering ratepayers' requests to have a privately maintained road assumed by the Municipality for public maintenance. The Municipality is under no obligation to take over any private road or road allowance. Titles shall only be taken where it is deemed to be in the best interest of the Township.
- 8.1.11 Bicycle, walking and/or snowmobile lanes shall be provided in all new roadway constructions, and wherever possible through reconstruction and resurfacing projects.
- 8.1.12 There is an extensive network of trails used for multiple and single purposes (canoe portage routes, hiking/walking trails, cross-country ski trails, and snowmobile trails) within the Township of Sioux Narrows-Nestor Falls. The Township supports trail related recreation provided that the developers, maintainers, and users respect the character and other users of the area.

9.0 IMPLEMENTATION AND ADMINISTRATION

9.1 General

9.1.1 This Plan will be implemented by means of the powers conferred on the Township of Sioux Narrows-Nestor Falls Council by the Planning Act, the Municipal Act, the Building Code Act, and such other statutes as may be applicable. In particular, this Plan will be implemented through:

- (a) a Zoning By-law;
- (b) the site plan control, subdivision, and severance processes;
- (c) the construction of public works, a capital works program, and the acquisition, development and sale of land by the municipality;
- (d) the powers of Council and its Committees; and,
- (e) participation in programs and initiatives funded by senior levels of government.

9.2 Zoning By-Law

9.2.1 This Plan will be implemented through the enactment of a Zoning By-law in conformity with the provisions of this Plan and pursuant to the Planning Act.

9.3 Public Works

9.3.1 The construction of public works shall be used to implement the policies of this Plan.

9.3.2 No public works shall be carried out and no By-Law shall be passed under the provisions of the Planning Act that are not in conformity with this Plan or that will permit development that is not in conformity with this Plan.

9.4 Building Permits

9.4.1 Building permits shall not be issued for activities or developments that do not conform to the policies of this Plan and/or the regulation of the Zoning By-law.

9.5 Holding By-Laws

- 9.5.1 Council may utilize provisions under the Planning Act to pass a Holding Zoning By-law that places a Holding or “H” symbol in conjunction with a property’s zoning. The Holding Zoning By-law will set out the conditions that must be met before the “H” symbol is removed.
- 9.5.2 A holding provision may be placed on lands where the ultimate desired use of the lands is specified but development cannot take place until conditions set out in the Plan or by-law are satisfied.
- 9.5.3 Conditions to be met prior to the removal of the holding provisions may include:
- (a) environmental remediation or mitigation measures;
 - (b) measures to protect a natural heritage area or environmentally sensitive natural features;
 - (c) professional or technical studies to assess potential development impacts;
 - (d) phasing of development;
 - (e) entering into agreements, including subdivision agreements or agreements pursuant to section 41 of the Planning Act, to secure any of the matters required to satisfy the conditions for removal of the holding provision; and,
 - (f) the financial requirements of the municipality have been satisfied.

9.6 Temporary Use By-Laws

- 9.6.1 At times it may be in the public interest to permit lands to be developed for a particular use on a temporary basis even though the use may not comply with the Zoning By-law.
- 9.6.2 In accordance with the Planning Act, Council may pass by-laws to allow for the temporary use of land or buildings for a purpose that would otherwise not be permitted by the implementing Zoning By-law. Temporary use by-laws shall define the area and prescribe the length of time the use may exist. Council may authorize temporary uses for a period not exceeding three years. Prior to the expiry of a temporary use by-law, Council may, if deemed necessary, grant further periods of not more than three years each. In enacting a temporary use by-law, Council shall have regard for the following:
- (a) the compatibility of the proposed use with surrounding land uses;
 - (b) the adequacy of services;
 - (c) access and parking requirements;
 - (d) traffic impacts;

- (e) that the proposed use is considered, in the opinion of Council, to be a temporary one; and,
- (f) that the use is in general conformity with the intent and policies of this Plan.

9.6.3 Prior to passing a Temporary use by-law the developer shall have entered into an agreement with the Municipality specifying the conditions under which the use may be permitted.

9.7 Sign By-Laws

9.7.1 Pursuant to the Municipal Act, Council may enact a sign by-law to control the visual impact of advertising and sign design and/or the placement of signs. Where a sign by-law is in effect, the approval of Council shall be required before any sign is erected or altered.

9.8 Site Plan Control

9.8.1 The Municipality may utilize Site Plan Control to implement the policies of this Plan and to encourage well designed, functional, and compatible development in the community.

9.8.2 The following areas, as well as those areas described in applicable sections throughout the Plan, are proposed Site Plan Control areas:

- (a) Residential: All areas designated Residential, except for single-detached dwelling use areas.
- (b) Commercial: All areas designated Commercial.
- (c) Industrial: All areas designated Industrial.
- (d) Rural: All areas designated Rural.
- (e) Open Space: All areas designated Open Space.

