

AGENDA – PUBLIC MEETING
December 19th, 2023 – 6:00 pm

1. CALL TO ORDER

2. APPROVAL OF AGENDA

That the Agenda distributed for the Statutory Public Meeting for the Township of Conmee's Public Meeting be approved.

3. DECLARATIONS OF PECUNIARY INTEREST

Members of Council are required to state any pecuniary interest in accordance with the Municipal Conflict of Interest Act.

4. NOTICE OF PUBLIC MEETING

A copy of the Notice of Public Meeting under Section 26 of the Planning Act, R.S.O. 1990, to receive input regarding the Official Plan and Zoning By-Law Review

5. PRESENTATION AND CONSIDERATION OF REPORTS

A presentation by FOTENN with respect to the Official Plan and Zoning By-Law

6. COMMENTS AND QUESTIONS

6.1 Council Remarks

Members of Council are invited to provide comments or ask questions.

6.2 Public Remarks

Members of the public are invited to provide comments or ask questions.

7. ADJOURNMENT



New Official Plan - Township of Conmee

Statutory Public Meeting and Council Meeting - December 19, 2023

FOTENN

Presentation Agenda

- / Who We Are
- / Project Timeline
- / Overview of the New Official Plan
- / Revisions to the Draft Versions
- / Next Steps
- / Discussion

Who We Are



Established in 1992, Fotenn is an award-winning team of approximately 70 professional planners, urban designers, and landscape architects that has worked with and represented a wide range of clients.

We take enormous pride in our work and are seek to ensure the highest quality of work for our clients.



Matthew McElligott, MCIP RPP
Principal, Policy & Planning



Nathan Petryshyn, MCIP RPP
Senior Planner

Project Timeline

Project Start Up & Background Analysis

**Ministry
Pre-Consultation**

**Draft
Issues & Options
Report**

**Send
Issues & Options
Report
To Township**

Preparation of Draft New OP / ZBL

Community Visit

**Update
Issues & Options
Report**

**First Draft
Official Plan
& Zoning By-law**

Public Open House

Consultation Circulation & Adoption

**Second
Draft OP & ZBL**

**Finalize
Issues & Options
Report**

**Provincial Review of
Official Plan**

**Final OP & ZBL for
Council Adoption**

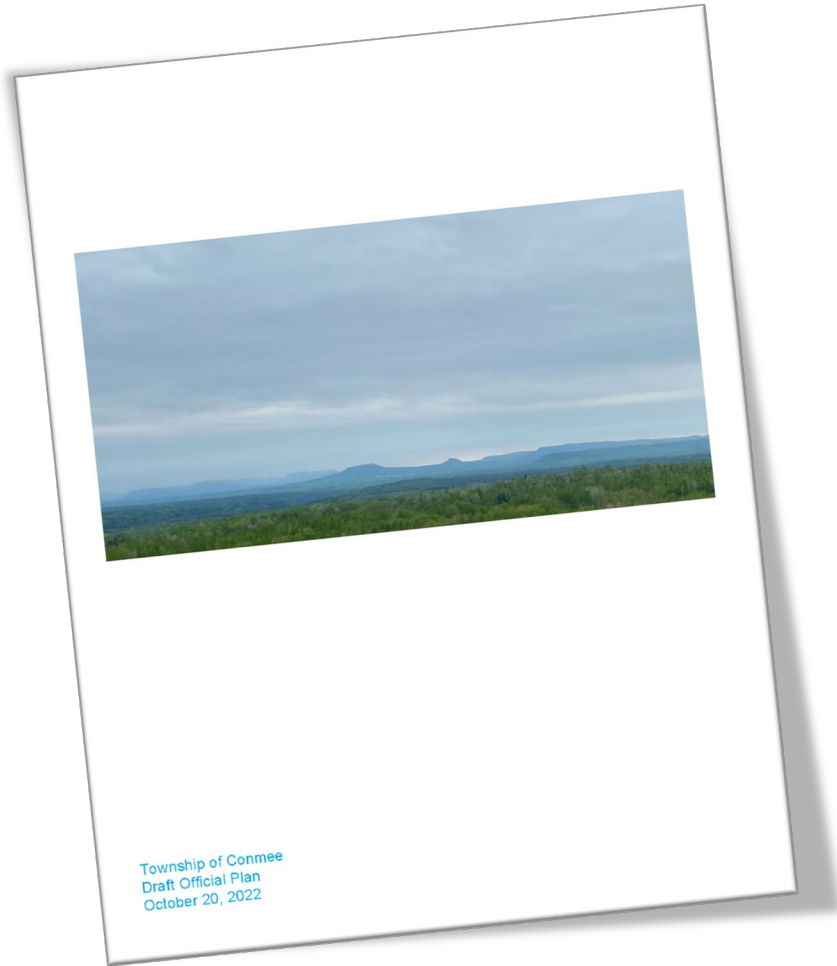
New OP / ZBL Approval

Final Provincial Approval

**Consolidation &
Modifications**

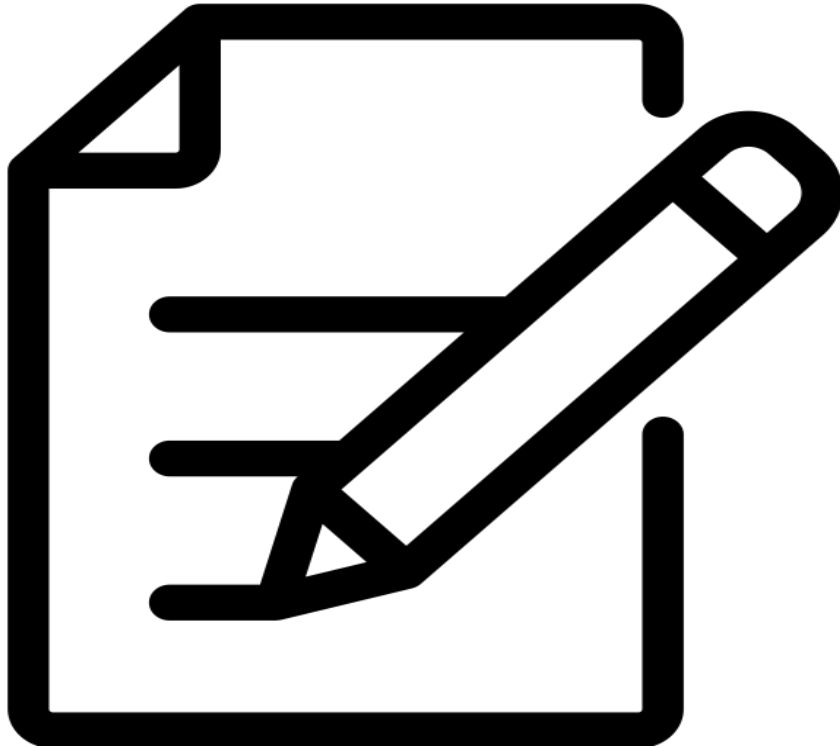
**Zoning By-law Approval
and Consolidation**

New Official Plan Overview



- / Prepared from Summer 2022 to Fall 2022, presented to Public and Council in Spring 2023
- / New policies and framework conform with the Planning Act and Provincial Policy Statement (2020)
- / Reviewed the Regional and Local Planning contexts for consistency
- / Prepared new policies to address needs identified in Issues & Options Report
- / Provided to Township & Stakeholders for review through 2023

Revisions to the Draft Official Plan (Summer 2023)



- / Provided clarifications to residents on policies related to land use, economic development, infrastructure, and community engagement
- / Revised policy language related to Rail Facilities and Influence Areas, Public Uses, and Crown Lands
- / Revised policies for the Environmental Protection designation and Hazard lands (in consultation with the LRCA)
- / Revised definitions in the Draft Zoning By-law, including those of accessory dwellings, hazard lands, major facilities, and sensitive land uses (to conform with the PPS)

Next Steps

- / Council Adoption of New Official Plan and Zoning By-law
- / Final Provincial Approval of Official Plan from the Ministry of Municipal Affairs and Housing (MMAH)
- / Consolidation and Modifications integrated in Final Official Plan



Thank you



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Township of Conmee
Draft Official Plan
December 15, 2023



DRAFT

Prepared for Township of Conmee

FOTENN

Prepared by Fotenn Planning + Design
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Ottawa, ON K2P 2H7

December 2023

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1.0 Introduction

The preparation of this Official Plan (the “Plan”) began in 2020 and has involved many dedicated and committed people with an interest in the future of the Township of Conmee. The consultation and engagement process has resulted in a Vision for the future of the Township that is expressed in this Plan. This Vision is based on a series of planning principles that are intended to:

1. protect the natural environment;
2. encourage economic development;
3. conserve the Township's natural resources;
4. direct new development to appropriate locations; and,
5. protect the character of the Township's rural areas.

The purpose, goals, objectives and policies contained in this Plan are intended to guide the decisions of public authorities and private interests for the next 25 years.

1.1 Structure of this Plan

This Official Plan is divided into five parts, each of which is described below.

- / **PART 1 (Vision, Goals and Strategic Objectives)** contains the Vision for the Township. This Vision is based on an understanding of past and future trends, as well as the aspirations of the Township's residents. The goals and strategic objectives that form the basis of the Plan flow from the Vision. These goals and strategic objectives establish the framework for the remaining policies in the Plan. This section of the Plan also describes how the Vision is implemented through a series of land use designations.
- / **PART 2 (Growth Management)** contains policies for how the Township is intended to grow over the next 25 years.
- / **PART 3 (Land Use Designations)** contains the land use policies that apply to lands within the Township.
- / **PART 4 (General Development Policies)** contains policies that address land use planning matters such as water and sewer servicing, transportation, cultural heritage resources and the subdivision of land. These policies apply to the whole of the Township.
- / **PART 5 (General Environmental Policies)** contains policies addressing development in relation to natural features, in floodplains, and on hazardous slopes throughout the Township. In addition, this section contains policies specifying submission requirements for development applications, including water resource and stormwater management reports and environmental impact studies.
- / **PART 6 (Plan Implementation and Administration)** describes how the policies of the Official Plan will be implemented and administered.

1.2 The Community Vision

The primary purpose of the Official Plan is to provide a basis for managing growth that will protect the Township of Conmee's character, diversity, civic identity and significant natural heritage features. This Official Plan is a land use management policy document that is intended to assist local decision-makers in administering long-term growth and development of the Township.

The residents of Conmee enjoy a high quality of life, created in large part by the clean air, the people, the rural area, the open scenic countryside, and distinctive natural features throughout the Township. These are the qualities that, taken together, create a highly-valued identity for residents.

The Township is characterized as a rural area and this Official Plan establishes long-term roles and functions for the entire planning area. It is the intent of the Plan to permit development on rural lands that is compatible with the character, role and function of the area. It is also the intent of this Plan to permit the continued functioning of natural systems, maintain the rural pattern of large land holdings and a landscape dominated by open fields, forests and rolling hills.

It is estimated that the population of the Township will remain relatively stable over the next 25 years. It is the goal of the Township to maintain the rural character of the community and to continue to develop the Township for existing and future residents, and as a tourist destination. This Plan anticipates that the existing pattern of development will not change substantially in the future, however, the Plan does anticipate the development of additional residential dwellings and typologies to accommodate the needs of an aging population and contribute to the Township's economy.

The Official Plan assumes that the high quality of life currently enjoyed by the Township's residents and visitors can be maintained and enhanced if the Township's distinct rural character is protected. However, change is inevitable, and it must be managed in an efficient and orderly manner to maximize the benefits of new development. It is therefore the intent of this Plan to provide the Township Council with the tools to consider and mitigate the impacts of change on the qualities that make Conmee a desirable place to live, work, and visit.

1.3 Objectives of this Plan

The Township is committed to encouraging new development that maintains and improves the quality of life of residents. In addition to responding to matters of provincial interest, the objectives of this Official Plan are as follows:

1. To maintain the distinctive rural and natural character of the Township, which provides serenity, privacy, and spaciousness;
2. To create an environment which enhances the social, physical, and economic well-being of the residents of the Township;
3. To create an environment which, together with neighbouring municipalities, provides a variety of choices in housing and economic activity;
4. To use the natural resources and the natural amenities of the Township to the benefit of existing and future residents;
5. To manage change and promote efficient cost-effective development and land use patterns which are orderly and efficient, while stimulating economic growth and protecting the environment and public health;
6. To develop a roads system which is convenient, safe and economical;
7. To provide levels of services appropriate to the needs of rural life;
8. To maintain a healthy financial position for the Township; and,
9. To encourage a moderate rate of population growth to accommodate new residents without disrupting the character of the Township or burdening municipal services or facilities.

1.4 Purpose and Effect of this Plan

The Planning Act mandates that all planning authorities prepare and adopt an Official Plan. In addition to fulfilling this statutory requirement, the Official Plan of the Township of Conmee is designed to achieve several purposes, namely to:

1. Establish, in general terms, the type, form, intensity, character and desired pattern of land use and the approach to ensuring the wise management of the resource base;
2. Establish a clear Township-wide growth management strategy;

3. Provide a consistent basis for actions and decisions on all matters relating to the use of land, development, redevelopment and change within the Township;
4. Inform the general public, private interests, and business of the intended nature and direction of the use of land, development, redevelopment and physical improvements in the Township; and,
5. Provide a framework for the implementation of the Township's powers and authority under the Planning Act, and other relevant statutes.

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2.0 Growth Management

Growth management is the method by which the Township plans for new development to ensure that land is used efficiently and that development does not outpace the Township's ability to provide the services and infrastructure needed to meet the demands of its population. Growth management also provides a level of protection for the natural environment, natural resources, and agricultural lands in the Township, mitigating unregulated growth. This section outlines the growth management strategy of the Township.

The following goals and objectives shall guide the growth management strategy for the Township:

1. Direct the majority of future growth to areas served by the existing and planned road network to limit the costs to the Township and avoid overdevelopment of the countryside;
2. Conserve and protect natural heritage features, mineral aggregate areas, and agricultural lands;
3. Identify and protect lands with forestry and mining potential; and,
4. Make efficient use of land and the capital investment in infrastructure made by the Township and other levels of government.

2.1 Growth Management Strategy

Census data from 2021 calculates the population of the Township to be 798. Although slightly decreasing by 2.6% from a 2016 population of 819, the population of Conmee has seen a 4.5% overall increase since 2011, from a population of 764. The Township's population is expected to remain stable, with the possibility of limited growth due to interest in rural properties. It is the policy of this Plan that future population growth shall be accommodated in areas served by an existing road network.

2.1.1 New Settlement Areas

The Township is entirely rural and does not contain any designated Settlement Areas, such as a hamlet, village, or town. As such, it is the intention of this Plan to conserve the rural character of the Township and no new Settlement Areas shall be permitted.

2.1.2 Creation of New Lots

Given the limited municipal services in the Township, new development that requires the creation or extension of new roads and / or the construction of new public infrastructure is generally discouraged. Applications for development that will result in the creation of new infrastructure, such as public roads, shall require a Financial Implementation Plan, to be prepared at the proponent's expense, detailing the phasing and financial implications of such costs to the Township.

It is anticipated that the majority of new lots will continue to be created through the Consent process, as detailed in Section 4.12 (Subdivision of Land) of this Plan. In the rare instances where the creation of more than two (2) parcels is proposed, or where new Township infrastructure is required, a Plan of Subdivision application will be required, as detailed in Section 4.12 (Subdivision of Land) of this Plan.

Depending on the nature of the lot creation and infrastructure being proposed, additional studies, reports or plans and approvals may be required, as established in this Plan and / or relevant provincial legislation, policy, and guidelines.

The Province of Ontario has delegated authority for the approval of land division in the Township of Conmee to the Lakehead Rural Planning Board.

3.0 Land Use Designations

3.1 Rural

The Rural Area land use designation constitutes the primary land base of the Township and is composed of residential areas, commercial and industrial uses, institutional uses and agricultural operations and agriculture-related uses. The location of the lands designated Rural Area is illustrated on Schedule A.

Goals & Objectives

The following goals and objectives shall guide the use of land and maintain the character of the Rural Area to:

- / Preserve and protect the rural character and the scenic quality of the rural landscape; and
- / Permit new uses compatible with rural character and rural servicing levels.

Permitted Uses

- a) The primary use of land in the Rural Area shall be for residential, commercial, institutional, agricultural, and agriculture-related uses.
- b) Secondary uses in the Rural Area may be permitted provided they will not negatively impact the rural character or planned servicing levels in the Rural Area and shall include: home occupations; home industries (including animal kennels); bed and breakfast establishments; on-farm diversified uses; group homes; additional dwelling units; and garden suites.

3.1.1 Rural Residential

Policies

1. Rural residential uses shall be limited to a single-detached dwelling on a lot.
2. New rural residential lots shall be permitted to accommodate single-detached residential dwellings, new seasonal dwellings, and rural estate lots, provided that the lot is sized to the minimum area necessary for the residence and the installation of a private water supply and sanitary sewage disposal system.
3. Rural residential lots must be of an appropriate size and configuration to accommodate private services (well and septic) and front onto a public road.
4. As established in Section 4.7 (Water and Sewer Servicing Strategy) of this Plan, submission of a hydrogeological study may be required prior to the creation of new rural residential lots.

3.1.2 Pines on Hume

It is the intention for the Township of Conmee and the Conmee Non-Profit Housing Corporation (CNPHC) to develop the lands known as Part Broken Lot B, Concession 1, Township of Conmee, District of Thunder Bay, Except Parts 3 & 4 on Reference Plan 55R-11418 (PIN: 62302-0327) to accommodate assisted living housing units and affordable housing units for seniors, with other associated uses.

Policies

1. The Pines on Hume lands, known legally as: Part Broken Lot B, Concession 1, Township of Conmee, District of Thunder Bay, Except Parts 3 & 4 on Reference Plan 55R-11418 (PIN: 62302-0327), may be developed to contain semi-detached, townhouse, apartment, and other multi-unit housing types. The lands may also develop to accommodate associated and complimentary land uses, as required, including small-scale nursing home facilities, service facilities, small scale commercial uses, recreation areas, and other associated uses.

2. Any development shall be designed and maintained in such a manner as to provide adequate parking, buffering and landscaping. Communal water and sewage facilities must be provided and operated to the satisfaction of the Ministry of Environment, Conservation and Parks. When assessing the proposed development, Council shall consider:
 - a. whether the use is compatible with the rural character of the Township;
 - b. the location is appropriate for the proposed use;
 - c. the site has been designed to provide for safe access and egress;
 - d. adequate off-street parking will meet the demands of the particular use; and,
 - e. adequate water and sanitary services are provided.
3. New development may be subject to Site Plan Control under the provisions of the Planning Act.

3.1.3 Mobile Home Park

A Mobile Home Park allows owners of mobile homes a place to lease space while also often providing basic utilities such as water, sanitary services, electricity, and other amenities. The overall density and servicing requirements of Mobile Home Parks are not compatible with the desired rural character of the Township and are therefore discouraged as a means to accommodate growth and new housing.

Policies

1. The Township of Conmee permits the existing mobile home park and associated units in the Spruce Grove Mobile Home Park, as shown on Schedule A of the Zoning By-law.
2. New mobile home parks shall not be permitted in any land use designation in Conmee.
3. Notwithstanding the above, the Spruce Grove Mobile Home Park shall be a permitted use with a maximum of 30 mobile home units. The Mobile Home Park shall be recognized by the zoning by-law in a separate mobile home park zone in which:
 - a. permitted uses include a mobile home located on a mobile home site within an existing mobile home park, a home occupation, and accessory uses;
 - b. the minimum distance between building and structure in the mobile home park overlay and public roads and lots in other zones shall be 10 metres;
 - c. a minimum of 5% of the mobile home park shall be dedicated as common parkland; and,
 - d. each mobile home shall be allocated a site not less than 1,000 square metres in area.
4. The existing mobile home park shall be designed and maintained in such a manner as to provide adequate parking, buffering and landscaping. Communal water and sewage facilities must be operated to the satisfaction of the Ministry of Environment, Conservation and Parks.

3.1.4 Institutional

The Township of Conmee contains Institutional land uses within the Rural Area, including the Township office, the municipal cemetery, churches, public infrastructure, and other similar uses.

Policies

1. All Institutional land uses shall be placed in an Institutional zone in the implementing Zoning By-law.
2. Proposals for new institutional land uses will be evaluated on a case-by-case basis and may be subject to Site Plan Control under the provisions of the Planning Act.
3. When assessing new institutional land uses Council shall consider:
 - a. whether the use is compatible with the rural character of the Township;
 - b. the location is appropriate for the proposed use;

- c. the site has been designed to provide for safe access and egress;
 - d. adequate off-street parking will meet the demands of the particular use; and
 - e. adequate water and sanitary services are provided.
4. In accordance with the Provincial Policy Statement (2020) and the Cemeteries Act, cemeteries are permitted in the Institutional zone. New cemeteries or expansions to existing cemeteries shall be subject to an amendment to the implementing Zoning By-law. A cemetery may include, as an accessory use, a mausoleum and/or a crematorium. Before considering such an amendment, Council shall be satisfied that:
- a. the size of the cemetery and the accessory uses are appropriate for the area; and,
 - b. the use can be accessed by roads which are designed to accommodate high volumes of traffic in short periods of time.