9.8.3 The overall objective of Site Plan Control is to improve the efficiency of land use, to protect adjacent land uses and to encourage a more attractive form of development by:

- (a) improving the treatment of site plan details to maintain a consistent municipal standard;
- (b) ensuring the safety and efficiency of vehicular and pedestrian access;
- (c) minimizing land use incompatibility between new and existing development;
- (d) providing functional and attractive on-site facilities such as landscaping and lighting;

- (e) controlling the placement and provision of required services such as driveways, parking, loading facilities and garbage storage;
- (f) securing easements to provide for public utilities and site drainage; and,
- (g) ensuring that the development proposed is built and maintained as approved by Council.

9.8.4 Council may delegate Site Plan Approval to municipal staff in order to ensure that the process does not create undue delay or additional costs in the development process.

9.9 Development Charges

9.9.1 Council may levy development charges on new development and, where appropriate redevelopment, in order to finance municipal services.

9.9.2 Council may also enter into “front-end”, “best efforts”, and other servicing agreements in accordance with the applicable legislation and powers of the municipality to ensure that development or redevelopment occurs in a financially responsible manner.

9.10 Existing and Non-Conforming Uses

9.10.1 Legally existing uses that do not comply with the land use designation or the policies of this Plan may be dealt with in one of the following manners:

- (a) The land may be zoned in the Zoning By-law in accordance with the present use and may provide for limited expansion without amendment to this Plan provided that:
 - the zoning will not permit any change of use that may aggravate any situation detrimental to adjacent complying uses;
 - the zoning will not interfere with the desirable development or enjoyment of an adjacent area which is in conformity with the Plan; and,
 - where the existing use is discontinued, any rezoning may only take place in accordance with the policies of this plan.
- (b) Where the existing use is deemed incompatible it shall be recognized as a legal non-conforming use in the context of the Zoning By-Law. In these cases the following shall be considered:
 - Council and/or the Committee of Adjustment may allow extension and enlargements to such legal non-conforming uses;

- Council and/or the Committee of Adjustment may permit the use of a legal non-conforming property, building or structure for a purpose similar to that of the legal non-conforming use or more compatible with the uses permitted in the By-law;
- non-conforming uses should cease to exist in the long run; and,
- where a non-conforming use ceases to exist for a continuous period of one (1) year, it shall be deemed to have lost its status as a legal non-conforming use.

9.11 Existing Lots of Record

- 9.11.1 An existing lot of record is a tract of land that existed and was capable of being transferred under the provisions of the Planning Act, on the date of the adoption of this Plan.
- 9.11.2 It is a policy of this Plan to support the use of existing lots of record which do not comply with the minimum area and frontage requirements of the Zoning By-law, provided such lots are approved by the Ministry of the Environment and/or the Northwestern Health Unit for private sewer and water systems, have sufficient dimensions to provide access and egress, and all other conditions associated with the issuance of a building permit can be satisfied.
- 9.11.3 Notwithstanding the above, development on existing lots of record on private roads shall only proceed if there are agreements acceptable to Council regarding access, services and the maintenance of the private road and that any other service deemed necessary by Council shall exist or shall be provided to the site by the developer.

9.12 Property Standards By-Law

- 9.12.1 All properties in the municipality should be kept in a state of good repair and safe for occupancy and use. The safety and maintenance of all properties in the municipality may be protected through the enactment of property standards by-laws under the Building Code Act.

9.13 Acquisition of Lands

- 9.13.1 Lands may be held and acquired by the municipality for the purpose of developing any feature of the Official Plan and any land so acquired or held may be sold, leased, or otherwise disposed of when no longer required.

9.14 Public Participation – Official Plan and Zoning By-Law Amendments

- 9.14.1 Except as noted below with regards to public meetings, the procedure for informing and securing the view of the public in respect to Official Plan Amendments and Zoning By-law Amendments shall follow the direction of the Planning Act.
- 9.14.2 Council shall hold public meetings for planning applications in accordance with the requirements of the Planning Act. However, Council may eliminate the requirement for public notice of a meeting for a minor Official Plan or Zoning By-law Amendment which:
- (a) changes section numbers or the order of text but does not add or delete sections;
 - (b) consolidates amendments, which have previously been approved;
 - (c) corrects typographic, grammatical or mapping errors which do not affect the intent or application of the policies or provisions of the plan; and/or,
 - (d) rewords policies or re-illustrates mapping for the purpose of clarification only without changing the intent or purpose of the policies or mapping.

9.15 Delegation of Approval Authority

- 9.15.1 Where this Plan refers to a discretionary decision concerning the requirements of the Municipality through such references as ‘the Municipality’, ‘Council’ or ‘the Township’, Council may formally delegate such powers of discretion to municipal staff entirely, or on an application by application, or issue by issue basis as permitted by Provincial Statutes.

10.0 INTERPRETATION

10.1 Reading the Plan as a Whole

- 10.1.1 This Plan should be read as a whole to understand its comprehensive and integrated intent as a policy framework for priority setting and decision making.