3.1.5 Commercial

The Township of Conmee includes commercial uses that are intended to provide commercial services to residents and visitors in appropriate locations, particularly near the existing and future Highway 17 corridors. The policies in this section are intended to recognize these existing land uses and to ensure that new rural commercial development occurs in an orderly manner.

Policies

- 1. All Commercial land uses shall be placed in a Commercial zone in the implementing Zoning By-law.
- 2. Permitted uses within the Commercial zone may include auto service and sales, convenience stores, restaurants, wholesale establishments, storage and/or warehousing establishments, retail uses, retail food stores, garden centres, and other similar uses.
- 3. It is the intent of this Plan that all commercial developments which serve the needs of the rural community or the traveling public be planned to ensure that water and sanitary services and access/egress are adequately addressed.
- 4. Development proposals for new Commercial uses may be subject to an amendment to the implementing Zoning By-law and will be subject to Site Plan Control. Prior to considering an application, Council shall be satisfied that:
 - a. Adequate parking and loading facilities are provided on the site, in accordance with the applicable Zoning By-law provisions;
 - b. Adequate landscaping will be provided to enhance the aesthetics of the site and surrounding area, delineate parking areas, improve drainage, and provide visual screening, where necessary;
 - c. Outdoor storage areas are substantially screened from view from neighbouring properties and the public roadway;
 - d. The proposed use can be adequately serviced with an appropriate water supply and means of sewage disposal;
 - e. Where a proposed use abuts, or is in close proximity to, an existing residential use, fencing, landscaping, berming or a combination of these features shall be utilized to ensure that there is adequate screening between the uses; and,

3.1.6 Agriculture, Agricultural-related Uses and On-farm Diversified Uses

The Township of Conmee Rural Area land use designation contains some areas of agricultural concentration. The Rural land use designation shall permit Agricultural uses, Agricultural-related uses and On-farm Diversified uses, as defined by the Provincial Policy Statement (2020) and as described below:

Agricultural uses allow for the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre including poultry and fish; aquaculture; apiaries; agro-forestry; and maple syrup production.

Agriculture-related uses include farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations and provide direct products and/or services to farm operations as a primary activity.

On-farm diversified uses are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agritourism uses, and uses that produce value added agricultural products.

Policies

1. All agriculture and agricultural-related land uses shall be placed in a Rural Zone in the implementing zoning by-law.
2. On-farm industrial uses such as feed mills, grain drying facilities, fertilizer blending stations, and abattoirs, shall be permitted in association with an agricultural operation in accordance with the policies of this plan, the requirements of the Ministry of Agriculture, Food and Rural Affairs and subject to a Zoning By-law Amendment.
3. On-farm commercial uses such as stables, greenhouses, fruit and vegetable stands, market gardens, and nurseries may be permitted as-of-right in association with an agricultural operation, provided all parking associated with the on-farm commercial use is provided on site.
4. Agri-tourism uses that promote the enjoyment, education or activities related to the farm operation are also permitted in the Rural zone.
5. Where ground-mounted solar facilities are proposed on a property that accommodates an agricultural use, the solar facilities shall be accessory to the agricultural use and meet the criteria for on-farm diversified uses in this Plan. Agriculture-related uses and On-farm diversified uses that are compatible with and do not hinder surrounding or nearby agricultural operations are permitted subject to limitations on size, scale and location on the property as determined in the Zoning By-law. On-farm diversified uses...
6. The Township of Conmee may require new agricultural farm operations be regulated and approved through Site Plan Control.
7. New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) minimum distance separation (MDS) formulae and guidelines, as amended.
8. The Township may seek to redesignate agricultural areas to a new Agricultural land use designation. Prior to identifying potential prime agricultural areas to protect, the Township, landowner or proponent shall undertake an Agricultural Land Evaluation System (ALES) and/or Land Evaluation and Area Review (LEAR) study to evaluate whether lands may appropriately be designated Agriculture.
9. The principle of normal farm practice, as defined by the Farming & Food Production Protection Act, shall be upheld when addressing complaints with respect to noise, odour, dust and similar nuisances brought against farmers in the Township.
10. Forestry uses shall be permitted in the Rural designation, including the production of wood and wood products, subject to provision of proper environmental conditions for wildlife, protection against floods and erosion, and protection and production of water supplies. The processing of forest products is considered an Industrial Use and shall be subject to a Zoning By-law Amendment to ensure compatibility with adjacent land uses.
11. Forestry activities on Crown lands within the Township are subject to policies and regulations under the Crown Forest Sustainability Act, governed by the Ministry of Natural Resources and Forestry.

12. The Township may apply a Forestry Overlay to protect areas for future forestry use on Schedule A of the Official Plan. Where an Overlay is applied, any proposed development under the Overlay shall be evaluated to ensure future potential for forestry harvesting is not compromised.

3.2 Industrial

The Industrial land use designation is intended to permit a range of industrial uses which, by their nature, generate noise, fumes, odours or other noxious impacts, while also providing development standards to ensure compatibility with adjacent non-industrial land uses.

Policies

1. All industrial land uses shall be placed in an Industrial zone in the implementing Zoning By-law.
2. Industrial operations that provide services and goods in support of mineral mining and mineral aggregate extraction, processing of forest products, and other similar uses shall be permitted in the Industrial designation.
3. The Township contains ~~two waste disposal sites, one active and one inactive. waste disposal site that is~~ These sites are to be identified and designated Industrial on Schedule A of the Official Plan and zoned Industrial in the implementing Zoning By-law in accordance with Section 5.8.
4. Proposals to establish a new Industrial uses shall only be permitted through an Official Plan Amendment and Zoning By-law Amendment and subject to the following criteria:
 - i. The proposal satisfies the policies of this Plan, including Land Use Compatibility policies;
 - ii. Appropriate buffering shall be provided where the use is located adjacent to a sensitive land use;
 - iii. There is no adverse impact on the amenity and character of the rural area;
 - iv. Private services, where required, are provided in a manner which supports protection of the natural environment and minimize potential risks to human health and safety;
 - v. Outdoor storage areas are substantially screened from the view from the abutting roadway; and
 - vi. Adequate on-site parking is provided.
5. Appropriate buffering for new Industrial uses shall be determined in accordance with Ministry of the Environment, Conservation and Parks D-Series Guidelines D-1 and D-6. Section 4.6 (Industrial Uses) of this Plan provides detailed policies regarding appropriate buffering.
6. The Zoning By-law shall provide specific regulations for Industrial uses which detail permitted uses, scale, intensity, buffering, and parking.

Commented [Ma1]: We have two waste disposal site (one active, one inactive). Which one is this referring to?

Commented [NP2R1]: Revised to describe both

3.3 Mineral Aggregate Resources

The Mineral Aggregate Resources land use designation is intended to protect lands characterized as having deposits of gravel, sand, clay, earth, shale, stone, limestone granite, rock and other material prescribed under the Aggregate Resources Act. Existing Mineral Aggregate operations and areas with Mineral Aggregate potential are shown on Schedule A of this Plan.

Policies

1. All Mineral Aggregate Resources land uses shall be placed in a Mineral Aggregate Zone in the implementing Zoning By-law.
2. New aggregate operations (pits and quarries) require authorization under the Aggregate Resources Act, as administered by the Ministry of Natural Resources and Forestry and shall require an Official Plan and Zoning By-law Amendment.

3. Appropriate separation distances for proposed and existing aggregate operations will be determined on a site-specific basis. The potential influence area can be 1,000 metres and the minimum separation distance is 300 metres (for Class III Industrial uses) between the extraction / excavation area and any zone permitting residential or other sensitive land uses. Where technical studies confirm a smaller actual influence area, the required separation distance may be equal to or greater than the actual influence area.
4. In considering any application to permit a new mineral aggregate extraction operation, Council shall require:
 - i. Consideration of the effects of the operation on the natural environment, including fish habitat;
 - ii. A land use compatibility study which considers surrounding land uses and potential adverse effects from noise, dust, and vibration. In the absence of studies, pits and quarries should be treated as Class III industrial facilities and new sensitive land use developments are required to meet the separation requirements for Class III facilities in Ministry of Environment, Conservation and Parks Guideline D-6: Compatibility Between Industrial Facilities and Sensitive Land Uses. Blasting operations shall be in compliance with Ministry of the Environment, Conservation and Parks Guidelines NPC-119 for Blasting;
 - iii. The completion of ground and surface water studies to assess the impact of the extraction (both during and post extraction), any water taking, and the return of aggregate wash water upon the area's water resources;
 - iv. Where deemed to be applicable, an archaeological assessment completed by a qualified professional to address potential cultural heritage resources;
 - v. A traffic study which considers main haulage routes and proposed truck traffic to and from the site; and
 - vi. A site plan which includes the following information:
 - a. The legal limits of the property, contours, dimensions, site area, location, and the extent of any adjacent property owned by the applicant;
 - b. The existing use of land and the location and use of all buildings and structures located within 300 metres of the property that is the site of the extractive operation;
 - c. Existing and anticipated grades of extraction, extent of extraction area, setbacks from the limits of extraction to the property line, and screening and buffering;
 - d. The location, height, dimensions, and use of all buildings or structures, and location of machines existing or proposed to be erected on the property;
 - e. All vehicular entrances and exits;
 - f. Limits of development, road plan, water drainage, storage and management, and location of stockpiles;
 - g. Progressive and ultimate rehabilitation plan including topography, contours, grading, stabilization of banks, fill, drainage, and re-vegetation.
5. Mineral and Aggregate processing is considered an accessory use to an operation and may be permitted provided setbacks for buildings, machinery and equipment from lot lines is determined on a site-specific basis in consultation with the Township and with the Ministry of the Natural Resources and Forestry through the issuance of an Environmental Compliance Approval (ECA).

3.4 Parks and Open Space

The Parks and Open Space land use designation is meant to: encourage active and passive recreational uses which are compatible with the character of the Township and promote recreation and tourism-based development; ensure that new uses are properly planned and located and serviced with appropriate supply of water, sewage, and stormwater management services; and, to ensure that new recreational uses will not have

a negative impact on the environmental and hydrogeological features, conservation areas, and other protected areas and natural resources.

Policies

1. All Parks and Open Space land uses shall be placed in a Parks and Open Space Zone in the implementing Zoning By-law.
2. Parks and Open Space uses may include provincial parks, conservation areas, **conservation reserve**, research stations, campgrounds, hunting and game preserves, golf courses, and various other passive recreational uses. Secondary uses such as a club house and other uses functionally associated with an open space use shall also be permitted. These uses may be regulated by a Site Plan Control By-law. The Zoning By-law shall contain an appropriate Parks and Open Space zone that shall provide specific regulations detailing permitted uses, buffering, and parking requirements.
3. Permitted land uses in the Parks and Open Space designation shall relate to recreational activities including those uses which existed or had received approval prior to the date this Plan was approved. The Parks and Open Space land use designation should be characterized by uses, buildings and structures which are compatible with, integrated into, and do not dominate, the natural setting.
4. Previous uses approved or legally existing on or before the approval date of this Plan for land within the Parks and Open Space designation will not be negatively impacted by the policies of this section.
5. Proposals to develop new recreational and Parks and Open Space uses shall require an Amendment to the Official Plan and Zoning By-law and shall be subject to Site Plan Control.
6. Expansions to existing uses on lands that are already within the Parks and Open Space designation shall require an amendment to the implementing Zoning By-law and will be subject to Site Plan Control.
7. Proposals to expand existing Parks and Open Space uses onto lands which are not designated Parks and Open Space shall require both an Amendment to the Official Plan and Zoning By-law and shall also be subject to Site Plan Control.
8. The Township shall encourage the adaptive reuse of undeveloped or underdeveloped sites to accommodate new recreation and open space uses. Adaptive reuse of brownfield sites may be considered subject to the findings of Environmental studies, including an Environmental Site Assessment among others, in accordance with the Ministry of the Environment, Conservation and Parks guidelines. The studies will determine the existence, nature, and extent of the contamination and the identification of a remedial plan, if required.
9. Before considering an amendment to the Official Plan and Zoning By-law, Council shall be satisfied that:
 - a. the proposed use or expansion is compatible with the rural character of the area and adheres to the land use compatibility criteria of this Plan;
 - b. the development can be designed and sited to blend in with surrounding land uses;
 - c. the proposed use or expansion is located where it will not impact existing agricultural operations on adjacent lands as per the land use compatibility criteria of this Plan;
 - d. the proposed use can be serviced with an appropriate water supply and means of sewage disposal, if required;
 - e. if an expansion is proposed, the entire use is serviced by an appropriate water supply and means of sewage disposal, if required;
 - f. appropriate guarantees are in place to ensure that the impacts of the effluent from a private communal sewage treatment system on the lands (if required) on down-gradient water supplies is monitored frequently;
 - g. sufficient financial securities are available to ensure that downstream water supplies can be replaced in the event of a problem that is directly attributable to the operation of the private communal sewage treatment system (if there is one) on the lands;

- h. off-site impacts resulting from the use of fertilizers, herbicides and fungicides have been reviewed and it has been demonstrated that impacts will be minimal or can be mitigated;
- i. the proposed use is to be accessed by municipal roads that can accommodate the increased traffic generated by the proposed use;
- j. the proposed use can be appropriately buffered from adjacent residential uses; and,
- k. an appropriate monitoring program is developed, which serves to monitor the impact of the use on the quality and quantity of the groundwater, surface waters and the environment in general.

3.5 Environmental Protection

The Environmental Protection land use designation is intended to protect, maintain, and enhance the ecological integrity of the natural heritage system and natural heritage features for the long-term; eliminate the potential for the loss or fragmentation of **both unevaluated wetlands and** provincially significant wetlands, wildlife features, and areas of natural and scientific interest, and the habitats and ecological functions they provide; and to provide the tools to properly assess development applications located in close proximity to environmentally sensitive features and areas. Lands designated Environmental Protection are shown on Schedule A to this Plan.

The Environmental Protection designation is intended to include the following components of the Township's Natural Heritage System:

- / All significant wetlands evaluated and identified by the Ministry of Natural Resources and Forestry;
- / All other **significant** wetlands that were designated as such in the previous Official Plan or which have been identified but not evaluated by the Ministry of Natural Resources and Forestry and endorsed by Council;
- / Significant wildlife habitats, including habitats of endangered and threatened species; and,
- / Any other area that has been determined to be environmentally significant as a result of a planning process.

Policies

1. Permitted uses on lands designated Environmental Protection shall be limited to conservation and passive recreational uses that do not require development or site alteration. For the purposes of this policy, works and infrastructure that by their nature must be located within the floodway, such as flood and erosion control works are permitted. For the purposes of this section, a golf course or similar land use is not a passive recreational use.
2. Despite Policy 1 above, development and site alteration **shall-not-may** be permitted in the Environmental Protection designation, **unless-where** it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions as well as there are no risks to the health and safety of residents.
3. Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.
4. Proposals for development and site alteration shall be accompanied by a supporting Environmental Impact Study or other environmental study which demonstrates that the proposed development will not cause negative impacts on the natural features or their ecological functions.
5. Nothing in this Section is intended to limit the ability of existing agricultural uses to continue on lands that are designated Environmental Protection. Similarly, existing forestry and existing woodlot management activities are not intended to be prohibited, but are encouraged to comply with good forest management practices as recommended or endorsed by the Ministry of Natural Resources and Forestry and the Ontario Forestry Association.

Use of Lands in Private Ownership

6. Where any land within the Environmental Protection system is held under private ownership, this Plan shall not be construed as implying that such areas are free and open to the general public.

Adjacent Lands

7. Adjacent lands are the lands adjacent to an environmental feature within which impacts must be considered and within which the compatibility of the development proposal must be addressed. For the purposes of this Official Plan, adjacent lands are defined as all lands within:
 - a. 120 metres of the boundary of a provincially significant wetlands ~~that has been evaluated by the Lakehead Region Conservation Authority;~~
 - b. 50 metres from the boundary of a Provincially or Regionally Significant Area of Natural and Scientific Interest (ANSI);
 - c. 50 metres of a significant habitat of any endangered or threatened species and, where scientific data has determined a different setback, the greater of the two will be required; and,
 - d. 30 metres from the boundary of a fish habitat area.
8. No development or site alteration shall be permitted on these adjacent lands unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.
9. Development or site alteration is not permitted without Council approval of a Zoning By-law Amendment, Site Plan, or other appropriate ~~planning approval authority, including the LRCA.~~ Council may require an Environmental Impact Study (EIS) and/or a sub-watershed study and/or a geotechnical study be completed, subject to the comments of the appropriate agencies.
10. The scale and the contents of the required studies shall be determined at the time the development is proposed. The scope of the adjacent lands may be increased/decreased, depending on the feature and the nature of the proposed development. This determination shall be made in consultation with the appropriate agencies at the time the development is proposed.

Description of Components of the Environmental Protection Designation

11. The Natural Heritage System represents a network of natural areas that continue to exist following settlement and the lands and waters that support the ecological functions critical to the survival of these areas. Policies 12 to 16, inclusive, contain descriptions and policies for those components of the natural heritage system that are within or have potential to occur within the Environmental Protection designation.

Provincially Significant Wetlands

12. Where development and / or site alteration is proposed within 120 metres of the boundary of a Provincially Significant Wetland (PSW), the proponent may be required to provide Council with an EIS, prepared by a qualified professional, which demonstrates that there will be no negative impacts on the wetland or its ecological function. PSWs will be subject to the regulations administered by the LRCA, and a permit from the Authority may be required to allow regulated activities.

Evaluated Wetlands

13. The Township currently does not contain any evaluated wetlands. Any evaluated wetlands identified in the future will be indicated on Schedule A. Such wetlands will be subject to the regulations administered by the Lakehead Region Conservation Authority (LRCA), and a permit from the Authority may be required to allow regulated activities.
14. If a wetland is identified and has characteristics or contains significant species or functions that are typical of a significant wetland on or adjacent to a proposed development, a wetland evaluation assessment will be undertaken by a qualified professional and subsequently reviewed by the Ministry of Natural Resources and Forestry (MNRF) to determine its significance.

Unevaluated Wetlands

~~44-15.~~ All wetlands in the Township are currently unevaluated, with no Ontario Wetland Evaluation System (OWES) analysis completed to date. Wetland boundaries are delineated on Schedule A of this Plan, however boundaries and buffers may not be precise.

16. Development within unevaluated wetlands may be permitted ~~where~~ it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions as well as there are no risks to the health and safety of residents.

Significant Habitat of Endangered, Threatened Species

~~45-17.~~ An endangered species is a species listed in the Regulations under the Endangered Species Act that is at risk of extinction throughout all or a portion of its Ontario range, if limiting factors are not reversed. A threatened species is a native species that is at risk of becoming endangered through all or a portion of its Ontario range. Threatened or endangered species are listed on the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) and Committee on the Status of Species at Risk in Ontario (COSSARO) lists. The 'significant habitat' is the area of land that is necessary for the maintenance, survival and/or recovery of naturally occurring or re-introduced populations of endangered or threatened species.

~~46-18.~~ The significant habitat of all species that are considered to be endangered or threatened is intended to be contained within the Environmental Protection designation. Additional studies and/or consultation may locate such habitats and, in such instances, it is the intent of this Plan that these areas be subject to the policies of this section. Schedule A will be amended if necessary to reflect the additional habitat(s) located through further study.

New Development in the Environmental Protection Designation

~~47-19.~~ There may be circumstances where development may be permitted in the Environmental Protection designation, if such development:

- a. is not located within ~~a Provincially Significant Wetland or~~ the habitat of endangered or threatened species;
- b. cannot be located on another portion of the lot that is not within the Environmental Protection designation and zone;
- c. is essential in the location proposed and all other alternatives have been reviewed and are determined to not be viable;
- d. as it relates to Provincially Significant Wetlands and significant habitat of endangered or threatened species, does not result in an expansion or intensification of an existing use;
- e. is set back a minimum of 30 metres from the normal high water mark, or 15 metres from the top of bank, whichever is greater;
- f. is supported by an Environmental Impact Study, ~~where required at the discretion of Council,~~ that is prepared in accordance with the policies of this Plan ~~and approved by Council,~~ subject to the comments of the appropriate agencies; and,
- g. any other studies, reports and/or plans as required ~~by~~ at the discretion of Council.

~~48-20.~~ The requirement for an Environmental Impact Study may be waived by Council if the intent is to replace an existing building, as long as the development, and any new site alteration, is located in the same existing disturbed area/site alteration envelope as that which it is replacing and will not result in a negative impact on the adjacent natural features or their ecological functions.

21. Where new development is proposed within the Environmental Protection designation and the proposal conforms with the above criteria, a Zoning By-law Amendment ~~will~~ may or may not be required ~~at the discretion of Council,~~ provided that the health and safety of residents is protected and maintained. The creation of a new lot for conservation purposes, forestry or woodlot management practices is not permitted.