10.2 Implementation Over Time

- 10.2.1 The implementation of this Plan will take place over time and the use of words such as “will” and “must” should not be construed as Council’s commitment to proceed with any of these undertakings immediately. These will typically occur in a phased manner, subject to budgeting and program availability.

10.3 Permitted Uses

- 10.3.1 Examples of permitted uses as included in this Plan are intended to illustrate a range of activities in each respective land use designation. The implementing Zoning By-law shall define the specific uses and related regulations for land use designations.

10.4 Land Use Boundaries

- 10.4.1 Boundaries of land use designations shown on the attached Schedules are general and approximate except where they coincide with fixed distinguishable features such as public roads, watercourses, or other clearly defined physical features. Where the general intent of the Plan is maintained minor adjustments to boundaries will not require amendment to this Plan. Such minor adjustments may not necessarily be reflected on the Schedules.

10.5 Legislation

- 10.5.1 The names and sections of the various Acts referred to in this Plan are according to the Revised Statutes of Ontario as of the date of the adoption of the Plan. It is not intended to amend this Plan each time an Act is renamed or when a new consolidation of the Statutes is issued. Rather, this Plan shall be interpreted so as to refer to those sections and/or Acts named or to their successors, as conditions dictate.

10.6 Numeric Standards

- 10.6.1 It is intended that all numeric standards used within this Plan, including any in relation to minimum lot areas, or frontages, be considered approximate and not

absolute based on applicable policies and studies required prior to development. Amendments to this Official Plan shall not be required for minor variations from the criteria providing the general intent of the Plan is maintained. The determination of what constitutes a minor variation shall be at the discretion of the Municipality.

10.7 Accessory Uses

- 10.7.1 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 also be permitted, (e.g. parking lots). The determination of what constitutes an accessory use shall be at the sole discretion of the Municipality and will be further defined in the implementing Zoning By-law.

SCHEDULES



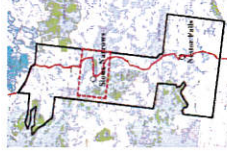
Township of
Sioux Narrows Nestor Falls

Official Plan

Land Use Designations

Sioux Narrows - Schedule A

August 10, 2010



Legend

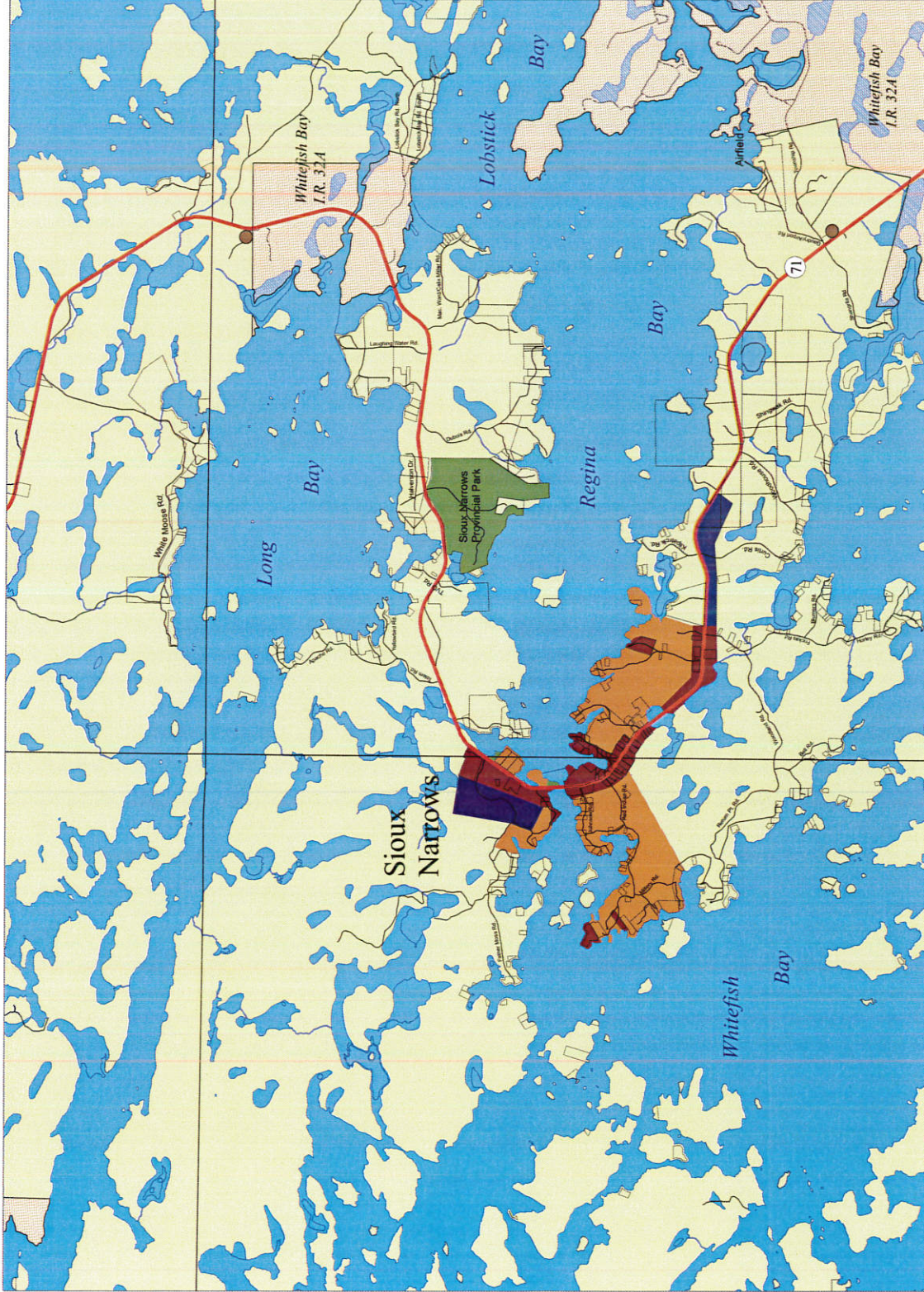
- Commercial
- Residential
- Industrial
- Open Space / Park
- Growth Areas
- Rural
- Waste Disposal Sites
- Provincial Hwy 71
- Other Roads
- Indian Reserves