Zoning By-law Implementation

- ~~19-22.~~ The boundaries of the Environmental Protection designation are delineated in a conceptual manner on Schedule A. The extent and exact location of the boundaries are intended to be delineated in the implementing Zoning By-law in accordance with detailed mapping provided by the Provincial agencies such as the Lakehead Regional Conservation Authority and/or the Ministry of Natural Resources and Forestry, and will not require an Amendment to this Plan. Such lands will be placed in appropriate environmental zones in the implementing Zoning By-law.
- ~~20-23.~~ The implementing Zoning By-law shall also incorporate general setback requirements from lot lines for buildings, structures, parking areas and other similar facilities from lands within the Environmental Protection designation in relation to the extent and severity of the natural environmental features and ecological functions of the area. However, local municipalities may evaluate this general setback for specific development applications to provide appropriate setbacks.
- ~~21-24.~~ The implementing Zoning By-law shall also specify that all buildings and structures be set back an appropriate distance from the boundary of an Environmental Protection Zone. A reduction in the setbacks will require either an Amendment to the implementing Zoning By-law or a minor variance, subject to the comments of the appropriate agencies. Matters to be considered in reviewing an application to reduce the setback include:
- a. the nature and stability of the soils;
 - b. the nature and stability of the vegetation and cover;
 - c. the slope of the land;
 - d. the nature of existing and proposed drainage patterns;
 - e. the nature of the fish and wildlife that may be present; and,
 - f. the scale of the proposed development.
- ~~22-25.~~ Council shall be satisfied that the proposed development can be accommodated in a safe manner without causing any negative impact on the features and functions of the Natural Heritage system.

4.0 General Development Policies

4.1 Additional Dwelling Units

Additional units, which may take the form of apartments within a dwelling or in an ancillary building on a residential property, are an affordable and market-based housing type that can enhance housing options for current and future residents of the Township.

4.1.1 Additional Dwelling Units

1. Additional dwelling units provide complementary residential living space, either as a distinct dwelling unit incorporated by interior renovation within an existing detached house or within a permitted ancillary structure. An additional dwelling unit is permitted on lots developed with a single-detached dwelling provided that:
 - a. The principal dwelling unit is located in a land use designation that permits the residential use;
 - b. The additional dwelling unit may be located within the main building or permitted ancillary structure (e.g. detached garage);
 - c. There is adequate private water and sewer capacity to accommodate the additional dwelling;
 - d. The additional dwelling unit would not otherwise qualify as a garden suite; and
 - e. Only one additional dwelling unit is permitted on a lot.
2. Additional dwelling units shall share water and wastewater services with the principal dwelling, and must meet health and safety standards, the Ontario Building Code, Fire Code, and other applicable legislation.
3. Notwithstanding the policies of this section, an additional dwelling unit will not be permitted on a lot that contains a garden suite.
4. Council shall be satisfied that the additional dwelling unit does not constitute a second independent principal dwelling on the lot. Standards shall be established in the Zoning By-law to govern compatibility with the main dwelling and neighbourhood character.

4.1.2 Garden Suites

1. Garden suites consist of a one-unit, self-contained and detached residential structure that is ancillary to and on the same lot as a residential dwelling and is designed to be portable. A garden suite may be permitted subject to:
 - a. The provisions of Section 39.1 of Planning Act;
 - b. The lot being sufficiently large enough to accommodate the garden suite and its required water and wastewater servicing, and must meet health and safety standards, the Ontario Building Code, Fire Code and other applicable legislation;
 - c. The garden suite may not be severed from the lot accommodating the primary dwelling; and,
 - d. A Temporary Use By-law being passed by Council, in accordance with the Planning Act, along with an agreement with the Township that addresses occupancy of the garden suite, its removal at the end of the temporary period, and the posting of security to ensure due performance.
2. The Zoning By-law shall implement the policies of this section and may establish criteria to govern compatibility of these units with the main dwelling and surrounding uses.

4.2 Home Occupations and Home Industries

4.2.1 Home Occupations

Home occupations are typically professional work and service activities that are carried out within a residential dwelling or accessory building that typically do not involve the retail sale of goods.

1. Home occupations shall be permitted provided they are clearly secondary to the main residential use of the lot.
2. Activities in a home occupation are to be conducted entirely within the dwelling by those residing in the dwelling, plus not more than one person who is not a resident thereof.
3. Home occupations shall not adversely impact on the enjoyment of surrounding properties, the provision of municipal services, and the quality of the environment.

4.2.2 Home Industries

Home industries are small-scale industrial and commercial uses that are accessory to a residential dwelling and may also support the agricultural industry in the area. Generally, home industries shall be small in scale, conducted primarily within an accessory building to the main dwelling by those residing in the dwelling. Home industries may include, but are not limited to, woodworking shops, small engine repair, animal kennels, auto body repair, welding, carpentry or machine shops, or agriculture-related uses that involve the processing or transportation of regionally-produced agricultural crops or other products.

1. A home industry shall not detract from the primary use of the property for agricultural or residential purposes.
2. The accessory retail sales of products produced in the home industry is permitted.
3. Home industries will be permitted as-of-right in the implementing Zoning By-law, provided:
 - a. the building accommodating the home industry is located within the existing farm-building cluster, if located on an active farm property;
 - b. the home industry is located on a lot which is in accordance with the MECP D-Series Guidelines;
 - c. the home industry is not a Class III industry as defined by the MECP D-Series Guidelines;
 - d. any open storage associated with the home industry is limited and screened from view;
 - e. the home industry has a limited number of employees, as specified in the Zoning By-law; and,
 - f. the retail component is clearly accessory to the use and does not detract from the primary use of the property.
4. The development of a new home industry may be subject to a Site Plan Control application.
5. Home industries which can no longer be considered secondary to the residential use of the property shall **either** be deemed to be non-conforming **unless-recognized or established** through a site-specific Zoning By-law Amendment containing provisions that ensures compatibility of the use.

4.3 Bed and Breakfast Establishments

1. Bed and Breakfast establishments may be permitted in any designation in which a residential use is permitted, provided that the Bed and Breakfast establishment:
 - a. is located within the principal residence of the owner/operator;
 - b. is located on a road maintained year-round by the Township or the Ministry of Transportation;
 - c. has sufficient site area to accommodate any proposed on-site recreation amenities and adequate on-site parking;
 - d. conserves the character of the dwelling as a primarily residential use; and,

Commented [Ma3]: So at some point, a business would stop being small-scale and then how long would the owner have to get the re-zoning?

Ex. someone starts a kennel with a couple dogs, then it gets bigger, soon there are dogs all over! Then what?

Or there's a rural vacant property and the owner starts to park his various logging vehicles on it with a bunch of sea cans. Soon there is beeping, honking and activity at all hours of the night.

Commented [NP4R3]: Amended 4.2.2.5 to be more clear that a ZBLA would be required when a Home Industry gets too big. The size and "secondary" nature of each specific use cannot be determined by the ZBL and is for the Township to enforce. However, note that the ZBL contains specific provisions for certain uses (i.e. kennels).

For vacant lands, a Home Industry could not be established as a primary use would need to be established before the "secondary" home industry, therefore "rural vacant land" couldn't establish a home industry.

- e. is licensed annually in accordance with a municipal lodging and/or bed and breakfast licensing by-law as amended, where applicable.
2. The implementing Zoning By-law shall define a Bed and Breakfast establishment and may further detail provisions under which a Bed and Breakfast establishments may be permitted.

4.4 Residential Care Facilities

Residential care facilities are defined as residential facilities which accommodate residents who live in a supervised setting and receive both room and board and assistance with daily living. There are a variety and range of residential care facilities which are generally categorized as group homes, second level boarding/lodging homes, transitional care facilities, or treatment centres, depending upon their program, funding, size, operator, or Provincial licensing as it may apply. The following policies apply to residential care facilities:

1. The Zoning By-law shall provide specific definitions for these residential care facilities as well as performance standards. New programs may emerge over time, depending upon Provincial funding and licensing, and further amendments to the Zoning By-law may be required, as warranted.
2. This Plan supports the provision of an adequate regional supply of residential care facilities subject to appropriate funding from senior government agencies, the provision of adequate community services for clients and proper siting of such facilities in accordance with the policies of this Plan.

4.5 Age-Friendly Planning

The Township is supportive of age-friendly planning practices and their relationship to land use and are guided by the below policies.

1. This Plan supports the phasing and development of a senior's housing complex and transitional facility to accommodate the region's aging population on Township-owned lands known as "Pines on Hume".
2. Council shall encourage the provision of age-friendly social and physical environments, including services and programs, to enhance the independence and quality of life for all people.
3. Land use decisions shall promote the creation of accessible, inclusive, and age-friendly communities.
4. Council shall identify gaps and opportunities to better support people of all ages and abilities in the Township.
5. Planning decisions shall consider the health, wellness and security for all residents so that they can remain in their communities as long as possible.
6. Development proponents are encouraged to employ universal design principles and best practices to create healthier and safer communities.
7. Long-term care homes and seniors-appropriate housing, including residential care facilities and transitional care facilities, are important elements of the housing spectrum, and the Township shall encourage the development of these housing typologies as a contribution to a range of dwelling types in the community.
8. Council may consider initiatives such as food markets, urban agriculture, and other partnerships which increase the distribution of, and access to, fresh, healthy, and affordable food for people of all ages and all incomes.

4.6 Public Uses

Public uses may include land, buildings or structures intended for the provision of programs or services, provided or subsidized by a government or other body, including public service facilities, **electric power generating and distribution facilities**, or infrastructure.

1. Public uses shall be permitted in all land use designations.

2. Notwithstanding Policy 1, public uses ~~are shall be~~ encouraged to avoid development in the Environmental Protection designation.

4.7 Water and Sewer Servicing Strategy

Infrastructure is the basic physical and organizational arrangement required for the Township to function. Some community infrastructure is provided and maintained directly by the Township, such as roads and culverts, while water and septic servicing infrastructure is the responsibility of property owners.

The following goals and objectives shall guide the planning, development, redevelopment and improvement of servicing and infrastructure to:

1. Ensure that servicing and infrastructure are planned and designed to ensure long-term fiscal and environmental sustainability through advanced design standards, asset management programs, and provisions for efficient, cost-effective operations;
2. Protect the health, safety and wellbeing of the citizens and property within the Township;
3. Ensure that development does not impede the Township's ability to provide infrastructure and servicing;
4. Promote green infrastructure, energy efficiency, and conservation, where feasible;
5. Prepare for the impacts of climate change; and,
6. Ensure that development is strategically located to support the effective and efficient delivery of emergency management services.

The Township does not maintain public water services or sewage services. As such, all development is required to be serviced by individual on-site sewage services and individual on-site water services. The following policies relate to both existing and planned infrastructure requirements of the Township.

4.7.1 Private Services

1. Private services consist of one individual, autonomous water supply and wastewater disposal system, normally a well and septic system, owned and maintained by the property owner(s). All proposals for development will require individual on-site sewage services and individual on-site water services that are approved by the Thunder Bay District Health Unit, the Township Council, and / or the Province, as applicable.

4.7.2 Requirements for Septic Systems

1. To accommodate an individual on-site sewage service, new lots must be of an appropriate size and configuration and front onto a public road, unless a smaller lot size can otherwise be supported by technical information pertaining to the physical characteristics and hydrogeology of the site in accordance with guidelines of the Ministry of Environment, Conservation and Parks and prepared by qualified professionals.
2. Communal sewage systems shall not be permitted in the Township of Conmee. The policies of this Plan are intended to ensure that lot sizes and conditions are adequate to allow the safe and efficient operation of individual septic systems.
3. A development plan for any type of on-site sewage services, such as a septic tank system or leaching pit, shall be completed in accordance with Ontario Regulation 358 and approved by the Thunder Bay District Health Unit, and the Ministry of Environment, Conservation and Parks.
4. Large sewage disposal systems with design flows greater than 10,000 Litres per day shall have a hydrogeological assessment completed in accordance with the Ministry of Environment, Conservation and Parks Sewage Guidelines and shall be submitted to the Ministry for review and approval.

4.7.3 Requirements for Drinking Water

1. An adequate supply of water for new lots shall be demonstrated. New lots should be of an adequate size and frontage, as regulated in the Zoning By-law. The potability of the water shall be demonstrated in the form of a written report from a recognized testing laboratory, indicating that the water source is potable.
2. Drinking water supply wells shall be installed in accordance with Ontario Regulation 903.

4.7.4 Multi-unit Development

1. Where multi-unit development is proposed for five (5) or more units or lots, a hydrogeological assessment is required by Ministry of Environment, Conservation and Parks D-5 Guideline to confirm that an acceptable quality and adequate quantity of drinking water is available. The assessment must be prepared by a qualified professional and should provide technical guidance on private wells.

4.7.5 Permit to Take Water

1. Any taking of water shall follow the requirements outlined in the Ontario Water Resources Act, Ontario Regulation 387/04 and the Water Management Policies Guidelines and Provincial Water Quality Objectives.

4.7.6 Green Infrastructure

Green infrastructure refers to natural and human-made elements that provide ecological and hydrological functions and processes. Examples of green infrastructure include natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs.

1. In reviewing Planning Act applications, including Plans of Subdivision and Site Plan Control applications, the Township shall encourage development proponents to incorporate green infrastructure elements, where possible and appropriate.

4.8 Stormwater Management

Stormwater management is the planning, design and implementation of systems that mitigate and control the impacts of human-made changes to the run-off and other components of the hydrologic cycle. The following policies apply to ensure safe and effective stormwater management in the Township:

1. Stormwater management shall be planned in a manner which:
 - a. is integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long-term;
 - b. minimizes, or, where possible, prevents increases in contaminant loads;
 - c. minimizes erosion and changes in water balance, and prepares for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;
 - d. mitigates risks to human health, safety, property and the environment;
 - e. maximizes the extent and function of vegetative and pervious surfaces; and,
 - f. promotes stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low-impact development.
2. The Township shall promote naturalized stormwater management facilities, constructed with gentle slopes. Applications for development may be required to be supported by a stormwater quality / quantity management study. The planning and design of stormwater facilities should be undertaken in accordance with the Ministry of Environment, Conservation and Parks.
3. In order to control flooding, ponding, erosion and sedimentation and to protect water quality and aquatic habitat or other natural habitat which depend on watercourses and other waterbodies for their existence, all commercial, industrial, institutional and residential development proposals of four (4) new

Commented [Ma5]: Is this necessary? Installation of wells and/or septic is quite expensive.

Not everyone needs a property with a well/septic on it. What if they just want to farm it? Or use it to grow firewood? Or wait until 20 years later when they retire to build a house?

Commented [NP6R5]: We think this is necessary. The policy does not require a well to be installed, but rather requires that it be demonstrated that there needs to have sufficient water supply (quality / quantity) so that down the road (i.e. someone selling the parcel and the purchaser wanting to build a house) can do so in a manner which is safe and appropriate.

Policy 4.7.3.2 does not require a well to be installed for new lots, but rather provides direction that *whenever* a well is installed, it should be in accordance with Provincial regulations.

Commented [JP7]: This policy seems out-of-place, maybe put it under "Other Infrastructure?"

lots or more shall be supported by a Stormwater Management (SWM) report. SWM reports may also be required on a site-specific basis, depending on the nature of the development.

4. Stormwater management will be undertaken in accordance with Ministry of Environment, Conservation and Parks Guidelines, as updated. The content and depth of the SWM report shall be determined when the development is proposed.
5. A SWM report shall be prepared by a qualified professional to the satisfaction of Council and the appropriate agencies, and shall be prepared in accordance with provincial guidelines. Additionally, a SWM report shall:
 - a. provide recommendations on a stormwater quantity system which ensures that post-development run-off rates will not be greater than the pre-development run-off rates for storms up to and including a 1:100-year storm event;
 - b. document the possible impacts of development on watershed flow regimes, including their interconnection with groundwater resources;
 - c. provide recommendations on how to maintain pre-development water quality and improve run-off, where appropriate;
 - d. document the means by which stormwater volume control will be provided; and,
 - e. determine and describe the necessary measures required to be undertaken during construction to mitigate the potential negative impact of development.
6. All stormwater management facilities in a Plan of Subdivision shall be zoned "Environmental Protection" in the implementing Zoning By-law to reflect the potential for these lands to be flooded and to ensure that their intended use is recognized.
7. Stormwater management facilities for condominium developments and other large single uses may be privately owned and maintained. Agreements with the local Council may be required as a condition of approval, to provide for their continued maintenance.

4.9 Transportation

It is the intent of this Plan to:

1. facilitate the safe movement of both people and goods to and from the various communities around the Township;
2. ensure that major goods movement facilities and corridors are protected for the long-term;
3. ensure that new development is compatible with, and supportive of, the long-term purposes of transportation corridors and designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities;
4. ensure that new development does not create any traffic hazards;
5. ensure that appropriate right-of-way widths for all existing and proposed roads are protected for infrastructure, including transportation, transit and electricity generation facilities and transmission systems;
6. limit development on non-winter maintained roads, private roads and individual rights-of-way unless an agreement on services is registered on title;
7. promote alternative modes of transportation, including active transportation infrastructure such as cycling lanes and walking paths which are safe, foster social interaction and community connectivity, reduce greenhouse gas emissions, and mitigate impacts related to climate change; and,
8. ensure that trails and active transportation infrastructure are designed to be safe and accessible to people of all ages and abilities.

4.9.1 Provincial Highways

Provincial highways include highways under the jurisdiction of the Ministry of Transportation, and includes Highway 17, as identified on Schedule A. This Plan recognizes and protects lands for the planned Highway 17 realignment between Kakabeka Falls and Shabaqua Corners as identified on Schedule A of this Plan. The Schedule identifies both the current and proposed future alignment of Highway 17.

Primary Purpose

1. The primary purpose of provincial highways is to move people and goods between destinations within and beyond the Township. Access to provincial highways is restricted to allow the highways to fulfill their primary purpose.
2. This Plan protects current and planned highway infrastructure for transportation to be freight supportive and facilitate the movement of major goods.

Entrances & Access Points

1. Direct access onto a provincial highway will be restricted. A new Ministry of Transportation entrance permit is required prior to the installation, change of use, or change of construction, of an access to a provincial highway. A new entrance permit is also required when there is a change of property ownership.
2. In accordance with Ministry of Transportation policy, one entrance for each lot-of-record fronting onto a highway will be permitted, provided it meets the requirements of Ministry of Transportation access management practices and principles.
3. Entrances to provincial highways serving home occupations, industry or businesses require the approval of the Ministry of Transportation. The property owner will be required to obtain an entrance permit and acknowledge the permitted use of the entrance while also acknowledging that it cannot be converted to a commercial entrance in the future and that an additional entrance will not be permitted to accommodate the home occupations, industry or business. Severance applications intended to enable a separate entrance for a home-based business or industry shall be prohibited.
4. Back lot development is not permitted to use another entrance for access to a provincial highway.
5. The Highway 17 conceptual alignment identifies new interchanges at the intersections of Holland Road East and Teitto Road in the north, which are to be protected.

Development Adjacent to Provincial Highways

1. Development and site alteration adjacent to provincial highways shall be subject to Ministry of Transportation approval and Building & Land Use Permit requirements, including installation or alteration of above-or below-ground structures, grading, drainage alteration, fences, or installation of side road entrances. Transportation Impact Studies and/or Stormwater Management Reports may be required.
2. Council will work with the Ministry of Transportation when considering new rural highway commercial development along the proposed Highway 17 alignment. New rural highway commercial development may require an Official Plan Amendment and Zoning By-law Amendment, and be subject to Council approval.
3. For developments in the vicinity of a highway, the Ministry of Transportation may require submission of a transportation impact study that addresses the impacts to the highway or adjacent properties as well as identifying any associated highway improvements required to mitigate those impacts. Any required highway improvements are the responsibility of the developer. The report must be acceptable to the Ministry prior to development proceeding.
4. For development in the vicinity of a highway, the Ministry of Transportation may require submission of a drainage / stormwater management report that addresses impacts to the highway or downstream properties and the mitigation measures required to alleviate those impacts. Mitigation measures are the responsibility of the developer. The report must be acceptable to the Ministry prior to the development proceeding.

5. Schedule A of this Plan identifies lands adjacent to the intersections of Holland Road and Teitto Road on the Highway 17 conceptual alignment to be protected for future development of commercial and / or industrial use.

Snowmobile & Hiking Trails

1. Snowmobile and Recreational trails along or crossing provincial highways may be considered subject to meeting Ministry of Transportation policy. The Ministry requires any proposed new trail to demonstrate that there is no feasible alternative route and that there will be no negative impact to the highway infrastructure, operations, maintenance, and safety.

Adjacent Outdoor Storage

1. Outdoor storage and loading areas on lands adjacent to a provincial highway should be visually screened or appropriately located so as not to be visible to the travelling public.