EDWARD HOSHIZAKI
DEVELOPMENT CONSULTING

In Association with
Hidomatsu Thomas Frank Cram
Landscape Architecture - Planning

Approved by the Minister of Natural Resources (S/N) Date: 2007
Approved by the Minister of Municipal Affairs (S/N) Date: 2007
Approved by the Minister of Environment (S/N) Date: 2007



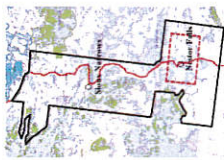


Township of
Sioux Narrows Nestor Falls

Official Plan Land Use Designations

Nestor Falls - Schedule B

August 10, 2010



Legend

- Commercial
- Residential
- Industrial
- Open Space / Park
- Growth Areas
- Rural
- Airstrip
- Provincial Hwy 71
- Other Roads
- Indian Reserves



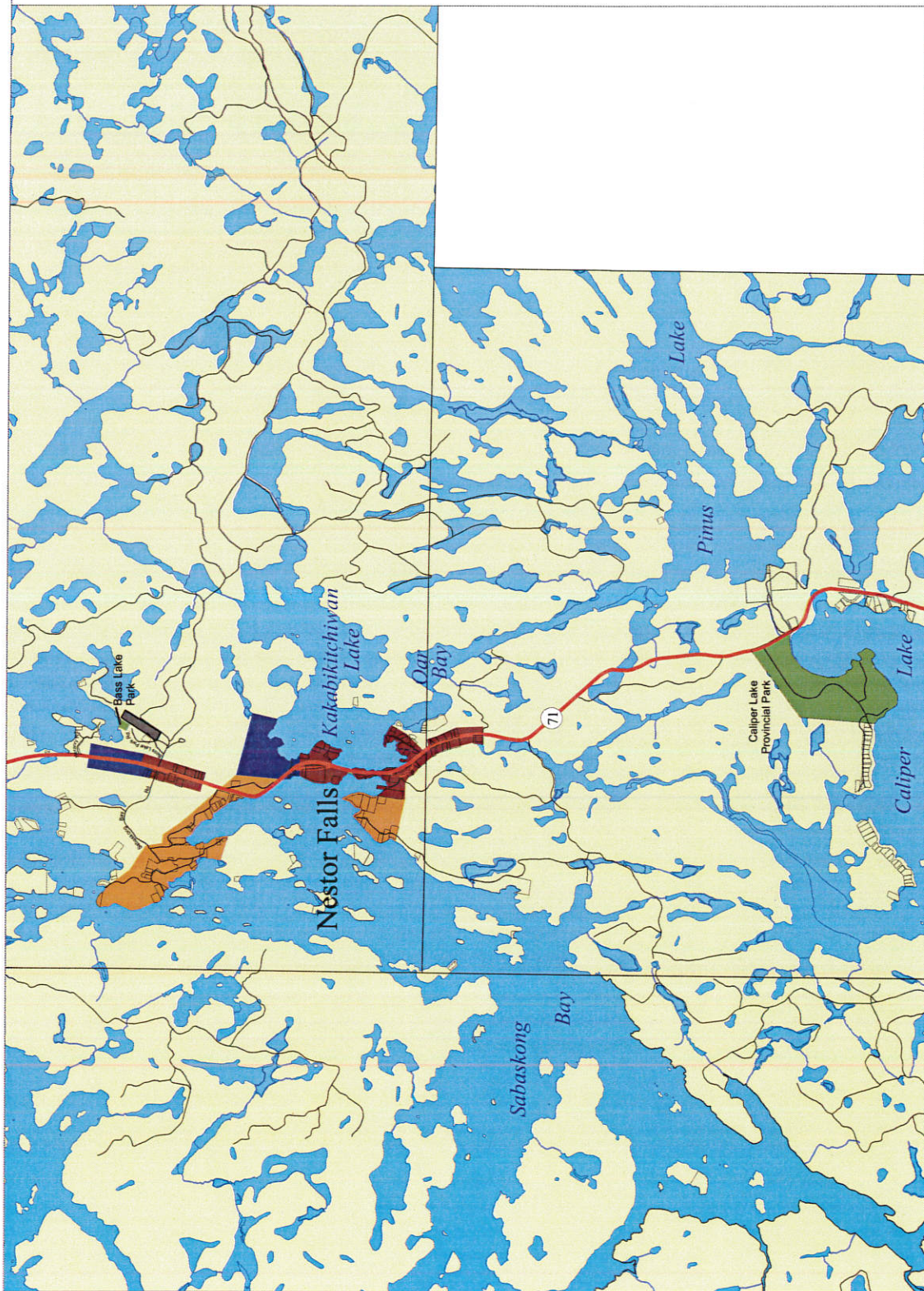
Scale 1:50,000

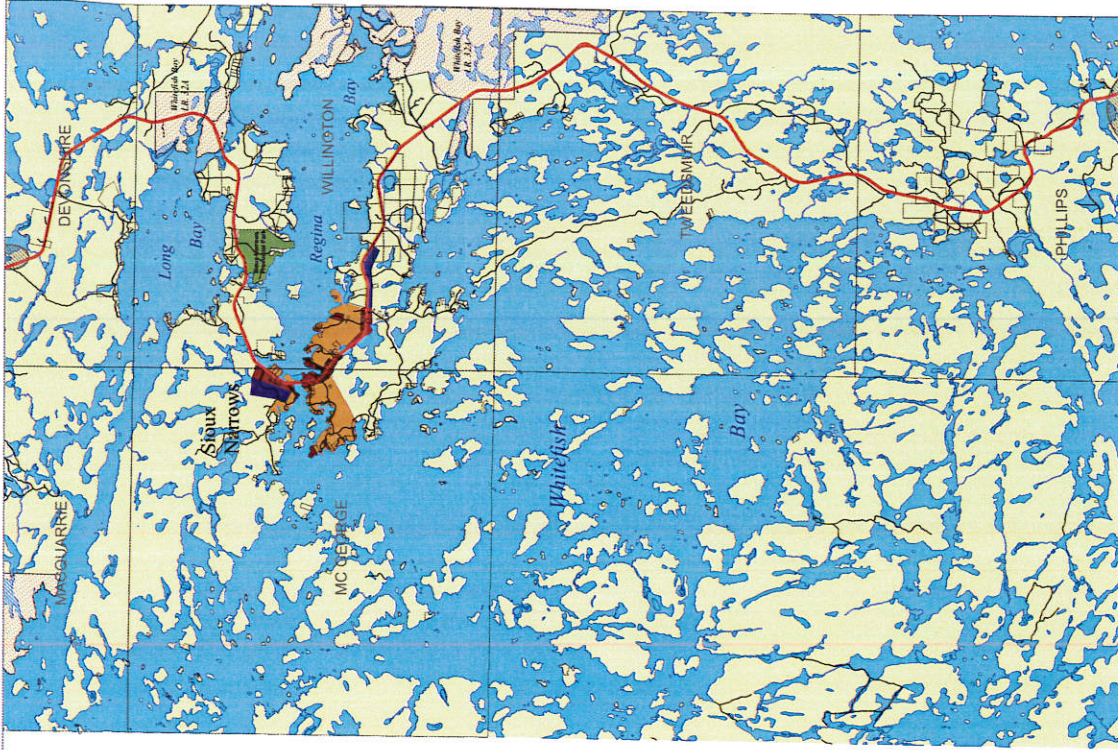


**EDWARD HOSHIZAKI
DEVELOPMENT CONSULTING**

In Association with
Hedeman Thomas Frank Cram
Landscape Architecture + Planning

Source:
Ontario Ministry of Natural Resources GIS Data, 2000
Map of the Township of Sioux Narrows, 2000
Aerial Photographs, 2000



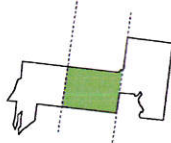


Township of
Sioux Narrows Nestor Falls

Official Plan Land Use Designations

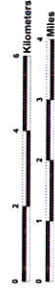
Township of Sioux Narrows Nestor Falls -
Schedule C

May 2007



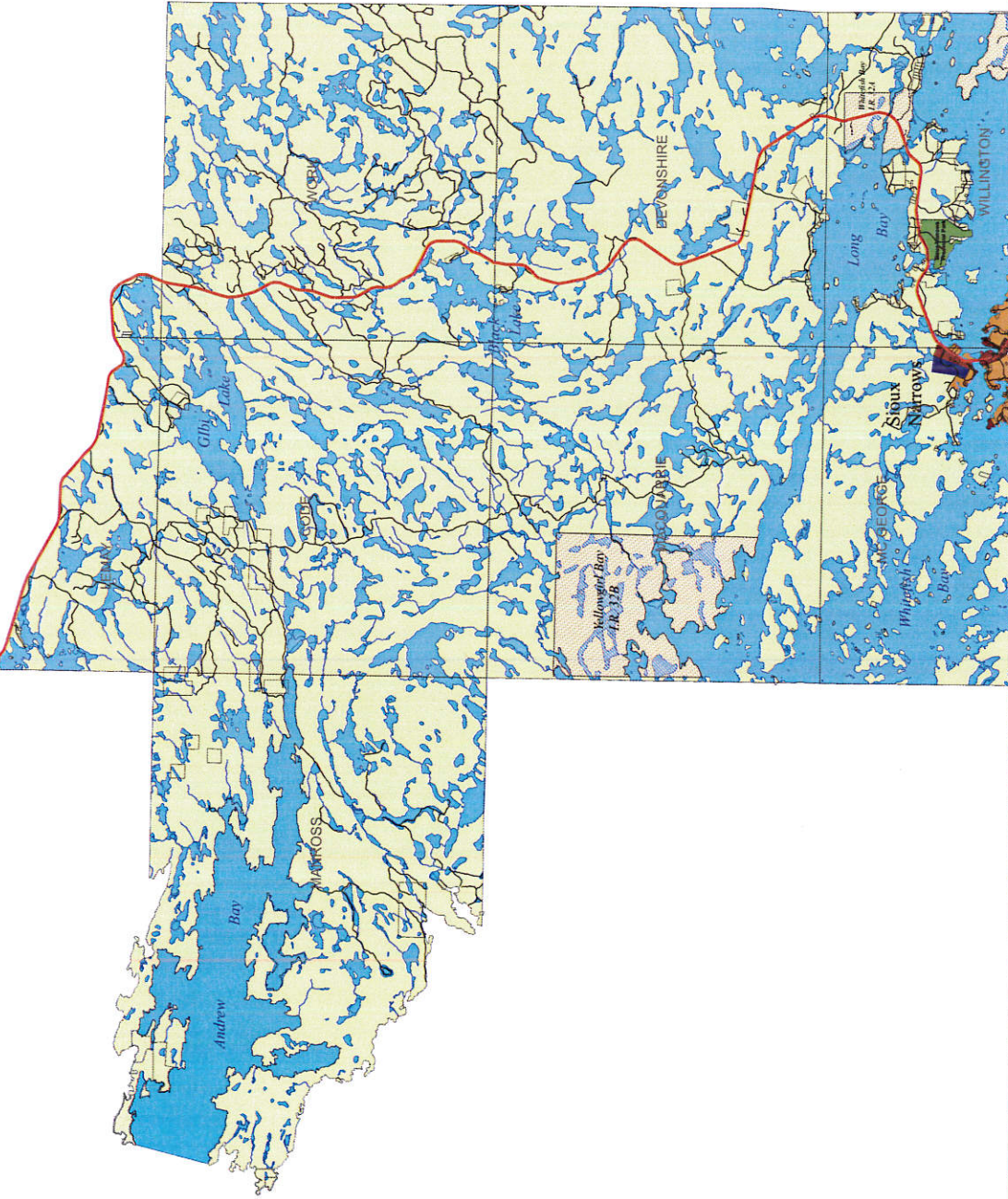
Legend

- Commercial
- Residential
- Industrial
- Open Space / Park
- Growth Areas
- Rural
- Provincial Hwy 71
- Other Roads
- Indian Reserves



EDWARD HOSHIZAKI
in Association with
Hidomori Thomas Frank Cram
Landscape Architecture • Planning

Division of Planning and Development
Township of Sioux Narrows Nestor Falls
Map of Land Use Designations - Schedule C
May 2007





Township of
Sioux Narrows Nestor Falls

Official Plan
Land Use Designations

Township of Sioux Narrows Nestor Falls -
Schedule C

May 2007



- Legend**
- Commercial
 - Residential
 - Industrial
 - Open Space / Park
 - Growth Areas
 - Rural
 - Provincial Hwy 71
 - Other Roads
 - Indian Reserves



EDWARD HOSHIZAKI
LAND DEVELOPMENT CONSULTING
 In Association with
 Hickman Thomas Frank Cram
 Landscape Architecture • Planning

Source: Statistics Canada, Natural Resources Canada, 2002
 Boundary of the Municipality of Yellowknife, 2001
 Boundary of the Municipality of Yellowknife, 2001