4.9.2 Township Roads

The Township intends on maintaining a safe and efficient road system for the movement of people and goods to, from, and throughout the Township. The road system should be adequate to safely serve the Township but should not be over-extended or developed to a standard that would result in a financial burden.

Primary Purpose

1. The primary purpose of Township roads is to facilitate local traffic and provide access to developed areas. Direct access to Township roads from abutting lots is permitted, provided that all other Official Plan policies are met.

Road Width

1. Township roads are intended to be used year-round and carry a low to moderate volume of traffic. As such, they shall have a designed minimum right-of-way width of 20 metres.
2. The Township may pursue land acquisitions for road widening purposes through planning approvals where the existing road allowance is less than 20 metres. Applications in which widenings may be taken include Plan of Subdivision, Site Plan Control, and Consent applications.
3. Where a road widening is taken, the amount of land to be taken shall generally be taken in equal amounts from both sides of the subject road measured from the centreline of the road, except where circumstances may warrant an alternative approach.

Entrances & Access Points

1. Entrances and access points onto roads shall require ~~approval from the Township by Council~~. Access shall not be permitted where safety hazards could result due to poor sight lines, proximity to a traffic intersection or other hazard, or the traffic flow characteristic of the road.

New Roads

1. It is not the intention of the Township to approve, construct, accept, or maintain new roads, except in circumstances where a new configuration of lots or the future realignment of Highway 17 warrants a public road.
2. Council may consider extensions to existing roads to service development, provided that they meet Ministry of Transportation standards. The costs of design and construction of new roads or extensions to existing roads shall be the responsibility of the proponent.

4.9.3 Rail Facilities

Rail facilities include rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses. This Plan recognizes an existing CN rail corridor which runs through the eastern portion of the Township, as identified on Schedule A. The area of influence for sensitive land uses includes lands within 300 metres of a rail corridor and one (1) kilometre from a rail yard.

Commented [Ma8]: We don't do this. We have an Entrance Permit Process (authorized via By-Law). Owners submit an application for an Entrance Permit, which is reviewed and approved by the Public Works Manager.

Commented [NP9R8]: Revised, this change resolves the issue. The language is flexible enough for the Township to rely on their Entrance Permit Process

The following policies shall apply to development within proximity to rail facilities:

1. Sensitive land uses shall not be encouraged adjacent to, or in proximity to rail facilities.
2. All developments in proximity to rail facilities shall have regard for the FCM/RAC Guidelines.
3. All proposed residential developments or other sensitive uses located within 300 metres of a railway right-of-way may be required to undertake a noise study, to the satisfaction of the Township, in consultation with the appropriate railway operator, and may be required to implement the appropriate measures to mitigate any adverse effects from noise that were identified in the report.
4. All proposed residential developments or other sensitive uses located within 75 metres of a railway right-of-way may be required to undertake a vibration study, to the satisfaction of the Township in consultation with the appropriate railway operator, and may be required to implement the appropriate measures to mitigate any adverse effects from vibration that were identified in the report, and as may be required by CN.
5. All proposed building setbacks shall have regard for the FCM/RAC Guidelines. As a general guideline, buildings shall be setback 30 metres with an appropriate berm abutting the rail right-of-way. Reduced setbacks can be considered in certain circumstances dependant on the proposed use and in conjunction with additional studies and alternative safety measures, to the satisfaction of the Township, in consultation with the appropriate railway operator.
6. All proposed residential developments or other sensitive uses located adjacent to railways may be required to implement appropriate mitigation measures, including but not limited to, safety setbacks, berms, crash barriers and security fencing, in accordance with the FCM/RAC Guidelines.
7. All proposed residential developments or other sensitive uses located adjacent to railways may be required to implement, secure, and maintain any required rail noise, vibration, and safety impact mitigation measures, along with any required notices on title, such as development agreements, warning clauses and/or environmental easements, through appropriate legal mechanisms, to the satisfaction of the Township and the appropriate railway operator.
8. All proposed residential developments or other sensitive uses located in proximity to rail facilities may be required to evaluate, prioritize, and secure grade separation of railways and major roads, in co-operation with Transport Canada and the appropriate railway operator.

4.10 Other Infrastructure

This section includes policies for other forms of infrastructure in the Township.

4.10.1 Energy Generation & Telecommunication Systems

The location of energy generation and telecommunication systems is often dictated by factors outside of the Township's, and a development proponent's, control, such as access to infrastructure, environmental requirements, and the legislation and policies of higher-order governments.

In these instances, the following shall be considered when selecting a site:

1. Minimizing adverse impacts on surrounding industrial or agricultural land uses;
2. Maximizing the distance from residences and residential land uses;
3. Avoiding natural features and areas, including hazard lands;
4. Avoiding areas of topographical prominence, to minimize any negative visual impacts; and,
5. Ensuring that access requirements are sensitively integrated.

4.10.2 Temporary Construction Facilities for Roads

1. Wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted to construct temporary road facilities, without the need for an

amendment to this Plan or the implementing Zoning By-law, except in areas of existing development or particular environmental sensitivity which has been determined to be incompatible with the proposed activities.

2. Upon completion of the road project, the facility and / or excavation shall be removed and/or rehabilitated and the site restored to its original condition. Public authorities are encouraged to consult with Council in advance of constructing these road facilities.

4.11 Cultural Heritage and Archaeological Resources

Cultural Heritage and Archaeological Resources are tangible resources which provide the context of the social and physical make-up of the Township and its residents. They foster civic pride among citizens, and provide connections to the Township's past. Although the Township has not designated any heritage resources under the Ontario Heritage Act to date, nor identified any archaeological resources, the following policies are established to provide a framework for future cultural heritage planning, as applicable.

Goals & Objectives

The following goals and objectives shall guide planning, development, redevelopment and improvement of cultural heritage to:

1. Protect, conserve, and enhance the Township's significant cultural heritage resources, significant cultural heritage landscapes, and archaeological resources;
2. recognize that the maintenance of the Township's cultural heritage and archeological resources will contribute to the conservation of the Township's character;
3. ensure that the nature and location of cultural heritage and archaeological resources are known and considered before land use planning decisions are made;
4. increase public awareness of the importance of cultural heritage resources to the community;
5. mitigate development impacts by preventing the demolition, destruction, and inappropriate site alteration or use of significant cultural heritage resources;
6. encourage development adjacent to significant cultural heritage resources to be of an appropriate scale and character; and,
7. engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.

Built Cultural Heritage Resources & Cultural Heritage Landscapes

Built Cultural Heritage Resources include buildings, structures, and monuments, while Cultural Heritage Landscapes are a defined geographical area of heritage significance that has been modified by human activities, valued by a community and is of significance to the understanding of the history of a people or place. Built Cultural Heritage Resources and Cultural Heritage Landscapes are subject to the following policies:

4.11.1 Protection

1. Council shall use its authority under the Ontario Heritage Act and the Planning Act, including zoning for archaeology, holding zones, conditions of approval, and site plan agreements, to protect, conserve and enhance its cultural heritage resources. Council shall encourage development and redevelopment which is sensitive to cultural heritage resources, uses these resources, and is respectful of these resources.

4.11.2 Inventory & Designation

1. Council may designate individual properties under Part IV of the Ontario Heritage Act (OHA), and Heritage Conservations Districts under Part V of the OHA, and is required to maintain a register of all property it designates under the OHA. In addition, the Township will maintain an inventory of all properties that are not designated but have been identified as being of cultural heritage value or interest.

2. Council may identify and prepare an inventory of Cultural Heritage Landscapes. Cultural Heritage Landscapes may include existing rural and agricultural areas, heritage conservation districts, historic hamlets, and heritage roads. Once prepared, the Township will consider designating Cultural Heritage Landscapes through an Official Plan Amendment(s).

4.11.3 Alterations to Heritage Resources & Adjacent Lands

1. Development, redevelopment, and site alteration to a designated heritage resource or on lands adjacent to a designated heritage resource shall only be permitted where it has been evaluated and demonstrated by a heritage professional that the heritage attributes of the resource will be conserved. Mitigating measures and / or alternative development approaches may be required in order to conserve the heritage attributes of the affected resource.

4.11.4 Retention/Relocation of Cultural Heritage Resources

1. Council shall encourage the retention of buildings, structures, or monuments of architectural and/or historical significance in their original locations, whenever possible.
2. All options for on-site retention shall be considered before approval is given for relocation to another site. These options include:
 - a. integration within new development areas;
 - b. adaptive re-use of the building in its original location; and
 - c. relocation of the building on the development site.

4.11.5 Demolition / Destruction

1. The demolition or destruction of designated cultural heritage resources shall generally not be permitted. Prior to considering such a request, Council shall require the applicant to:
 - a. Submit accurate and complete information pertaining to the structural condition of the building or structure, with respect to the Ontario Building Code; and ,
 - b. Any other relevant information to determine the feasibility of restoring as opposed to demolishing the building or structure.
2. Council shall engage the services of a qualified professional to review any required documentation or reports and conduct a heritage impact assessment prior to granting a demolition permit.

4.11.6 Township-Owned Heritage Resources

1. Where warranted, the Township shall protect, restore, and maintain cultural heritage resources under its ownership to express its commitment to the protection and preservation of these resources, to enhance the identity and character of the Township and to provide an example of the merits of quality restoration and maintenance.

4.11.7 Assistance

1. The Township may itself utilize and encourage the utilization of available government funding assistance programs to assist in the implementation of cultural heritage conservation policies. Council, where appropriate, shall cooperate with other levels of government, as well as with private agencies and individuals, in the conservation of local cultural heritage resources.

4.11.8 Awareness

1. The Township shall take measures to increase public awareness of significant cultural heritage resources, which can be encouraged through a variety of means including the:
 - a. Identification and designation of potential cultural heritage resources;
 - b. Maintenance of historic records and archives;

- c. Appointment of a municipal heritage committee to advise and assist Council on Parts IV and V of the OHA.

Archaeological Resources

Archaeological resources include artifacts, archaeological sites, and marine archaeological sites identified and evaluated by archaeological fieldwork. Archaeological Resources are subject to the following policies.

4.11.9 Protection of Archaeological Resources

1. Development, redevelopment and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the archaeological resources have been conserved by removal and documentation, or by preservation on-site.
2. The Township will obtain available archaeological site data locations from the Ontario Archaeological Sites Database maintained by the Ministry of Heritage, Sport, Tourism, Culture Industries for the purpose of heritage conservation planning.
3. Where archaeological resources must be preserved on-site, only development, redevelopment and site alteration which maintain the heritage integrity of the site may be permitted.

4.11.10 Archaeological Assessments

Archaeological resource areas are determined through the use of provincial screening criteria, or potential mapping developed based on the known archaeological record or features within the Township and is usually developed with a licensed archaeologist. Areas of archaeological potential can be found in areas close to water, current or ancient shorelines, rolling topography, unusual landforms or areas of known historic settlement.

1. Development applications that meet one or more provincial criteria shall be required to undertake an archaeological assessment to the satisfaction of the Province prior to the development approval. Archaeological assessment by a licensed consultant archaeologist is required when a known or suspected cemetery or burial site is affected by development or public works.
2. Council shall require Archaeological Impact Assessments and the preservation or excavation of significant archaeological resources in accordance with Provincial regulations established by the Ministry of Heritage, Sport, Tourism and Culture Industries, as well as licensing regulations referenced under the Ontario Heritage Act. The need for impact assessments will be determined in conjunction with development applications through the use of provincial screening criteria and qualified mapping of the inventories. Archaeological Impact Assessments completed in conjunction with a development application will be referred to the Ministry of Heritage, Sport, Tourism and Culture Industries for review and approval.
3. Council shall ensure adequate archaeological assessment and consult appropriate government agencies, including the Ministry of Tourism, Culture and Sport and the Ministry of Public and Business Service Delivery when an identified historic human cemetery, or marked or unmarked human burial is affected by land use development. In these cases, the provisions of the Heritage Act and Cemeteries Act shall apply.

4.12 Subdivision of Land

This section contains policies that apply to every application to subdivide land in the Township. Regard shall also be had to the specific policies addressing lot creation in the applicable land use designation. The Lakehead Rural Planning Board is the approval authority for all forms of land division in the Township.

4.12.1 Preferred Means of Land Division

Under the Planning Act, land division by Plan of Subdivision is the preferred means of land division. A Plan of Subdivision application is necessary if:

1. the creation or extension of infrastructure, including roads, is required to facilitate the subdivision; or,

2. the area that is proposed to be developed is not considered to be infilling; or,
3. a Plan of Subdivision is required to ensure that the entire land holding or area is developed in an orderly and efficient manner; or,
4. more than three new lots are being created.

4.12.2 Plans of Subdivision / Condominium

When development involves the creation of new lots from a larger parcel(s), it is required to go through a Plan of Subdivision process. Plans of Subdivision are anticipated to be rare in the Township.

1. A Plan of Subdivision application is mandatory if the application satisfies any of the criteria listed in Section 4.12.1.
2. All land division in the Township, including Plans of Subdivision, shall reflect the rural character of the Township.
3. All lot sizes in a Plan of Subdivision shall be appropriate for the land use(s) and servicing needs proposed. All lots shall be a minimum of 2 hectares in area, unless otherwise permitted in this Plan, and shall be serviced with private well and septic systems.
4. A Plan of Subdivision application shall not be construed as an application to establish a settlement area, nor shall an application seek permission to establish development densities, built form, or a development pattern that is inconsistent with the prevailing rural character of the Township.
5. A condominium system of ownership tenure involves the legal delineation of areas under private ownership and common areas administered by a Condominium Corporation. Plans of Condominium are permitted in the Township and are governed by the Ontario Condominium Act. No implementing by-law for this Plan, including the Zoning By-law, shall apply different standards to a development on the basis of condominium tenure.

4.12.3 General Criteria

1. Consideration of a Plan of Subdivision or Condominium by Council shall be subject to the requirements of the Planning Act and the following criteria:
 - a. Conformity with the applicable goals, objectives, policies and land use designations of this Plan;
 - b. Being consistent with the Provincial Policy Statement and the Growth Plan for Northern Ontario;
 - c. Conformity with any applicable Zoning provisions, servicing standards, secondary plans, and design guidelines / standards of the Township;
 - d. The input received from circulated public bodies and agencies and neighbouring property owners and residents;
 - e. The submission and approval of all required information, studies, reports and plans;
 - f. The entering into of a Subdivision Agreement with the Township;
 - g. The posting of sufficient financial security to ensure due performance and the protection of the Township, where applicable; and,
 - h. In cases where the proposed subdivision is adjacent to, or in the vicinity of, a provincial highway, the future corridor width requirements and implications for the design of the subdivision have been considered.
2. Council may require additional studies, such as a hydrogeological study, for a complete Plan of Subdivision application.

4.12.4 Energy Efficiency and Air Quality

1. The Township encourages subdivision design that supports energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate change through a land use and development pattern which:
 - a. maximizes energy efficiency and conservation,
 - b. considers the mitigating effects of vegetation and green infrastructure, and
 - c. maximizes vegetation and opportunities for new vegetation within the subdivision area.

4.12.5 Part Lot Control

1. Where land lies within a registered Plan of Subdivision, Council may consider the enacting a by-law to Lift Part Lot Control to create new lots or reconfigure existing lots, in accordance with the Planning Act, where it is satisfied that any conditions appropriate to the creation and development of such lots are capable of being addressed.

4.12.6 Deeming

1. Council may deem Plans of Subdivision (or parts thereof) more than eight years of age not to be Plans of Subdivision within the meaning of the Planning Act where development of such plans would not be in conformity with this Plan or the Zoning By-law and where development would be detrimental to the Township or neighbouring uses.

4.12.7 Consents

In some instances, a Plan of Subdivision application is not necessary, and Council may consider the creation of new lots through a Consent process. Section 53 of the Planning Act allows subdivision of land through a Consent application where a Plan of Subdivision is not necessary for the proper and orderly development of the Township. It is anticipated that the majority of lot creation will continue to be through the Consent process. **The Lakehead Rural Planning Board is the legally delegated approval authority for Consent applications.** The following policies apply to Consent applications:

1. Where subdivision by Consent is proposed, a parcel held under unity of ownership as of February 13, 1990 may be subdivided into a maximum of two lots, exclusive of the retained lot, except for the purpose of boundary adjustment, partial discharge of mortgage, easements and rights-of-way.
2. When new development involves the creation of fewer than three new lots from a larger parcel, the lot creation may be permitted through the Consent process. Otherwise, a Plan of Subdivision may be required.
3. In addition to certain types of land division, Consents are also required for certain easements and rights-of-way.

4.12.8 When Appropriate

1. As established in the Planning Act, lot creation through the Consent process is only appropriate when it has been deemed that a Plan of Subdivision is not necessary. Council shall evaluate the need for a Plan of Subdivision in accordance with the policies of the Growth Management section of this Plan.

4.12.9 General Criteria

1. The creation of lots by Consent shall be considered in accordance with the requirements of the Planning Act and the following:
 - a. Conformity with the applicable goals, objectives, policies and land use designations of this Plan;
 - b. Being consistent with the Provincial Policy Statement and the Growth Plan for Northern Ontario;

Commented [Ma10]: Current OP s. 2.6.1 ix permits four parcels; why the change?

Commented [NP11R10]: Limiting the number of lots is common in smaller communities, but it's not necessary... the Planning Act doesn't limit this. The reasons for this change include:

- 1) Consistency with neighbouring municipalities for the Lakehead Region Planning Board,
- 2) The creation of more than two additional lots is typical of subdivision process, which allows the Township the ability to review in more detail.

Happy to discuss further to suit your needs.

Note: a small change was made to the effective date to reflect the date of the current OP.

Commented [Ma12]: what's the difference between lots and parcels?

Are we saying that a large parcel (say 160 acres) can be split into 2 or 3 parcels and then those parcels can be split into lots?

Commented [NP13R12]: They are very similar, however more about taxation and legal definitions - a parcel is an identification for taxation purposes, while a lot is typically used when subdividing property (in the legal description), however they are generally interchangeable. Small revisions made to this provision to be more clear.

- c. Conformity with the Zoning By-law, Servicing Standards, secondary plans, and design guidelines / standards of the Township;
- d. The input received from circulated public bodies and agencies and neighbouring property owners and residents;
- e. The submission and approval of all required information / studies, reports and plans;
- f. The satisfying of conditions imposed to the granting of the Consent, which may include the entering into of an agreement and / or the posting of financial security; and,
- g. The requirements under the provincial Minimum Distance Separation (MDS) criteria between sensitive uses and agricultural operations.

4.12.10 Adjusting & Correcting Lot Boundaries

1. The granting of a severance for purposes of adjusting or correcting lot boundaries or to convey a relatively modest amount of land to an abutting lot shall be permitted provided:
 - a. The conveyance does not lead to the creation of an undersized or irregularly shaped lot(s), or a lot that is contrary to the provisions of the Zoning By-law unless the by-law is amended or a variance granted;
 - b. The lands being conveyed are registered in the same name and title as the lands to which they are being added;
 - c. It is stipulated in the granting of the Consent that any subsequent conveyance or transaction shall require a future severance; and,
 - d. The lot boundary correction is consistent with the requirements under the provincial Minimum Distance Separation (MDS) criteria between sensitive uses and agricultural operations.

Commented [Ma14]: Was this in the previous Official Plan? I was always under the understanding that boundary adjustments didn't need severances or approval since no new properties were being created.

Commented [NP15R14]: This wasn't in the previous OP, however note that this section doesn't stipulate approvals are required for lot line adjustments/corrections - this section provides instances where adjustments/corrections are appropriate.

Commented [Ma16]: What's this mean? No more 'L' shaped lots? Only triangle and quadrilateral allowed?

Commented [NP17R16]: This language is derived from criteria outlined in 51(24) of the Planning Act. Generally, the Township would want to discourage "irregular lots" to avoid compliance issues / complications down the road. So permitting a circle shaped lot or something "irregular" with several lot lines wouldn't be in the Townships interest. Note that for severances/subdivisions, planners will often rely on precedents and contextual lot fabrics that exist in the area to determine if severances/lot adjustments are in keeping with size/shape of lots in a municipality, so the Township would want consistency / continuity.

As a note: The OP doesn't define "irregular lot" so that the Township can use their discretion for determining if a lot shape is acceptable. This does not prohibit L-shaped lots or another shape/orientation which the Township may deem appropriate.

4.12.11 Consents for Mortgage Purposes

1. A Consent shall only be granted for mortgage purposes where it is capable of satisfying the appropriate policies of this Plan and the appropriate provisions of the Zoning By-law with respect to the use to which the lands would be put and the dimensions and size of the parcel if the mortgage is foreclosed and a separate lot created.

4.12.12 Consents for Easements

1. Consents may be granted for easement purposes where the use of land is being conveyed for periods in excess of 21 years subject to whatever conditions may be deemed to be appropriate.

4.13 Technical Studies and Peer Reviews

1. Where a policy in this Plan requires the submission of technical studies, such studies must be prepared at the applicant's expense by a qualified professional. When technical studies are submitted with a development application, Council may authorize a qualified professional to peer review such studies and provide advice to the Township at the applicant's expense.