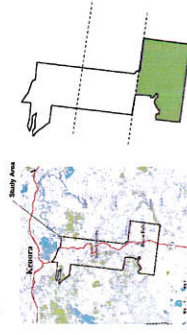


Township of
Sioux Narrows Nestor Falls

Official Plan Land Use Designations

Township of Sioux Narrows Nestor Falls -
Schedule C

May 2007



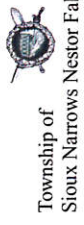
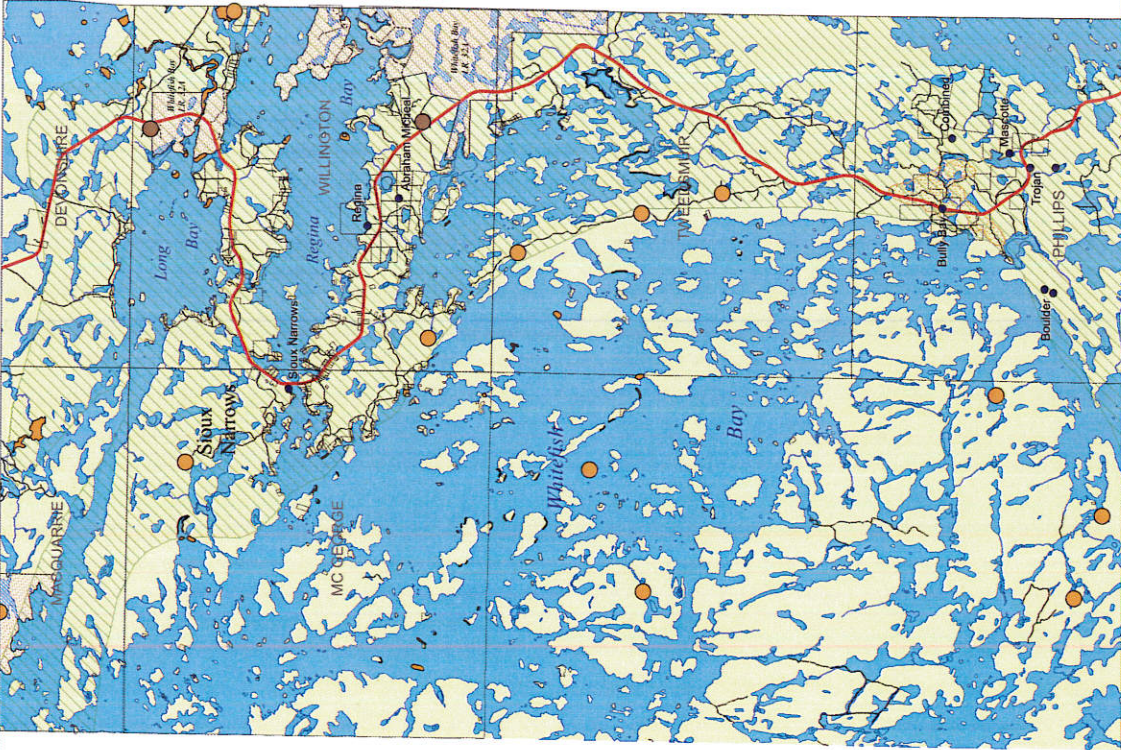
Legend

- Commercial
- Residential
- Industrial
- Open Space / Park
- Growth Areas
- Rural
- Airstrip
- Provincial Hwy 71
- Other Roads
- Indian Reserves



EDWARD HOSHIZAKI
in Association with
Hidemen Thomas Frank Cram
Landscape Architecture • Planning

Copyright © 2007
All Rights Reserved
Reproduction of this document without written permission is prohibited.



Sensitive Areas

Township of Sioux Narrows Nestor Falls - Schedule D

May 2007



Legend

Significant Wildlife Areas

- Sensitive Sites
- Sensitive Areas
- Provincial Hwy 71
- Other Roads
- Waste Disposal Sites
- Indian Reserves
- Abandoned Mine Sites
- Sand and Gravel
- Greenstone Belt



EDWARD HOSHIZAKI
 DEVELOPMENT CONSULTING
 In Association with
 Hidenman Thomas Frank Cram
 Landscape Architecture - Planning

Source:
 Ontario Ministry of Natural Resources GIS Data, 2002
 Township of Sioux Narrows Nestor Falls
 Approved Map Information System, 2004



Sensitive Areas

Township of Sioux Narrows Nestor Falls - Schedule D

May 2007



Legend

Significant Wildlife Areas

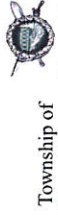
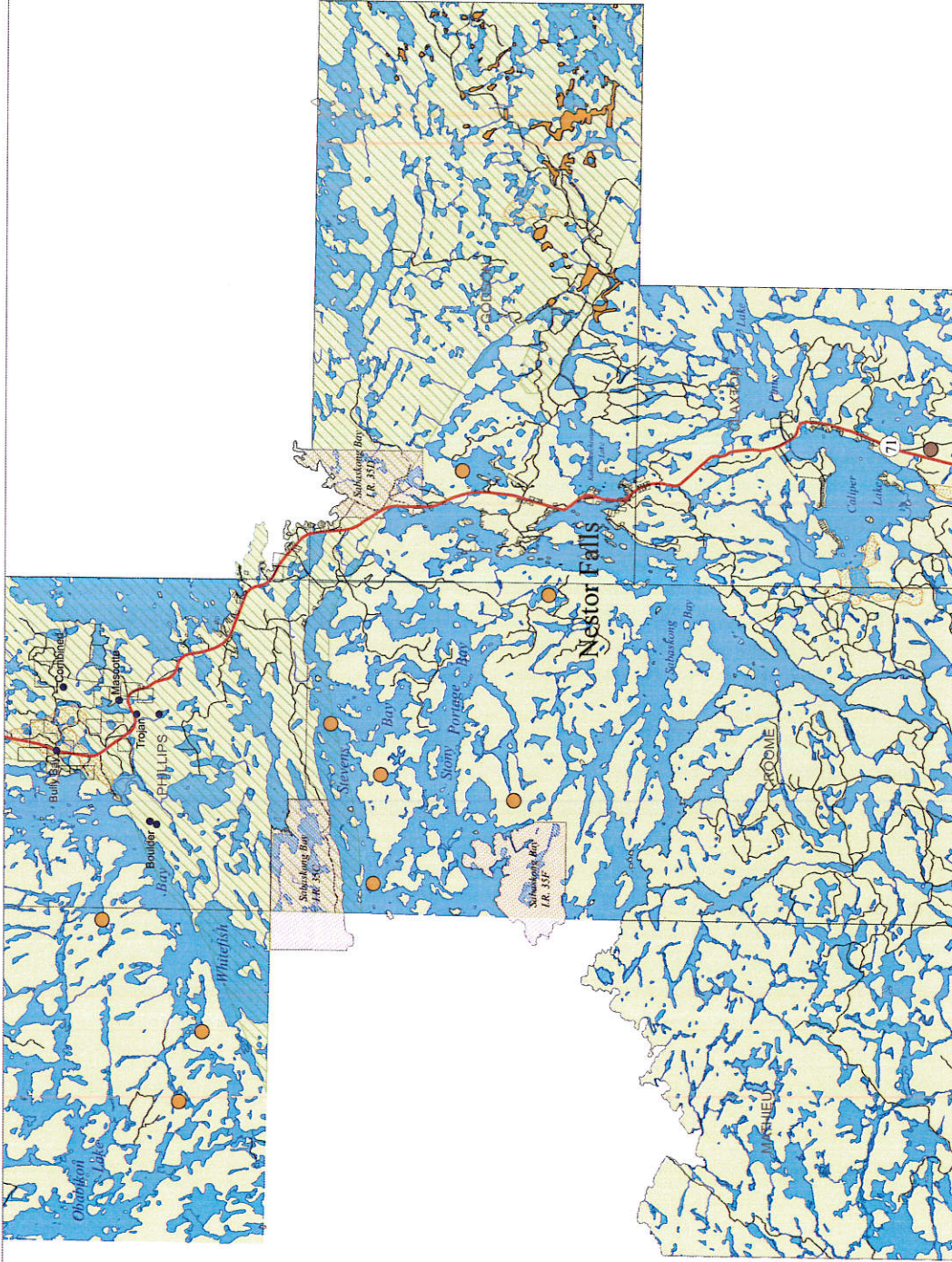
- Sensitive Sites
- Sensitive Areas
- Provincial Hwy 71
- Other Roads
- Waste Disposal Sites
- Indian Reserves
- Abandoned Mine Sites
- Sand and Gravel
- Greenstone Belt



EDWARD HOSHIZAKI
LANDSCAPE ARCHITECTURE & PLANNING

in Association with
Hideman Thomas Frank Gram
Landscape Architecture & Planning

Copyright: Municipal of Nestor Falls, 2007
Revised: May 2007
Revised: May 2007



Township of
Sioux Narrows Nestor Falls

Sensitive Areas

Township of Sioux Narrows Nestor Falls -
Schedule D

May 2007



Legend

Significant Wildlife Areas

- Sensitive Sites
- Sensitive Areas
- Provincial Hwy 71
- Other Roads
- Waste Disposal Sites
- Indian Reserves
- Abandoned Mine Sites
- Sand and Gravel
- Greenstone Belt



EDWARD HOSHIZAKI
LANDSCAPE ARCHITECTURE
IN ASSOCIATION WITH
Hidderman Thomas Frank Gram
Landscape Architecture - Planning

Source:
Township of Sioux Narrows Nestor Falls Assessment Study, 2007
Map of the Township of Sioux Narrows Nestor Falls, 2007