5.0 General Environmental Policies

The health of the natural environment is directly tied to the health of the Township community and its residents. Natural heritage features and areas such as woodlands and wetlands provide wildlife habitat and contribute to air and water quality. The natural environment also provides the Township with a source of drinking water and other natural resources such as mineral aggregate resources with their associated economic value.

5.1 Goals & Objectives

1. The following goals and objectives shall guide the conservation, planning, and development of the natural environment to:
 - a. Protect the natural environment and its areas, features and resources from development and / or incompatible development;
 - b. Ensure a healthy environment and improved quality of life through the protection and enhancement of the natural environment, and its areas, features and resources;
 - c. Encourage compatible development consistent with environmental, social and economic goals;
 - d. Identify what is required to support an application for development in an area that is considered to be environmentally sensitive;
 - e. Identify what information is required to support an application that may have an impact on the natural resources of the Township; and,
 - f. Prepare for and mitigate the impacts of a changing climate.

5.2 Conservation Areas Reserves

Provincial Parks and Conservation Areas Reserves are vital and treasured assets that protect naturalized areas for future generations. In addition to safeguarding areas of unique natural features and habitats, Parks and Conservation Reserves Areas also provide valuable opportunities for recreational activities for residents and visitors to Ontario.

1. Conservation Reserves Areas within the Township are identified on Schedule A, and Kakabeka Falls Provincial Park is located directly adjacent to the Township's southern boundary. It is the policy of this Plan to protect the ecological and functional integrity of these sensitive areas and minimize any negative impacts from development on these areas.

5.3 Natural Heritage Features & Areas

1. Natural heritage is a system composed of natural heritage features and areas, which are linked by natural corridors. Natural heritage features, areas and corridors are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems. Natural heritage features and the LRCA approximate regulated area, which includes the general area of wetlands, floodplains, watercourses, erosion hazards, and the associated adjacent areas (a 15 metre buffer from watercourses and 30 metre buffer from wetland) are shown on Schedule A.
2. Natural heritage features and areas shall be protected for the long-term. The following features and areas are shown on Schedule A:
 - a. Significant wildlife habitat
 - b. Known habitat of endangered and threatened species (generalized to 1-kilometre grids)
 - c. Fish habitat
 - d. Areas of Natural and Scientific Interest (ANSIs)

- e. All wetlands, including unevaluated wetlands and Provincially Significant Wetlands (PSWs)

5.3.1 Location

1. Natural heritage features and areas consist of a variety of features and areas including wetlands, woodlands, Areas of Natural & Scientific Interest (ANSI), river systems and wildlife habitats. The actual location and limits of natural features and areas shall be determined through consultation with the Township, the LRCA, and / or the Province.
2. Where development is proposed within, or adjacent to, these features and areas, the proponent may be required to undertake appropriate field work, mapping and complete an Environmental Impact Study (or equivalent study) to provide the information necessary to evaluate the proposal. For the purposes of this Section, "adjacent" can be defined as lands up to 120 metres from the edge of the feature, unless otherwise specified.

5.3.2 Commitment

1. The Township shall ensure the protection of the natural environment when exercising its authority under the Planning Act, and may seek appropriate technical guidance when required.

5.3.3 Maintenance & Restoration

1. The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and groundwater features. When the opportunity exists, such as through parkland dedication, Council shall examine opportunities to improve and / or rehabilitate natural heritage features and areas.

5.3.4 Areas of Natural & Scientific Interest (ANSI)

Areas of Natural and Scientific Interest are areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study, or education. There are two kinds of ANSIs: Life Science ANSIs which are significant representative segments of provincial biodiversity and natural landscapes; and Earth Science ANSIs which are geological in nature and consist of some of the most significant examples of bedrock, fossil and landforms in the Province.

1. Development may be permitted in Areas of Natural and Scientific Interest, provided it does not negatively impact on the natural features or ecological functions for which the area has been identified. Where development of site alteration is proposed within or on the adjacent lands (within 120 metres of the boundary) of the ANSI, the proponent shall provide Council with an Environmental Impact Study (EIS) that demonstrates that there will be no negative impacts on the ANSI or on its ecological function.
2. The Township of Conmee has one Earth Science ANSI directly south of Brule Creek known as the Mokomon ANSI. The Mokomon Area of Natural and Scientific Interest shall be protected consistent with the policies of this Plan.

5.3.5 Endangered & Threatened Species

The Endangered Species Act (ESA) prohibits the killing, harming, harassment, capture, or taking of a Species at Risk, and the damaging or destroying of their habitat. Anyone undertaking an activity is responsible for ensuring that the activity does not contravene the ESA.

1. Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.
2. Council shall ensure every application for development or site alteration provides an appropriate level of assessment for the identification of threatened or endangered species habitat within or adjacent to the project area.
3. Any person undertaking an activity within a habitat of an endangered or threatened species is responsible for contacting the Ministry of Natural Resources and Forestry (MNRF) to determine whether conditions under the ESA apply.

5.3.6 Fish Habitat

1. Fish habitat means spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes. Fish Habitats are not specifically identified on the Schedules to this Official Plan; therefore applicants must consult with the appropriate authority (MNR) when proposing any development on lands adjacent to water.
2. For the purpose of this section, lands adjacent to fish habitat are defined as being within 30 metres of a fish habitat area. Filling, dredging and/or other shoreline alterations within 30 metres of fish habitat areas is prohibited and may be subject to enforcement by the MNR ~~or the~~, Federal Department of Fisheries and Oceans, ~~and/or the LRCA~~.
3. Development and site alteration shall not be permitted in fish habitat, except in accordance with provincial and federal requirements.
 - a. Development and site alteration shall not be permitted on adjacent lands to fish habitat unless it is demonstrated in an EIS that there will be no negative impacts on the habitat or its ecological functions and, where applicable, Fisheries and Oceans Canada has authorized such development or works in accordance with the Fisheries Act.
 - b. Where development may proceed adjacent to fish habitat, a 30-metre setback from the shoreline shall be maintained as a natural vegetative buffer. Site alteration and disturbance of vegetation within 30 metres of the shoreline shall be limited to minor alterations to accommodate access trails, docks, water pumping equipment or restoration work.
4. Subject to the approval of Council, the Ministry of Natural Resources and Forestry and the Federal Department of Fisheries and Oceans, new development may be approved in shoreline areas, adjacent to and within the required setback, subject to a satisfactory Environmental Impact Study being completed, which shows that development will not have a negative impact on Fish Habitat. ~~The requirement of an Environmental Impact Study will be at the discretion of Council.~~

5.3.7 Wetlands

Wetlands are lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four types of wetlands are swamps, marshes, bogs and fens. Wetlands play a very important role in the natural heritage system, since they:

- a. provide habitat for plants and animals;
- b. store water for groundwater recharge purposes;
- c. trap sediments, nutrients and contaminants thereby improving downstream water quality;
- d. provide corridors for plant and animal movements; and,
- e. provide flood control and protect shorelines from erosion.

The following policies apply to wetlands:

1. Wetlands within the Township are shown on Schedule A. These wetlands have either not been evaluated ~~by the Lakehead Region Conservation Authority (LRCA)~~ or do not meet the criteria to be considered Provincially significant.
2. All wetlands, regardless of classification, will be designated as Environmental Protection. Any application for the alteration of a boundary of a Provincially Significant Wetland, either as an increase or a decrease, must be approved by ~~a Qualified Wetland Evaluator the Lakehead Region Conservation Authority (LRCA)~~.
3. The Township does not contain any Provincially Significant Wetlands, however wetlands may be evaluated by the Ministry of Natural Resources and Forestry and be classified as Provincially Significant Wetlands. Any Provincially Significant Wetlands identified in the future will be indicated on

Schedule A. Such wetlands will be subject to the regulations administered by the LRCA, and a permit from the Authority may be required to allow regulated activities.

4. Where development and / or site alteration is proposed within 120 metres of the boundary of a provincially significant wetland, the proponent may be required to provide Council with an EIS, prepared by a qualified professional, which demonstrates that there will be no negative impacts on the wetland or its ecological function. PSWs will be subject to the regulations administered by the LRCA, and a permit from the Authority may be required to allow regulated activities.

5.3.8 Significant Wildlife Habitat

A wildlife habitat area is an area where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or nonmigratory species. In some cases, these areas may be considered significant due to the ecological importance of features, functions, representation or amount, thereby contributing to the quality and diversity of an identifiable geographic area.

1. No significant wildlife habitat areas are identified by this Plan. However, should new information become available, and / or other wildlife habitat areas may become known, these areas will be added to Schedule A. This new information will be considered at the time a development application is submitted and/or when the Official Plan is reviewed.
2. Development and site alteration shall not be permitted in or adjacent to (within 120 metres) significant wildlife habitat except in accordance with provincial and federal requirements and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. An Environmental Impact Study (EIS) will be required where development may impact significant wildlife habitat or lands adjacent (120 metres) to significant wildlife habitat.
3. The habitat of Special Concern species and other sensitive species should be considered as significant wildlife habitat, as defined in the Natural Heritage Reference Manual. Special Concern species are formally listed in MNR's Species at Risk in Ontario (SARO) list.
4. The Township of Conmee includes several Species of Conservation Concern (SCC) as well as other Values and Features within the boundaries of the planning area. The habitat of these species, including the identified values and features shall be protected and any development and/or site alteration shall not be permitted except in accordance with provincial and federal requirements.

5.4 Environmental Impact Study (EIS)

Where the policies of this Plan require that an Environmental Impact Study (EIS) be prepared, such an EIS shall be prepared in accordance with the requirements of this section.

5.4.1 Purpose of an EIS

1. The purpose of an EIS is to:
 - a. collect and evaluate all the appropriate information in order to have a complete understanding of the boundaries, attributes and functions of relevant environmental feature(s);
 - b. make an informed decision as to whether or not a proposed use will have a negative impact on the critical natural features and ecological functions of the Township; and,
 - c. evaluate the existing and potential forest resources on the property and the effect of the proposed uses on those resources.
2. Where the focus of study is adjacent lands, as defined by this Plan, the EIS shall evaluate the ecological function of the adjacent lands and demonstrate that there will be no negative impacts on natural features or ecological functions.
3. Any EIS required by this Plan must describe the critical natural features and ecological functions, identify their significance and sensitivities and describe how they could be affected by a proposed use. The EIS should consider the relevant aspects and inter-relationships of various components of the

natural heritage system on and off the site. In addition, the EIS must address how the proposed development will protect, maintain or restore the critical natural features and ecological functions of the natural heritage system.

4. Any EIS must be prepared to the satisfaction of the Township and any other appropriate agencies, before a planning application that facilitates the development that is subject to the EIS is approved.

5.4.2 Contents of an EIS

1. The EIS shall include a description of:
 - a. the proposed undertaking and study area boundaries;
 - b. the natural features, ecological functions, linkages, and other natural processes of the area potentially affected directly and indirectly by the undertaking, and an assessment of their sensitivity to development;
 - c. any lands that support environmental attributes and/or functions that may qualify the lands for designation within the Environmental Protection designation;
 - d. the direct and indirect effects to the ecosystem that might be caused by the undertaking;
 - e. any environmental hazards (i.e. slope, flooding, contaminants) that need to be addressed as part of the design and how they will be addressed;
 - f. any monitoring that may be required to ensure that mitigating measures are achieving the intended goals;
 - g. how the proposed use(s) affects the possibility of linking core areas of the natural heritage system by natural corridors that may or may not be identified on the schedules to this Plan; and,
 - h. a Management Plan (MP) identifying:
 - i. how the potential adverse effects will be avoided or minimized over the construction period and the life of the undertaking;
 - ii. how environmental features and functions will be enhanced, where appropriate, and,
 - iii. describing the net effect of the undertaking after implementation of the MP.
2. The Management Plan shall also establish the limits of buffers and setbacks adjacent to watercourses, waterbodies, valleys, significant wetlands and vegetation to protect the natural feature and its attributes and/or function from the effects of development.

5.4.3 What an EIS Should Demonstrate

1. The EIS should demonstrate, where applicable, that the proposed use(s) will:
 - a. not discharge any substance that could harm air quality, groundwater, surface water and associated plant and animal life;
 - b. be supplied by an adequate supply of water and that the groundwater taking associated with the use will not harm existing water supplies, surface water features and associated plant and animal life;
 - c. not cause erosion or siltation of watercourses or changes to watercourse morphology;
 - d. not interfere with groundwater recharge to the extent that it would adversely affect groundwater supply for any use;
 - e. not cause an increase in flood potential on or off the site;
 - f. maintain/enhance/restore/rehabilitate the natural condition of affected watercourses, and protect/enhance/restore/rehabilitate aquatic and fish habitat;
 - g. not encourage the demand for further development that would negatively affect wetland function or contiguous wetland areas;

- h. enhance and restore endangered terrestrial and aquatic and fish habitat, where appropriate and feasible;
 - i. not interfere with the function of existing or potential natural corridors;
 - j. not lead to a significant reduction in the forest resource or interior forest habitat in an area; and,
 - k. not lead to species loss or negative impacts on endangered, threatened or vulnerable species and/or their habitat.
2. In addition, the EIS shall demonstrate that there will be no negative impacts resulting from the proposed use on the significant natural features that are identified on Schedule A to this Plan or the ecological functions for which the area is identified.

5.5 Mineral Aggregate Areas and Mining Resources

There are several mineral aggregate and mining resource areas in the Township, as identified on Schedule A. It is the intention of this Official Plan to identify the location of known potential mineral aggregate deposits and mining resources and to protect them for their long-term use and economic growth. The following policies shall apply to mineral aggregate and mining resource areas.

5.5.1 Protection of Viability

1. Where there is a known presence of high-quality aggregate deposits, the Township of Conmee will designate these lands in the Official Plan to ensure these areas are compatible with extraction operations and associated land uses while also precluding incompatible development and land uses.
2. Legally existing pits and quarries and their associated facilities are permitted and identified on Schedule A to this Plan. The implementing Zoning By-law will also recognize existing pits and quarries for their continued use and operations.
3. Where feasible, the viability of mineral mining and mineral aggregate resources will be protected from uses that may compromise the future extraction. On lands identified as being potential resource areas, development of other land uses shall be permitted, provided that:
 - a. Extraction of the resource is not feasible;
 - b. The proposed use serves a greater long-term public interest; and
 - c. Issues of public health, safety and environmental impact are addressed.

5.5.2 Non-Resource Extraction Uses

1. Non-resource extraction uses such as forestry, agriculture, agricultural-related industrial and commercial and secondary uses, conservation, and fish and wildlife uses shall be permitted, provided that these uses will not preclude future extraction of the resource.

5.6 Water Resource Management

1. At the present time, all of the Township's residents obtain drinking water from private wells. It is a policy of this Plan to protect existing sources of drinking water for future use.
2. All development applications for Plan of Subdivision or Plan of Condominium, relating to new commercial, industrial, institutional and any use permitted in the Major Recreation designation shall be supported by a Water Resource Management (WRM) Report. A WRM Report shall be prepared by a hydrogeological professional to the satisfaction of Council and the appropriate agencies. The purpose of the WRM Report is to investigate the impacts of the proposed development on water quality and quantity and provide recommendations on:
 - a. how to maintain or enhance the natural hydrological characteristics of the water resource;
 - b. how to minimize or eliminate the effect of the proposed use on the groundwater recharge function;

- c. how to minimize or eliminate the effect of the proposed use on the quality and quantity of drinking water in adjacent private and municipal wells;
- d. how to maintain or enhance sensitive groundwater recharge/discharge areas, aquifers and headwater areas;
- e. whether it is required to monitor water budgets for groundwater aquifers and surface water features; and,
- f. how to ensure that the quality of the watercourses affected by the development are maintained.

5.7 Hazard Lands Policies

5.7.1 Steep Slopes and Ravines

1. Development will not be permitted on slopes that are subject to active erosion or historic slope failure. Development shall be sufficiently set back from the top of bank of slopes greater than ~~4-in-3~~:13. The development setback distance may be determined in consultation with an engineer and/or surveyor subject to the following criteria:
 - a. soil type and groundwater patterns;
 - b. vegetation type and cover;
 - c. severity of slope; and,
 - d. nature of development.
2. In some instances, where a sufficient development setback cannot be achieved, the proponent will be required to provide a slope stability analysis as a prerequisite to any development. The analysis shall be prepared by a qualified professional to the satisfaction of the Township.

5.7.2 Natural Hazards

1. Development will generally be directed to areas outside of hazardous land adjacent to the shoreline of inland lakes, rivers, and stream systems which are impacted by flooding and/or erosion hazards, and other hazardous sites. Hazardous sites may consist of steep slopes, unstable soils, organic soils, and unstable bedrock. Where development is proposed within or partly within these features, the development proponent ~~shall~~ **may be required to** submit a technical study prepared by a qualified professional, to the satisfaction of the appropriate approval authority, which demonstrates the following:
 - a. the hazard can be safely addressed, and the development and site alteration are carried out in accordance with established standards and procedures;
 - b. new hazards are not created and existing hazards are not aggravated;
 - c. no adverse environmental impacts will result;
 - d. vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies; and,
 - e. the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.
2. Recommendations made in the technical report(s) will be implemented through the planning process. Where the technical report indicates that development within a particular hazard is not feasible, the development shall not proceed.
3. Development and site alteration within a floodway is prohibited, except for development and site alteration which, by its very nature, must be located within a floodway. A floodway consists of those areas, usually low lands adjoining watercourses, which have been or may be subject to flooding hazards.
4. Where development or site alteration are proposed in the vicinity of flooding hazards, a detailed engineering study will first confirm the actual extent of the flooding hazard. Development and site alteration will only proceed if it has been demonstrated to the satisfaction of the Township or Planning

Board and LRCA that it can occur safely on the subject lands outside of the flooding hazard, and not upon lands which are high points surrounded by the flooding hazard. Lands impacted by flooding hazards will be zoned appropriately to prohibit development and site alteration, except for development and site alteration which must, by its very nature, be located within a floodway.

5.7.3 Wildland Fire Hazards

Hazardous forest types for wildland fire are forest types assessed as being associated with the risk of high to extreme wildland fire, generally being forested areas which are composed of a certain type and condition of forest fuel (i.e. vegetation). There is an inherent risk to the public when changes to the landscape occur, such as the encroachment of development into forested areas associated with high to extreme risk. The Township may require wildland fire assessments to evaluate wildland fire risk factors of an area or site through continued collaboration with the MNRF.

1. Development shall generally be directed to areas outside of lands that are unsafe due to the presence of hazardous forest types for wildland fire.
2. In certain circumstances, development may be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards.
3. In the absence of a detailed assessment prepared for Council, proponents submitting a planning application may be required to undertake a site review to assess for the presence of areas of high to extreme risk for wildland fire on the lands proposed for development and, to the extent possible, adjacent lands. If development is proceeding where a high to extreme risk for wildland fire is present, proponents are required to identify measures that outline how the risk will be mitigated.
4. Wildland fire mitigation measures which would result in development or site alteration shall not be permitted in areas where natural heritage features occur, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions in accordance with the policies of this Plan.

5.7.4 Hazardous Sites

1. Hazardous sites are defined as lands that could be unsafe for development and site alteration due to naturally occurring hazards, such as unstable soils or bedrock. There are no known hazardous sites in the Township of Conmee, however, at the time a Planning Act application is submitted, the Township may require the preparation of a technical study to confirm if such conditions exist on site.
2. In the event the technical study confirms that some or all of the lands proposed for development are hazardous, the study shall determine whether the risks created by the hazard can be managed or mitigated in accordance with Provincial standards.

5.7.5 Hazardous Substances

1. Uses associated with the disposal, manufacture, treatment or storage of hazardous substances shall not be permitted on hazardous lands or hazardous sites.

5.7.6 Human-Made Hazards

1. Human-made hazards may occur on lands which include, but are not limited to, former mineral mining operations, mine hazards, and former mineral aggregate operations. Development and site alteration on, abutting, or adjacent to these lands may only be permitted if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.
2. Sites with contaminants in land or water shall be assessed and remediated, as necessary, prior to any activity on the site associated with the proposed use such that there will be no adverse impacts.

5.8 Waste Disposal Sites

1. There is one active open waste disposal site in the Township, as shown on Schedule A of this Plan. This site shall be protected to ensure there is adequate capacity to accommodate present and future waste disposal needs.
2. The development of new uses or the enlargement of buildings or structures within an influence area of 500 metres from the boundary of a fill area of a closed site is prohibited.
3. Notwithstanding policy 2, development may be permitted with submission of an assessment prepared by a qualified professional that determines:
 - a. the impact of any potential methane gas migration;
 - b. whether the proposed use will be adversely affected by noise, odour, dust or other nuisance factors from the waste disposal site;
 - c. potential traffic impacts;
 - d. whether the proposed use will be adversely affected by ground and surface water contamination by leachate migrating from the waste disposal site; and,
 - e. the impact of the proposed use on leachate migration from the landfill site.
4. In addition to the matters listed above, the assessment shall address other items outlined in the Province's Guideline D-4, Land Use On or Near Landfills and Dumps, to ensure that the proposed land uses are compatible in nature and do not create adverse impacts.
5. The studies required to support a development application within the influence area of a Waste Disposal Site may be scoped based on the type and/or scale of the development proposed, as determined by the Township.
6. In cases where an amendment to the Official Plan and/or Zoning By-law is required to permit a proposed use, appropriate studies addressing the matters set out in the policies of this section shall be submitted for the Township's consideration.
7. It is a policy of this Plan to ensure the residents of Conmee are provided with safe and cost-efficient waste management systems during the lifespan of this Official Plan and beyond. Although it is not anticipated that a new waste disposal site will be necessary during the life of this Official Plan, in the event a new site is deemed necessary, an amendment to this Plan will be required.
8. Decommissioned or former landfill sites within the Township shall be remediated to the satisfaction of the Ministry of the Environment, Conservation and Parks.

5.9 Land Use Compatibility

1. It is recognized that some uses may be sensitive to the odour, noise, vibration or other emissions associated with highways, and various type of industries, including major facilities and other sensitive land uses, such as waste disposal sites or sewage treatment facilities. It is a policy of this Plan that incompatible land uses be separated or otherwise buffered from each other to avoid, minimize, and mitigate any potential adverse effects from odour, noise, and other contaminants, and minimize risk to public health and safety.
2. Where avoidance is not possible, it must be demonstrated that there is an identified need for the use and an evaluation of alternative locations must be undertaken. Where the need for the proposed use is identified and no reasonable alternative locations are feasible, the Township shall assess the compatibility of the proposal in accordance with the Ministry of the Environment, Conservation and Parks (MECP) D-Series Guidelines.
3. Where a proposed use cannot satisfy the minimum requirements of the applicable MECP guidelines or its successor, or the potential impacts of the proposed use cannot be minimized and mitigated, the use will not be permitted. The approval of development proposals shall be based upon the achievement of adequate distances and the recommendations of the required studies. Where practical and

enforceable, such distances or other recommendations may be implemented through the Zoning By-law or Site Plan Agreements.

5.10 Contaminated Sites

1. If the site of a proposed use is known or suspected to be contaminated, the Township shall require the proponent to prepare a study prepared in accordance with the Ministry of the Environment, Conservation and Parks guidelines which determines the nature and extent of the contamination and the identification of a remediation plan, if required.
2. Where the need for remediation is identified, the site shall be remediated, and a Record of Site Condition be obtained before development approvals are granted.

5.11 Minimum Separation Distances (MDS)

1. Development in all policy designations shown on the Schedules to this Plan shall comply with the Minimum Distance Separation (MDS) Formulae I and II, as established and amended by the Province. The formulae shall be implemented through its inclusion in the implementing Zoning By-law. The administration / interpretation of the formulae shall be guided by implementation guidelines, as established by the Province.
2. While the administration and interpretation of MDS formulae shall be guided by the implementation guidelines as established by the Province, it may be desirable in certain circumstances to reduce a required MDS. A reduction may be accomplished through either a Zoning By-law Amendment or Minor Variance. Reductions to MDS will generally be restricted to situations where a reduction in the setback will result in an overall improvement over the existing separation distance, or when the reduction will result in an overall environmental improvement over the existing separation distance.

6.0 Implementation

6.1 Zoning By-law

1. The Township shall enact a comprehensive Zoning By-law under Section 34 of the Planning Act to implement the policies of this Plan.
2. The Township shall regularly undertake a review of the comprehensive Zoning By-Law to ensure that it remains consistent with the policies of this Plan.

6.2 Temporary Uses

1. The use of land for temporary purposes may be assigned in certain circumstances where a short-term use is proposed, considered appropriate, and to be phased-out.
2. Under the Planning Act, the maximum term of a Temporary Use By-law is 3 years, however a Temporary Use By-law may permit a Garden Suite on a property for up to 20 years.
3. Subsequent By-Laws granting extensions of up to three years (or 20 years for a Garden Suite) may be passed. However, once the By-Law has lapsed, the use must cease or otherwise will be considered in contravention of the implementing Zoning By-Law.

6.2.1 Use & Scope

1. The temporary use of land, buildings and structures may be authorized by the Township through the passing of a Temporary Use By-law in accordance with the Planning Act. Such uses may be permitted in all land use designations without amendment to this Plan, with the exception of lands designated 'Environmental Protection'. The Temporary Use By-law shall describe the area affected and specify the duration for which the use is permitted.

6.2.2 Criteria

1. An application for a Temporary Use By-law shall be considered in accordance with the requirements of the Planning Act and the following:
 - a. Generally in conformity with the applicable goals, objectives, policies and land use designations of this Plan;
 - b. Being consistent with the Provincial Policy Statement and the Growth Plan for Northern Ontario;
 - c. The input received from circulated public bodies and agencies and neighbouring property owners and residents; and,
 - d. Satisfactory assurances that the land will be returned to its previous state and all buildings and structures removed (where deemed appropriate) upon the lapsing of the period stipulated in the by-law or upon the lapsing of any extension period that may be granted.

6.2.3 Approvals

1. Prior to the approval of a Temporary Use By-law, Council shall be satisfied that the following principles and criteria are met:
 - a. The proposed use shall be compatible with adjacent land uses and the character of the surrounding neighbourhood;
 - b. The proposed use shall not require the extension or expansion of existing municipal services;
 - c. The proposed use shall not create any traffic circulation problems within the area nor shall it adversely affect the volume and/or type of traffic serviced by the area's roads;

- d. Parking facilities required by the proposed use shall be provided entirely on site;
- e. The proposed use shall generally be beneficial to the community as a whole; and,
- f. The owner shall enter into an agreement with the Municipality and/or post securities, if necessary, to ensure that structures associated with a temporary use provision can be removed upon expiry of the By-Law.

6.3 Interim Control By-law

1. Where the Township has authorized a review or a study is undertaken regarding land use planning, Council may adopt an Interim Control By-law to prevent potentially inappropriate development or use of land, pursuant to the Planning Act. The By-law shall specify a time period (not to exceed one years) for prohibiting the use of land, buildings or structures for, or except for, such purposes as are set out in the By-law.
2. The Council of the Township of Conmee may amend an interim control by-law to extend the period of time during which it will be in effect, provided the total period of time does not exceed two years from the date of passing of the interim control by-law.

6.4 Holding Provisions

1. In accordance with the Planning Act, the Township may use a Holding (H) symbol in conjunction with the zoning of land to prohibit development until specific conditions have been met. These conditions will be specified within a Zoning By-law Amendment. The objective of utilizing a Holding Provision is to ensure that:
 - a. the appropriate phasing of development or redevelopment occurs;
 - b. development does not proceed until services and utilities are available to service the development;
 - c. agreements respecting the proposed land use or development are entered into; and/or;
 - d. any conditions described by the Council-approved Holding provisions are met prior to any development or site alteration occurring.

6.5 Site Plan Control

The Planning Act permits the Township to designate all or part of its territory as a Site Plan Control Area. Within this area certain types of development (typically, commercial, industrial, and institutional) cannot proceed until a Site Plan has been approved by the Township.

1. The Township of Conmee will enact a Site Plan Control By-law under the authority of Section 41 of the Planning Act.
2. The Site Plan Control By-law will be to ensure a high standard of development and to provide compatibility with, and protection of, neighbouring uses, new development and significant expansions to existing development. The by-law will also specify the land area and types of development where Site Plan approval will be required.

6.5.1 General Criteria

1. Consideration of a plan subject to Site Plan Control by the Township shall be subject to the requirements of the Planning Act and the following criteria being satisfied:
 - a. Conformity with the applicable goals, objectives, policies and land use designations of this Plan;
 - b. Conformity with the Zoning By-law, Servicing Standards, secondary plans, and design guidelines / standards;

- c. The input received from circulated public bodies and agencies;
- d. The submission and approval of all required information / studies, reports, and plans;
- e. The entering into of a Site Plan Agreement with the Township; and
- f. Where applicable, the posting of sufficient financial security to ensure due performance and the protection of the Township.

6.5.2 Site Plan Agreement

1. A Site Plan Agreement pursuant to the provisions of the Planning Act shall be required in most instances. Any such agreement shall be registered on title.

6.6 Community Benefits By-law

1. In accordance with Section 37 of the Planning Act, the Township may enact a Community Benefits By-law that imposes charges against land to pay for the capital costs of facilities, services, and matters required because of development or redevelopment in the area.
2. Prior to passing a Community Benefits By-law, a community benefits charge strategy shall be prepared which identifies the facilities, services, and matters that will be funded with community benefits charges.

6.7 Parkland Dedication By-law

6.7.1 Parkland Dedication By-law

1. The Planning Act permits the Township to enact a Parkland Dedication By-law that establishes:
 - a. the lands to which the by-law is applicable;
 - b. the rate of parkland dedication;
 - c. the development applications which are subject to parkland dedication requirements;
 - d. land uses which are exempt from parkland dedication requirements; and,
 - e. in the case of cash-in-lieu of parkland, whether the value of parkland will be determined on the basis of raw land prior to approvals or on the basis of value of the individual lot(s) prior to issuance of a building permit.

6.7.2 Dedication of Land through the Development Process

1. The Township may require the dedication of up to ten percent of the land within a residential Plan of Subdivision to be dedicated as parkland. Two percent of the land within a non-residential development shall be dedicated as parkland.
2. In lieu of the above requirements, the Township may require cash-in-lieu of parkland, as deemed appropriate. In the establishment of a Parkland Dedication By-law, Township Council may determine value on the basis of either the value of raw land on the day prior to draft approval of Provisional Consent or draft subdivision approval, or on the basis of the value of the new lot(s) prior to issuance of a Building Permit.
3. All lands dedicated shall be conveyed in a physical condition satisfactory to the Township.
4. Lands within the 'Environmental Protection' designation and/or lands identified as hazard lands shall not be considered as part of the required minimum dedication of parkland pursuant to this section of the Plan.

6.7.3 Cash In-lieu

1. Where a dedication of land for park purposes would be inappropriate or impractical, the Township may permit a proponent to provide a cash in-lieu payment for parkland purposes. The rate of payment shall be in accordance with the provisions of the Planning Act.
2. All monies received under the parkland provisions shall be used for the sole purpose of developing and acquiring public parkland and/or developing recreational facilities, in accordance with the Planning Act.

6.8 Property Standards By-law

1. In recognition of the importance of property conditions, the Township may pass a Property Standards By-law to regulate residential properties, non-residential properties, vacant buildings, vacant lands, open space lands and heritage properties.
2. A Property Standards By-law may:
 - a. prescribe standards for the maintenance and occupancy of property within the Township or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards;
 - b. require property that does not conform with the standards to be repaired and maintained to conform with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in graded and leveled condition; and,
 - c. prohibit the removal from any premises of any sign notice or placard placed thereon pursuant to this Section or a By-law passed under the authority of this Section.
3. Any development shall conform to the provisions of the Ontario Fire Code, the Ontario Building Code, and minimum standards for maintenance and occupancy.

6.9 Site Alteration By-law

1. In accordance with the Municipal Act, the Township may enact a Site Alteration By-law to regulate certain activities that may impact drainage and vegetation patterns. A Site Alteration By-law may:
 - a. Prohibit or regulate the placing or dumping of fill;
 - b. Prohibit or regulate the removal of topsoil;
 - c. Prohibit or regulate the alteration of the grade of the land;
 - d. Require that a permit be obtained for the placing or dumping of fill, the removal of topsoil or the alteration of the grade of the land; and
 - e. Impose conditions to a permit, including requiring the preparation of plans acceptable to the municipality relating to grading, filling or dumping, the removal of topsoil and the rehabilitation of the site.

6.10 Tree Protection By-law

1. The Township may pass a Tree Protection By-Law to prevent the cutting of trees in sensitive areas. Where a Tree Protection By-law is passed, the By-Law shall not be passed without a specific assessment of the impacts of a By-Law together with opportunity for public comment.

6.11 Short-Term Rental By-law

1. The Township may pass a By-law which prescribes standards and regulations related to the use of residential dwellings for the purpose of Short-Term Rentals. Such a By-law would be complementary to any provisions enacted in the Township's Zoning By-law, which may contain provisions for land use controls for Short-Term Rentals.

2. Where the Township enacts a separate Short-Term Rentals By-law, the by-law may address:
 - a. The requirement for hosts to obtain a permit from the Township prior to commencing a Short-Term Rental operation;
 - b. The requirement to identify to the Township a Property Manager for the Short-Term Rental operation;
 - c. Permissions for condominium corporations, housing cooperatives, or building owner to register with the Township a request for a prohibition on Short-Term Rental operations within their dwellings;
 - d. General administrative processes for the Township to grant, refuse, suspend, revoke, or review permits; and,
 - e. Offenses and penalties for contravention of the by-law provisions.

6.12 Crown Lands

1. The Township of Conmee encompasses a significant amount of Crown Lands and will work with all levels of government to identify lands for potential future residential development, including estate lot subdivisions and seasonal cottage developments.
2. The Ministry of Natural Resources and Forestry (MNRF) has jurisdiction over the administration of Crown Lands and waters within the Township of Conmee. The following policies shall apply to these Crown Lands:
 - a. The MNRF is encouraged to have regard for the policies and schedules of this Plan and to consult with the Township with respect to the use and disposition of Crown Lands is required from the MNRF.
 - b. Authorization for occupation or use of Crown Lands is required from the MNRF.
 - c. The Township recognizes that resource management activities on Crown Lands and waters are desirable for environmental, social and economic reasons. Resource management activities shall be conducted in accordance with the standards and guidelines established by the Province.

6.13 Development Applications

6.13.1 Pre-Application Consultation

1. The Township may pass a By-law requiring that a pre-application consultation meeting be held prior to submitting a development application in order to identify and confirm the information that will be required at the time of application submission.
2. Notwithstanding Policy 1, the Township has the authority to waive the requirement for a formal pre-application consultation meeting.

6.13.2 Complete Applications

1. Development applications shall comply with the complete application submission requirements of the Planning Act. The Township shall maintain a Development Application Study policy, which will be reviewed with applicants in the pre-consultation process.
2. To process the application, the Township may require additional information and/or reports, as listed in the Policy. The additional information and/or reports will be identified in writing after a pre-application consultation or after further review of the development proposal. All required reports must be completed to the satisfaction of the Township or relevant approval authority.
3. Depending on the nature of the proposed development and planning application(s), the Township may require plans and/or studies including, but not limited to:

- a. Planning Rationale;
- b. Heritage Impact Assessment;
- c. Environmental Impact Statement;
- d. Transportation Impact Study;
- e. Minimum Distance Separation analysis;
- f. Servicing Options Study;
- g. Drainage / Stormwater Management Report / Plan;
- h. Geotechnical Study;
- i. Hydrogeological Study;
- j. Erosion and Sediment Control Plan;
- k. Noise / Vibration Study;
- l. Sun-Shadow Study;
- m. Fisheries Assessment;
- n. Shoreline Riparian Control Study;
- o. Archaeological Assessment;
- p. Record of Site Condition (RSC);
- q. Air / Dust Study; and,
- r. Groundwater Protection Study.

4. The Township has the authority to request additional information that will be required as part of a complete application, after further review of the application proposal.

6.13.3 Public Participation

Consultation and public participation and input is a fundamental requirement of the planning process. The following policies outline how the Township intend to ensure adequate engagement with members of the public prior to making land use planning and development decisions:

1. The Township shall comply with the minimum requirements of the Planning Act in informing and obtaining the views of the public in matters requiring approval under the Act.
2. In circumstances in which, in the opinion of the Township, alternative or supplementary methods of public engagement will enhance or exceed the requirements of the Planning Act, the approval authority may use online resources or media to inform members of the public of a planning matter.
3. The Township recognizes the unique status of Indigenous Peoples within Canada and the importance of engagement and dialogue with First Nation and Métis communities in the region. When considering land use planning and development decisions of mutual interest, particularly heritage and archaeology matters, the Township will circulate information on the proposal to the affected Indigenous group. Such engagement may complement formal processes by the Province under the principles of the Duty to Consult.

6.14 Non-Conforming / Non-Complying Uses and Lots

6.14.1 Non-Conforming / Non-Complying Uses

As a general rule, existing uses that do not conform with the policies of this Plan are intended to be gradually phased out so that the affected land use may change to a use which is in conformity with the goals and vision of the Official Plan and the implementing Zoning By-law.

1. Despite the intent to phase out non-conforming uses, a non-conforming use may be reconstructed where removed, provided it does not exceed the previous building envelope.

2. Where a use proposed to be reconstructed exceeds the previous building envelope, the Township will evaluate the expansion component of the proposal under Section 45(2) of the Planning Act using the following tests:
 - a. Is the application desirable for appropriate development of the subject property?
 - b. Will the application result in undue adverse impacts on the surrounding properties and neighbourhood?

6.14.2 Non-Complying Lots

1. A non-complying lot in existence prior to the effective date of the implementing Zoning By-law that does not meet the lot area and/or lot frontage requirements contained within the implementing Zoning By-law may be used and buildings thereon may be erected, enlarged, repaired or renovated, provided:
 - a. the use conforms with the applicable policies of this Plan and the implementing Zoning By-law;
 - b. the buildings or structures comply with all of the other provisions of the implementing Zoning By-law; and,
 - c. the lot with the proposed use can support a sewage treatment system that meets the requirements of the Thunder Bay Health Unit or the Ministry of the Environment, Conservation, and Parks, as applicable.

6.15 Amendments to the Plan – Public Notice

1. The Township may undertake minor amendments to this Plan without providing notice to the public, nor holding a public meeting, in cases including:
 - a. Changing the numbers of sections or the order of sections in the Plan, but does not add or delete sections;
 - b. Consolidating previously approved Official Plan Amendments in a new document without altering any approved policies or maps;
 - c. Correcting grammatical or typographical errors in the Plan which do not affect the intent or affect the policies or maps;
 - d. Translating measurements to different units of measure or changes reference to legislation or changes to legislation where the legislation has changed.
2. In all other instances, notification to the residents of the Township of public meetings held by Council shall be given in accordance with the procedures of the Planning Act.

6.16 Interpretation of Land Use Designation Boundaries

1. The boundaries between land uses designated on the Schedules to this Plan are approximate, except where they meet with roads, railway lines, rivers, pipeline routes, transmission lines, lot lines or other clearly defined physical features. In such cases, the location of the boundaries are not open to flexible interpretation.
2. Where the general intent of the document is maintained, minor adjustments to boundaries will not require amendment to this Plan.
3. It is recognized that the boundaries of the Environmental Protection designation may be imprecise and subject to change. The Township shall determine the extent of the environmental areas on a site-by-site basis when considering development proposals, in consultation with the appropriate agencies. Any minor refinement to the Environmental Protection designation shall not require an Amendment to this Plan.
4. Where a lot is within more than one designation on the Schedules to this Plan, each portion of the lot shall be used in accordance with the applicable policies of that designation.

6.17 Definitions

1. For the purposes of interpretation this Plan, the definitions in the Planning Act, R.S.O. 1990, the Provincial Policy Statement 2020, and other applicable legislation shall apply. In all other instances terms shall be defined in accordance with common usage and if necessary, reference to the Canadian Oxford Dictionary, 2nd Edition.

6.18 Official Plan Review Process

1. Upon the date of adoption of this Plan, the objectives and policies of this Plan shall be reviewed within 10 years after it comes into effect as a new official plan and at least once every five years thereafter, in accordance with the Planning Act, as amended. The review shall consist of an assessment of:
 - a. the continuing relevance of the vision that forms the basis of all policies found in this Plan;
 - b. the degree to which the objectives of this Plan have been achieved;
 - c. the amount and location of lands available for development;
 - d. whether the Township has increased the extent of commercial and industrial uses in relation to residential uses;
 - e. the Township's role and relationship with other nearby municipalities;
 - f. development trends in the area and their effect on development in the Township; and,
 - g. the nature of any Provincial planning initiatives and their implications on the Township.



Township of Conmee

Draft Zoning By-law
December 15, 2023





Prepared for Township of Conmee

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1.0 Interpretation & Administration

1.1 Title

- 1) This By-Law shall be known as the Zoning By-Law of The Corporation of the Township of Conmee.

1.2 Application

- 1) The provisions of this By-Law shall apply to all of the lands within the boundaries of the Township of Conmee, as legally constituted now or hereafter.

1.3 Scope

- 1) No lands shall be used and no buildings or structures shall be erected, altered, enlarged, or used within the Township of Conmee, except in conformity with the provisions of this Zoning By-Law.
- 2) Despite provision (1), nothing in this By-Law prevents the use of any land, buildings or structures for any purpose prohibited by this By-Law if such land, buildings or structures were lawfully used for such purpose on the day this By-Law came into force.

1.4 Minimum Regulations

- 1) In interpreting and applying the provisions of this By-Law, they are held to be the minimum requirements for the promotion of the health, safety, comfort, convenience, and general welfare of the inhabitants of the Township of Conmee.

1.5 Meaning of Use

- 1) Unless the context otherwise requires, the expressions "use" or "to use" in this By-Law include anything done or permitted by the owner or occupant of any land or building, directly, indirectly, by or through any trustee, tenant, servant, or agent, acting for or with the knowledge or consent of such owner or occupant, for the purpose of making use of the said land or building.

1.6 Meaning of Shall

- 1) In this By-Law, the word "shall" is always to be construed as mandatory.

1.7 Numbers

- 1) In this By-Law, unless the contrary intention appears, words imparting the singular number shall include more persons, parties, or things of the same kind than one, and the converse.

1.8 Administration

- 1) This By-Law shall be administered by the Clerk and/or such other person or persons as the Council of the Township of Conmee designates.

1.9 Licenses and Permits

- 1) No Township permit, certificate, or licence shall be issued where the said permit is required for a proposed use of land or a proposed erection, alteration, enlargement or use of any building or structure that is in violation of any provisions of this By-Law, except where expressly permitted.

1.10 Application of Other By-Laws

- 1) Nothing in this By-Law shall serve to relieve any person from the obligation to comply with the requirements of any By-Law of the Township in force from time to time, or the obligation to obtain any licence, permit, authority or approval required under any By-Law of the Township.

1.11 Validity

- 1) Should any section, clause or provision of this By-Law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-Law shall not be affected.

1.12 Repeal of Existing By-Laws

- 1) By-Law No. 645 and all By-Laws amending By-Law No. 645 are hereby repealed.

1.13 Continuation of Prosecution Following Repeal

- 1) The passage of this By-Law does not affect the right of the Corporation of the Township of Conmee to prosecute any violation of the previous by-Law, if the violation occurred while the by-Law was in effect.

1.14 Application of Other Legislation/Regulations

- 1) Where the regulations or requirements of any federal or provincial government impose greater restrictions than the restrictions imposed by this By-Law, then such greater restrictions shall apply.

2.0 Definitions

For the purpose of this Zoning By-law, the definitions and interpretations given herein shall govern.

Abut

shall mean to share a common lot line, and abutting has a corresponding meaning.

Accessory

shall mean a use, a building or a structure that is normally incidental, subordinate and exclusively devoted to a main use, building or structure and that is located on the same lot as the principal use.

Accessory Building

shall mean a separate subordinate building, not used for human habitation, that is used or intended for the better or more convenient enjoyment of the main building to which it is accessory and located upon the same lot as the main building.

Accessory Use

shall mean a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a principal use of land or building and located on the same lot.

Active Transportation

shall mean human-powered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed.

Aggregate

shall mean gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock, other than metallic ores, or other prescribed material under the appropriate statute.

Agricultural Use

shall mean the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

Agri-Tourism Use

shall mean those farm-related tourism uses, including limited accommodation, that promote the enjoyment, education or activities related to the farm operation.

Agriculture-related Use

shall mean farm related commercial and farm-related industrial uses that are directly related to farm operations

in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

Alter

When used in reference to a building or structure or part thereof, shall mean to change the use or the external dimensions of such building or structure or to change the type of construction of the exterior walls or roof thereof.

When used in reference to a lot, the word "alter" shall mean to change the area frontage, or depth thereof, to change the width, depth, or area of any required yard, setback, landscaped open space, or parking area, or to change the location of any boundary of such lot with respect to a road or lane, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise. The words "altered" or "alteration" shall have corresponding meanings.

Animal Hospital or Veterinary Clinic

shall mean a building wherein animals, birds, and other livestock are examined and/or surgically or medically treated or kept under the care of one or more license veterinarians and associated staff.

Approved

shall mean approved by the Council of the Corporation of the Municipality of Conmee.

Archaeological Resources

shall include artifacts, archaeological sites, marine archaeological sites, as defined under the *Ontario Heritage Act*. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

Areas of Archaeological Potential

shall mean areas with the likelihood to contain archaeological resources. Criteria to identify archaeological potential are established by the Province. The *Ontario Heritage Act* requires archaeological potential to be confirmed by a licensed archaeologist.

Areas of Mineral Potential

shall mean areas favourable to the discovery of mineral deposits due to geology, the presence of known mineral deposits or other technical evidence.

Areas of Natural and Scientific Interest (ANSI)

shall mean areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

Assembly Hall

shall mean a building or part thereof in which facilities are provided for such purposes as meetings for civic, educational, political, recreational, religious or social purposes, and with limiting the generality of the foregoing may include such facilities as an auditorium, a banquet hall or private club.

Attached

shall mean a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.

Auction Establishment

shall mean the offering for sale of new and used goods by means of request or invitation for bids, includes a livestock auction sales barn and vehicle or liquidation auction.

Automobile Body Shop

shall mean an establishment where motor vehicle bodies, exteriors or undercarriages are painted or repaired. Accessory uses may include a towing service and the rental of motor vehicles to customers whose motor vehicles are being repaired. This definition shall not include a salvage yard as defined herein.

Automobile Dealership

shall mean a place where new or used passenger or family vehicles such as cars, vans, motorcycles and trucks, are leased, rented, sold or auctioned at retail. Accessory uses may include enclosed and/or exterior showroom and areas for display; car wash; automobile service; automotive parts sales/distribution; automobile body and structural work and painting; storage and parking areas for vehicles which are for lease, rent, sale or auction and for those being serviced by the dealership; office space; and restricted eating establishment.

Automotive Gas Bar

shall mean the use of land, or building, or structure where vehicle fuel (not including propane), or lubricants, are offered for sale but where no provision is made for the repair or maintenance of vehicles. For the purpose of this definition, the sale of associated sundry items and the sale of prepared foods for consumption off the premises may be allowed in conjunction therewith, provided the gross floor area devoted to the sale of such sundry items and prepared foods does not exceed 10.0 square metres.

Automobile Service Station

shall mean a building where gasoline, propane, diesel fuel or oil is kept for sale including alternative sources of fuel or electrical charging stations, where only minor or emergency repairs essential to the actual operation of motor vehicles may also be performed, where grease, anti-freeze, tires, spark plugs and other automobile accessories may be sold incidentally, and where motor vehicles may also be oiled, greased, or washed, but where no other activities of a commercial garage are carried on.

Automotive Store

shall mean an establishment primarily engaged in the retail sale of vehicle parts, accessories and tools. Accessory uses may include service bays for performing maintenance and repair operations on motor vehicles. This definition shall not include any establishment otherwise defined herein or specifically named elsewhere in this By-law.

Basement

shall mean that portion of a building between two floor levels which is more than 50 percent below the ground level at the exterior walls.

Batching Plant, Asphalt or Concrete

shall mean an industrial facility used for the production of asphalt or concrete, or asphalt or concrete products, used in building or construction, and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the productions process or of finished products manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sale of finished asphalt or concrete products.

Bed and Breakfast

shall mean a dwelling unit, situated in a single-detached, semi-detached or duplex dwelling, in which not more than three bedrooms, or one less than the total number of bedrooms in the dwelling unit, whichever is the lesser, are used to provide overnight accommodation, for profit or gain, with or without meals, to the travelling or vacationing public.

Boarding and Rooming House

shall mean any building or portion thereof in which the proprietor resides and supplies for hire or gain to more than two persons, exclusive of the lessee or owner thereof or members of his family, lodging, and/or meals, and excluding a hotel, motel, hospital, home for the young or the aged, institution, or restaurant accommodating the general public.

Brownfield Site

shall mean undeveloped or previously developed properties that may be contaminated which are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

Building

shall mean any structure, consisting of walls and a roof, which is used for shelter, accommodation or enclosure of persons, animals, equipment, goods and/or materials.

Building Area

shall mean the area of the lot within which permitted buildings or other structures may be erected, used and maintained and shall be calculated by deducting all appropriate yard areas and setbacks from the gross lot area.

Building, Main

means the building which contains the principal use of the lot on which such building is located. In any residential zone a dwelling shall be deemed to be a main building on the lot on which it is located.

Built Heritage Resource

shall mean a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. Built heritage resources are located on property that may be designated under Parts IV or V of the *Ontario Heritage Act*, or that may be included on local, provincial, federal and/or international registers.

Bulk Sales Establishment

shall mean the use of land, structure or building for the purpose of storing, buying and selling coal, fuel, oil, propane, wood, lumber, building materials, ice, and allied commodities but does not include any manufacturing, assembling, or processing uses.

Campground

shall mean an area used for a range of overnight camping experiences, including but not limited to tents, yurts, and serviced trailer sites, and includes accessory facilities which support the use, such as administration offices, laundry facilities, but not including the use of mobile homes or trailers on a permanent year-round basis.

Cannabis Production Facility

shall mean a facility used for the cultivation, production, processing, testing, destruction, packaging, and/or shipping of cannabis and cannabis-based products.

Carport

shall mean a portion of a dwelling which is a roofed enclosure designed for the storage of a motor vehicle with at least 40 percent of the total perimeter open and unobstructed. For the purposes of this definition, perimeter includes the main wall of the dwelling to which such carport is attached.

Cemetery

shall mean land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried. "Cemetery" may include a structure for the purpose of the cremation of human remains and may include facilities for storing ashes of human remains that have been cremated or the interment of the dead in sealed crypts or compartments.

Commercial Use

shall mean the use of land, structure or building for the purposes of buying and/or selling commodities and supplying services, as distinguished from such uses as manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar uses.

Commercial Entertainment and Recreation Establishment

means an entertainment facility such as a theatre, bowling alley, billiard room or similar facility where entertainment is provided for a fee.

Commercial Floor Space

shall mean the sum of the areas of all floors of a building or part thereof used for commercial purposes, measured between the internal faces of the exterior walls, excluding the furnace room, laundry room or washroom, stairwell or elevator shaft or any area designated or used permanently for storage space.

Community Centre

means a multi-purpose facility that offers a variety of programs of a recreational, cultural, day care, social,

community service, informational or instructional nature, and may include, as a portion of it, a medical facility.

Community Garden

shall mean a garden, which may be rented by individuals or groups, for the growing of plants, including vegetables, fruits, grains, flowers or herbs, and which is intended to provide communal benefits to the caretakers of the garden.

Condominium

shall mean a building in which each individual unit is held in separate private ownership and all floor space, facilities and outdoor areas used in common by all tenants are owned, administered and maintained by a corporation created pursuant to the provisions of the appropriate statute.

Conservation

shall mean the identification, management, protection and improvement of the components of the natural environment through a comprehensive management and maintenance program administered for individual or public use.

Conservation and Wildlife Sanctuary

shall mean land left in its natural state for the purpose of providing sanctuary, habitat and breeding grounds for wild birds, animals and plant life and includes a forest reserve.

Contractors' Yard

shall mean a yard of any general contractor or builder where equipment and materials are stored, or where a contractor performs shop or assembly work, but does not include any other yard or establishment otherwise defined or classified herein.

Convenience Store

shall mean a retail store where a range of day-to-day items such as newspapers, confections, food, and other such household items are sold in small quantities.

Cottage

shall have the meaning attributed to it in the definition Dwelling, Seasonal.

Council

shall mean the Council of the Corporation of the Municipality of Conmee.

Coverage

shall mean the combined area of all buildings or structures on the lot measured at the level of the lowest storey above grade, including all porches and verandahs open or covered, but not including an outdoor swimming pool, open or unenclosed terraces and patios at grade, steps, cornices, eaves, bay windows and similar projections and open parking areas.

Crisis Care Facility/Residence Centre

shall mean a residence that is licensed or funded by the government for the short term (averaging one month

or less) accommodation of three (3) to ten (10) persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition, or legal status, require a group living arrangement for their well-being.

Day Care Centre

shall mean an agency or institution offering or supplying group care to children who have not the same parentage, for a portion or all of a day and on a regular schedule more often than once a week, and shall not include a licensed or unlicensed home child care service.

Development

shall mean the creation of a new lot, a change in land use, or the alteration and/or construction of buildings and structures requiring approval under the Planning Act, but does not include:

- a) Activities that create or maintain infrastructure authorized under an environmental assessment process; or
- b) Works subject to the Drainage Act; or
- c) Underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential where advanced exploration has the same meaning as under the Mining Act.

Dormitory or Student Residence

shall mean a building occupied or designed to be occupied exclusively as a residence or sleeping place by one or more persons attending a school, educational or training centre, and recognized officially by that school, educational or training centre.

Dwelling

shall mean a building, occupied or designed to be occupied exclusively as a home, residence or sleeping place by one or more persons, but shall not include hotels, boarding houses, rooming houses, motels, institutions or mobile dwellings, unless otherwise specified.

Dwelling, Accessory

shall mean a secondary dwelling on a lot in addition to a primary dwelling, and may include an Accessory Apartment, Garden Suite, or a Secondary Suite.

Dwelling, ~~Secondary~~ Additional

shall mean an additional separate dwelling unit subsidiary to ~~and located in the same building as~~ an associated principal dwelling unit. ~~An Additional Dwelling unit may be located in the same building as the principal dwelling unit or ancillary to the principal dwelling unit.~~

Dwelling, Apartment

shall mean a building that contains four or more dwelling units, which have one or more common entrances from ground level and are served by a common corridor, and the occupants of which units have the right to use in common the corridors, stairs, elevators, or yards.

Dwelling, Duplex

shall mean a residential use building containing two principal dwelling units that are divided horizontally.

Dwelling, Modular

shall mean a dwelling unit prefabricated in one location in accordance with CSA A277 and moved onto a lot to be used as a dwelling unit, and shall include dwellings constructed with shipping containers that are compliant with Ontario Building Code, but shall not include a mobile dwelling.

Dwelling, Mobile

shall mean a factory-built dwelling unit designed as one dwelling unit, transported or designed to be transported on its own chassis, notwithstanding that its running gear is, nor may be, removed, placed, or designed to be placed on a permanent foundation, and connected or designed to be connected to public or private services, constructed in accordance with CSA Z240 or Z241, but shall not include a modular dwelling or travel trailer.

Dwelling, Multi-Unit

shall mean a dwelling designed, intended or used for occupancy by two to three households, living independently of each other in individual dwelling units, but excludes any other dwelling as may be defined herein.

Dwelling, Seasonal

shall mean a single-detached dwelling used exclusively for recreation, rest or relaxation from time-to-time, throughout any season of the year, by any person or persons, but not used or intended to be used continuously in excess of five months or as a permanent residence.

Dwelling, Semi-Detached

shall mean a building that is divided vertically into two dwelling units, each of which has an independent entrance, whether direct or through a common vestibule, and which has no direct access between the units.

Dwelling, Single-Detached

shall mean one dwelling unit which is freestanding and detached from other main buildings or structures on a lot and shall include a modular dwelling but shall not include a mobile dwelling.

Dwelling Unit

shall mean one or more habitable rooms occupied or designated to be occupied by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the use of such individual or individuals with a private entrance from outside the building or from a common hallway or stairway inside the building.

Easement

shall have the meaning attributed to it in the definition of Right-of-Way.

Environmental Protection Areas

shall include significant river valley corridors, shorelines, wildlife and fish habitat as classified by the Ministry of

Northern Development, Mines, Natural Resources and Forestry. Such areas are sensitive natural areas which serve as important habitat and migration routes for fish and wildlife.

Erect

includes build, construct, reconstruct, place, alter, enlarge and relocate and without limiting the generality of the foregoing, is taken to include any associated physical operation such as excavating, grading, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

Existing

shall mean existing as of the date of the final passing of this By-Law.

Family

shall mean an individual or group of persons, who occupy a dwelling unit and who live together as a single non-profit housekeeping unit and which may include not more than two persons who receive their lodging or board, or both, or other domestic services for compensation.

Farm Market

shall mean a building in which farm produce comprises the major portion of goods offered or kept for sale directly to the public at retail value.

Farmer's Market

shall mean an establishment or premises where the farm products of a local farming community, or other products, are sold at retail by small-scale vendors.

Fence

shall mean a wall (other than the wall of a building), gate or other barrier constructed of wood, masonry, metal or combination thereof, which may be continuous throughout its entire length, save and except where access areas and lines of sight are required for safety purposes.

Fill

shall mean sand, gravel, earth or other materials of any composition whatsoever placed or deposited by humans.

Floodproofing

shall mean a combination of structural changes and/or adjustments incorporated into the basic design and/or construction or alteration of individual buildings, structures or properties subject to flooding so as to reduce or eliminate flood damages.

Floor Area

means, with reference to a building, the total habitable area within a building measured between the interior faces of the exterior walls or from the interior faces of common or party walls, but excluding any garage, breezeway, porch, verandah, balcony, sun room, attic, cellar or basement, unless such sunroom or enclosed porch is an integral part of the building and habitable in all seasons.

Forestry Use

means the general raising, harvesting and storage of wood and wood products and without limiting the generality of the foregoing shall include the raising, harvesting and storage of fuelwood, pulpwood, lumber, Christmas trees and other forest products, but does not include the processing of forest products.

Garage, Private

shall mean a building or portion of a building designed for the storage of private passenger motor vehicles wherein no service for profit is rendered; and where such structure is attached to the main building, it shall be deemed to be part of the main building and not an accessory building.

Garden Centre

Shall mean land, building, structure or part thereof or an outdoor area primarily used for the retail sale of gardening equipment, landscaping products and planting materials.

Garden Suite

shall mean a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

Government Offices

shall mean a municipal office, court house, registry office, health and welfare centre, employment office, post office, or other office uses for the purpose of local or other government administration.

Grade

shall mean the average level of finished surface of the ground adjacent to the exterior walls of the building or structure.

Gravel Pit

shall mean an open land area where sand, gravel and rock fragments are mined or excavated for sale or off-tract use.

Greenhouse

shall mean a building used primarily to raise and store trees, shrubs, flowers, and other plants for sale or for transplanting.

Ground Floor Area

shall mean the total habitable area of the lowest storey of a building or structure, measured between the interior faces of the exterior walls or from the interior faces of common or party walls, but excluding any garage, breezeway, porch, verandah, balcony, sun room, attic, cellar or basement, unless such sunroom or enclosed porch is an integral part of the building and habitable in all seasons.

Group Home

shall mean a dwelling licensed or funded under a federal or provincial statute for the accommodation of three

(3) to ten (10) persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social, legal, or physical condition, require a group living arrangement for their wellbeing.

Habitable

shall mean designed for living, sleeping, eating or food preparation.

Hazard Lands

shall mean lands within the ~~Regulated Area (LRCA) overlay~~ Environmental Protection (EP) Zone which are or may be inappropriate for development by reason of having inherent or natural environmental hazards such as susceptibility to flood or erosion, poor drainage, organic soils, steep slopes, mine tailings, hazardous sites or any physical condition or limitation and which, if developed, may lead to the deterioration or degradation of the environment or cause property damage, social disruption or loss of life.

Height

shall mean, when used with reference to a building, the vertical distance between the average elevation of the finished surface of the ground at the front of the building and the highest point of the roof, exclusive of any roof construction used only as ornament or for the mechanical operation of the building, including a penthouse, chimney, tower, cupola or steeple.

Highway

shall have the same meaning as "road."

Highway Commercial Use

shall mean commercial uses which rely on automobile or truck traffic, and the tourist population.

Home Industry

shall mean an occupation which is carried on within an accessory building or private garage that results in a product or service, which is characterized by a light industrial use, and which is clearly secondary to the principal residential use of the lot on which the home industry is located.

Home Occupation

shall mean the accessory use of part of a dwelling or accessory building for an occupation, business, or professional activity that results in a product or service and which is clearly secondary to the main use of the dwelling unit, and includes a licensed or unlicensed home child care service, but does not include a home industry.

Hotel

shall mean lands, buildings or structures used or intended to be used for the purposes of supplying temporary living accommodation, or no less than 6 bedrooms, to the public, for a fee, and may include a restaurant, convention and banquet facilities and one accessory dwelling unit for the owner or operator of the hotel and includes all such establishments as defined by the *Hotel Registration of Guests Act*.

Industrial Use

shall mean the use of land, buildings or structures for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing, or bulk storage of goods and related accessory uses, but excluding retail sale on the premises.

Industrial, Light

shall mean any industrial use that manufactures, processes, assembles, packages, or repairs products from previously prepared materials, finished parts or finished products.

Industrial, Heavy

shall mean an industrial use which by reason of the process involved or the method of manufacture or the nature of the material or goods used, produced, or stored is likely to cause by reason of gas or fumes, dust, objectionable odour, noise or vibration, or unsightly storage of goods, wares, merchandise, salvage, junk, waste or other material, a condition which prejudices the character of the neighbourhood or interferes with or may interfere with the normal enjoyment of any land, building or structure.

Institutional Use

shall mean the use of land, buildings, or other structures for some public or social purposes and may include governmental, religious, educational, charitable, philanthropic, hospital or other similar uses.

Kennel

shall mean a building(s) or structure(s) where more than four domestic animals, excluding livestock, are kept, bred or raised for profit or gain.

Landscaping

shall mean any combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land and is an area which is not to be built upon.

Lane

shall mean a public thoroughfare which affords only a secondary means of access to abutting lots and which is not intended for general traffic circulation.

Livestock

shall mean horses, cattle, sheep, swine, goats, poultry, fox, mink, rabbits or other such animals raised or kept on a farm or ranch.

Loading Space

shall mean a space or bay located on a lot which is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading goods, merchandise or materials used in connection with the main use of the lot or any building thereon, and which has unobstructed access to a road or lane.

Lot

shall mean a parcel or tract of land which is capable of being legally conveyed in accordance with the *Planning Act*, as amended or revised from time to time.

Lot Area

means the total horizontal area within the lot lines of a lot, excluding the horizontal area of any flood plain or marsh located on such lot.

Lot, Corner

shall mean a lot situated at the intersection of, or abutting upon, two or more roads, provided that the angle of intersection of such roads is not more than 135 degrees and each of which is at least 10 metres wide.

Lot Coverage

means that percentage of the lot area covered by buildings and structures, including accessory building and structures as measured at the level of the grade.

Lot Depth

shall mean the horizontal distance between the midpoints of the front and rear lot lines. Where there is no rear lot line, lot depth means the horizontal distance between the midpoint of the front lot line and the apex of the triangle formed by the side lot lines.

Lot Frontage

shall mean the minimum straight line horizontal distance between the intersection of the side lot lines and the front lot line. Where the side lot lines are not parallel, it shall be the width of a lot measured between the intersections of the side lot lines with a line 6 metres back from and parallel to the front lot line. Where the side lot lines are curved, the lot frontage shall be measured along the line between the interior side lot line and the intersection of the tangents to the road lines, drawn through the extremities of the front lot line and exterior side lot line.

Lot, Interior

shall mean a lot other than a corner lot which is situated between adjacent lots and has access to one road.

Lot Line, Front

shall mean the boundary lines of a lot defined as follows:

- a. In the case of an interior lot, the lot line dividing the lot from the road;
- b. in the case of a corner lot, the shorter lot line abutting a road, unless each lot line is of equal length, in which case the front lot line shall be the lot line where the principal access to the lot is provided;
- c. in the case of a through lot, the front lot line shall be the lot line where the principal access to the lot is provided;

Lot Line, Rear

shall mean the lot line farthest from and opposite to the front lot line.

Lot Line, Side

shall mean a lot line other than a front or rear lot line.

Lot, Through

shall mean a lot bounded on two opposite sides by roads each of which is at least 10 metres wide, provided, however, that if any lot qualifies as being both a corner lot and through lot, such lot shall be conclusively deemed to be a corner lot.

Lot Width

shall mean the distance between the side lot lines measured perpendicular to the mid-point of a line joining the mid-point of the front lot line and the mid-point of the rear lot line. When no rear lot line exists, "lot width" means the distance between the side lot lines measured perpendicular to the mid-point of a line joining the mid-point of the front lot line and the apex of the triangle formed by the side lot lines. Where the side lot lines are not parallel, the lot width shall be measured at that point from the front lot line which is equal to the required front yard depth of the zone in which the lot is situated.

Main Building

shall mean the building or structure in which is conducted the principal use for which the lot is used.

Major Facilities

shall mean facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

Major Goods Movement Facilities and Corridors

shall mean transportation facilities and corridors associated with the inter- and intra-provincial movement of goods. Examples include: inter-modal facilities, ports, airports, rail facilities, truck terminals, freight corridors, freight facilities, and haul routes and primary transportation corridors used for the movement of goods. Approaches that are freight supportive may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

Medical Clinic

shall mean a building or structure or part thereof that is used or intended for use by physicians, dentists, chiropractors and/or drugless practitioners, or any one or more of them, as well as their staff and patients, for the purpose of consultation, diagnosis and office treatment.

Merchandise Repair Establishment

shall mean a building or part thereof, wherein articles or goods, other than vehicles or industrial toolage, are repaired or serviced, or where replacement parts for such articles or goods are offered for sale.

Mine Hazard

shall mean any feature of a mine as defined under the *Mining Act*, or any related disturbance of the ground that has not been rehabilitated.

Mineral Aggregate Operation

shall mean:

- a) lands under license or permit, other than for wayside pits and quarries, issued in accordance with the Aggregate Resources Act;
- b) for lands not designated under the Aggregate Resources Act, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
- c) associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

Mineral Aggregate Resources

See "Aggregate" definition.

Mineral Extraction

shall mean land including accessory buildings and structures used for the removal, refinement and/or processing of sand, gravel, stone or other aggregate resources and includes an asphalt plant, a borrow pit, a concrete plant, a gravel pit and a stone quarry.

Mineral Mining Operation

shall mean a mining operation and associated facilities, or, a formerly producing mine with remaining mineral development potential that has not been permanently rehabilitated to another use.

Natural Buffer Area

shall mean an area of land left in its natural state without the cutting of trees or vegetation, and without disturbances of any kind.

Non-Complying

shall mean a permitted use, building or structure which is existing but does not meet, comply or agree with the regulations of this By-Law, in which such building, structure, or use is located.

Non-Conforming

shall mean a use, building or structure which is existing at the time this By-Law is passed by Council, but which is not permitted in the zone in which it is located.

Office

means a building or part thereof designed, intended, or used for the practice of a profession, the conduct of business or public administration or, where not conducted on the same lot therewith, administration or

accounting in connection with an industry.

On-farm Diversified uses

shall mean uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agritourism uses, and uses that produce value added agricultural products. Ground-mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses.

Open Space

shall mean a park or recreation area controlled or owned by a public authority and normally open for public use.

Open Storage

shall mean the storage of goods, merchandise or equipment in the open air and in unenclosed portions of buildings which are open to the air on one or more sides.

Park

shall mean an area permanently devoted to recreational uses and generally characterized by its natural, historic or landscaped features and used for both passive and active forms of recreation designed to serve the resident of a neighbourhood or community, and may be owned or operated by a public entity.

Parking Lot, or Parking Area

shall mean an area for the temporary parking of vehicles and may include aisles, parking spaces and related entrance and exit lanes, but shall not include any part of a road.

Parking Space

shall mean an area of a size established through this By-law, enclosed in a building, or unenclosed, and set aside for the temporary storage of a vehicle, but shall not include driveways or aisles.

Person

shall mean any human being, any association, partnership, corporation, municipal corporation, agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

Personal Service Shop

shall mean a building or part thereof, wherein a personal service is performed, including, but not so as to limit the generality of the foregoing, a barber shop, a beauty salon, a shoe repair, a dry cleaning depot, a laundromat, a tailor's or dressmaking shop and photographic studio, but does not include a massage or body-rub parlour or any adult entertainment parlour as defined in the *Municipal Act*, as amended from time to time.

Pit

shall mean a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation, and includes the processing thereof for commercial purposes, including screening, sorting, washing, crushing, and other similar operations, together with required

buildings and structures.

Place of Worship

shall mean a building dedicated to religious worship and may include a church hall, church auditorium, Sunday School, parish hall and church day nursery, and may include one dwelling unit accessory to the principal use.

Portable Asphalt Plant

shall mean a facility:

- a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and,
- b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

Portable Concrete Plant

shall mean a building or structure:

- a) with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

Private Club

shall mean a building and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Public Authority

shall mean any Federal or Provincial agency, school board, public utility commission, transportation commission, public library board, board or parks management, board of health, board of commissioners of police, planning board or other board or commission or committee or local authority established or exercising any power or authority under any general or special statute of Ontario or Canada with respect to any of the affairs or purposes of the Township or any portion thereof, and includes any committee or local authority established by By-Law of the Township.

Public Use or Facility

means a building, structure, or equipment owned and/or operated by the Township, any Ministry or Commission of Her Majesty in right of Ontario or Canada, any telecommunications company, or natural gas company or any railway company authorized under the Railway Act for any essential physical service within the community, and includes telephone, hydro, gas, water, sanitary sewer or storm sewers any and all equipment and appurtenances normally associated therewith, but shall not include offices, storage yards, maintenance facilities or warehouses.

Public Services

shall mean the buildings, structures and other related works necessary for supplying water, gas, oil, electricity, steam, hot water, telephone services, telecommunication services, sewage collection and treatment facilities and other services provided by a public authority.

Rail Facilities

shall mean rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future rail facilities.

Recreational Use

shall mean the use of land, building and/or structure for outdoor leisure and sporting purposes and for purposes of enjoyment of the natural environment and activities relating thereto, which may include uses such as boating, camping, canoeing, hunting, fishing, snowmobiling and swimming.

Recreational Facilities

shall mean land, structures and equipment for outdoor and indoor sports and games, but does not include a shooting gallery or rifle, pistol, skeet or trap club, an automobile race track or commercial amusement park or theatre.

Redevelopment

shall mean the removal of buildings or structures from land and the construction or erection of other buildings or structures therein.

Renovation

shall mean the repair, strengthening or restoration of a building to a safe condition, but does not include its replacement.

Residential Use

shall mean the use of a building or structure or parts thereof as a dwelling.

Residential Care Facility

shall mean an establishment providing supervised or supportive in-house care for those who need assistance with daily living, that may also provide on-going medical or nursing care or counselling and social support services and which may include services such as medical, counselling, and personal services

Resort

shall mean a tourist establishment that provides accommodation throughout all or part of the year and that has facilities for serving meals and furnishes equipment, supplies or services to persons in connection with angling, hunting, camping or recreational purposes.

Resource Management Use

shall mean the preservation, protection, and improvement of the natural environment through comprehensive management and maintenance for both the individual and society's uses, both in the present and the future.

Resource Management Use also means the management, development and cultivation of timber resources to ensure the continuous production of wood or wood products, the provision of proper environmental conditions for wildlife, the protection against floods and erosion, the protection and production of water supplies and the preservation of the recreational resource.

Restaurant

shall mean a building or part thereof where food is prepared and offered or kept for retail sale to the public for immediate consumption either on or off the premises.

Retail Store

shall mean a building or part of a building where goods, wares, merchandise, articles or things are offered or kept for sale at retail or rental and includes a bank or financial institution.

Right-of-Way, or Easement

shall mean any right, liberty or privilege in, over, along or under land which a person, the public or a corporation or another entity may have with respect to any land in the Township.

Road

shall mean public highway or public road under the jurisdiction of either the Township or the Province of Ontario, used for vehicular and pedestrian travel, including the entire area within the right-of-way, with or without provision made for curbs, sidewalks and paved gutters, but shall not include a lane or private right-of-way.

Salvage Yard

shall mean a lot, building or structure used for wrecking, dismantling, storing or selling used goods, wares or material, including, but not limited to, rags, bottles, metals, clothing, furniture, paper, machinery, building materials, vehicles and parts thereof.

Sawmill Complex

shall mean buildings, kilns, studmills, planermills, and other manufacturing facilities, indoor and outdoor storage facilities or area for raw materials, logs, chips, and finished lumber or other manufactured products, outdoor storage facilities or areas of waste products such as bark, steam or other power plants, parking, repair and storage facilities for trucks and other necessary vehicles and equipment, and any structures appurtenant to the foregoing.

School

shall mean any school established and maintained by the local educational authority or any other authority recognized under Provincial legislation.

Seasonal Residential

shall mean the same as defined in "Dwelling, Seasonal" herein.

Sensitive Land Uses

shall mean buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples include: residences, day care centres, and educational and health facilities.

Service Shop

means any building or part thereof where appliances, equipment and machinery are sold, service or repaired and includes building trades establishments but excludes any manufacturing processing or wholesaling.

Setback

shall mean the horizontal distance between the nearest part of any main wall of any building or structure and the centre line of a street allowance measured at right angles to such centre line.

Shopping Centre

shall mean a building or group of buildings planned, designed, developed or managed as a unit, having off-road parking provided on the same lot, and which building or buildings contain one or more retail stores, services, and offices.

Sign

shall mean any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however that the following shall not be included in the application of the regulations herein:

- a) Signs not exceeding one square foot in area and bearing only property numbers, postbox numbers, names of occupants of premises, or other identification of premises not having commercial connotation;
- b) Flags and insignia of any government except when displayed in commercial promotion;
- c) Legal notices;
- d) Identification, informational, or directional signs erected or required by government bodies;
- e) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights; and
- f) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Stable or Riding Academy

shall mean a commercial or educational establishment where horses are housed or boarded and are available for riding, riding instruction, agility training or jumping.

Storey

shall mean that portion of a building:

- a) which is situated between the surface of any floor and the surface of the floor next above it and if there is no floor above it, that portion between the surface of any floor and the ceiling above it, and,

- b) which is more than 50 percent above the average finished grade, and,
- c) which has a height of not less than 2 metres and includes an attic having not less than 2 metres headroom for at least 50 percent of the attic floor area.

Structure

shall mean anything that is erected, built or constructed of parts joined together and which is fixed to, or supported by, the soil but not a terrace, patio, sign, boundary wall, light standard, fence, deck or vehicle.

Top of Bank

shall mean the points closest to the natural boundary of a watercourse where a break in the slope of the land occurs such that the grade beyond the break is flatter than 3:1 for a minimum of 15 metres measured perpendicularly from the watercourse.

Tower

shall mean a structure situated on a non-residential site that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for dispatch communications.

Township

means the Corporation of the Municipality of Conmee.

Toxic or Noxious Substance

shall mean any solid, liquid, or gaseous matter, including but not limited to gases, vapours, dusts, fumes, and mists containing properties which by chemical means are inherently harmful and likely to destroy life and impair health, or capable of causing injury to the well-being of persons or damage to property.

Trail System

shall mean an area used for hiking, horseback riding, cross-country skiing or other similar forms of non-motorized recreational travel.

Trailer

shall mean any vehicle so constructed that it is suitable for being attached to or carried on a motor vehicle for the purpose of being drawn or propelled by its own motive power, and capable of being used for living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked up or in a state not ready for travel. A trailer, by this definition is intended for recreational or seasonal use, not for permanent year-round residence and shall not include a mobile dwelling.

Transmission Tower

shall mean a structure, over 20 metres in height, designed and erected for the purpose of transporting or carrying hydro electric power in quantities equal to, or greater than, 100,000 volts.

Trucking or Transport Depot

shall mean a building, structure or place where trucks or tractor trailers are rented, leased, kept for hire, or

stored or parked for remuneration, or from which trucks or transports, stored or parked on the property, are dispatched for hire as common carriers, and which may include a bonded or sufferance warehouse.

Use

when used as a noun, shall mean the purpose for which a lot or building or structure or any combination thereof is designed, arranged, occupied or maintained. When used as a verb, "use" shall mean to put to such purpose. For the purposes of this By-law, a use shall not include electricity transmission and distribution systems, pipelines, and other corridor infrastructure.

Utility

shall mean any public or private system, works, plant, building, equipment, or services that are provided to or for the use of the general public, including but not limited to telephone, electric power, public water supply or sewage services, and includes a Utility Building.

Vehicle

includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, motorized snow vehicle and any vehicle drawn, propelled or driven by any kind of power.

Waste Disposal Facility

means a facility providing for the long-term storage or destruction of Township solid waste.

Watercourse

shall mean any natural or manmade depression with well-defined banks and a bed below the surrounding land serving to give direction to a current of water either continuously or intermittently and having a drainage area of at least 2 square kilometres.

Watershed

shall mean an area that is drained by a river and its tributaries.

Warehouse

shall mean a building used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet, but shall not include facilities for a truck or transport terminal or yard.

Wayside Pit or Quarry

shall mean a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

Wetlands

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

used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

Yard

shall mean an open area of land on the same lot with a main building or structure, unoccupied and unobstructed except as otherwise provided or required by this By-Law and located between the main wall of the main building and one of the lot lines of the said lot.

- a) "Yard, Front" means a yard extending across the full width of the lot between the front lot line and the nearest main wall of the main building on such lot.
- b) "Yard, Rear" means a yard extending across the full width of the lot between the rear lot line and the nearest main wall of the main building on such lot.
- c) "Yard, Exterior Side" means a yard extending from the front yard to the rear yard and from a side lot line abutting a road on a corner lot to the nearest point of any building or structure on the lot or the nearest open storage use on the line.
- d) "Yard, Interior Side" means a yard extending from the front yard to the rear yard and from a side lot line which does not abut a road to the nearest point of any building or structure on the lot or the nearest open storage use on the lot.
- e) "Yard, Required" shall mean the minimum yard required by the regulations of this By-Law, irrespective of the location of any main wall.

Zone

shall mean a portion of the Township within which certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited, or within which certain yards and other spaces are required or within which certain lot areas are established, or within which certain height limits are prescribed for buildings, or within which a combination of such aforesaid regulations shall apply, all as set forth and specified in this By-Law. Zone shall also mean a designated area of land use shown on a Schedule to this By-Law.

3.0 Zones and Zoning Map

3.1 Establishment of Zones

- 1) For the purposes of this By-Law, the maps hereto annexed as Schedules "A" and "B" shall be referred to as the "Zoning Maps of the Township of Conmee" and the said zoning maps shall be divided into the following zones:

Zone	Symbol
Rural Zone	RU
Commercial Zone	C
Mobile Home Park Zone	MH
Institutional Zone	I
General Industrial Zone	GI
Mineral Aggregate Zone	MA
Parks and Open Space Zone	OS
Environmental Protection	EP

3.2 Use of Zone Symbols

- 1) The symbols listed in Section 3.1 shall be used to refer to land, buildings, and structures and the uses thereof permitted by this By-Law in the said zones.
- 2) Wherever in this By-Law the word "Zone" is used, preceded by any of the said symbols, such zones shall mean any area within the Township of Conmee delineated on the zoning maps and designated therein by the said symbol.
- 3) Where the zone symbol designating certain lands as shown on the zoning maps is followed by a dash and a number (RU-1 for example), the special provisions may be found in reference to that part of the By-Law which deals with the particular zone.
- 4) Lands zoned as such shall be subject to all regulations of the zone, except as otherwise provided by the special provisions.

3.3 Interpretation of Zone Boundaries

- 1) Where any uncertainty exists as to the location of the boundary of any of the said zones as shown on the zoning maps, the following shall apply:
 - a. Unless otherwise shown, the boundary of the zones as shown on the zoning maps are the centre lines of the road allowance, or lot lines and the projection thereof.
 - b. Where zone boundaries are indicated as approximately following lot lines shown on a registered plan of subdivision, such lot lines shall be deemed to be the said boundary.

- c. Where zone boundaries are indicated approximately parallel to the line of any road and the distance from such road is not indicated, such zone boundaries shall be construed as being parallel to such road and the distance there from shall be determined by the use of the scale shown on the zoning maps.
- d. Unless otherwise indicated, a road, lane, right-of-way, or watercourse included on the zoning map is included within the zone of the adjoining property on either side thereof; and where such road, lane, right-of-way, or watercourse serves as a boundary between two or more different zones, a line midway in such road, lane, right-of-way, or watercourse and extending in the general direction of the long division thereof is considered the boundary between zones, unless specifically indicated otherwise.
- e. In the event a dedicated road, lane, or right-of-way shown on the map is closed, the property formerly in said road, lane, or right-of-way shall be included within the zone of the adjoining property on either side of the said closed road, lane, or right-of-way, and the zoning boundary shall be the former centre line of said closed road, lane, or right-of-way.
- f. Where any zone boundary is left uncertain after application of the preceding provisions, then the boundary line shall be determined to the scale on the zoning maps in the office of the Clerk.
- g. Wherever it occurs, the municipal limit of the Township of Conmee is the boundary of the zone adjacent to it.

4.0 General Zoning Provisions

4.1 Application

- 1) The provisions of this section apply in all Zones, except as otherwise indicated.

4.2 Accessory Uses

- 1) Accessory uses, building or structures, are permitted in any yard, in any zone, subject to the provisions of this By-Law for the particular zone in which said building, structure, or use is located.
- 2) Accessory uses, buildings or structure shall:
 - a. Not be used for human habitation, except where a residential use is a permitted accessory use;
 - b. Not be considered as an accessory building or structure if attached to the main building in any way;
 - c. Not be considered an accessory building or structure if located completely underground;
 - d. Not exceed the following height limits:
 - i. For industrial or agricultural uses: height limit requirements for the main building
 - ii. For all other uses: 4.5 metres in height, or the height of the main building, whichever is the lesser
 - e. Not exceed the following setbacks from property lines:
 - i. For industrial or agricultural uses: setback requirements for the main building;
 - ii. For accessory uses, buildings, or structures 3 metres in height or less: 6 metres;
 - iii. For all other accessory uses, buildings or structures: 10 metres
 - f. Not exceed the following lot coverage limits, which shall be included in the maximum lot coverage in the zone:
 - i. In the case of lots with an area of 2.0 hectares or less: 10 percent.
 - ii. In the case of lots with an area of 2.0 hectares or greater: 15 percent.

4.3 Accessory / Additional Dwelling Units

- 1) One ~~accessory and one~~ additional dwelling unit shall be permitted on a lot that permits a single-detached dwelling in the RU Zone, and shall comply with the following:
 - a. An additional dwelling shall not be erected on a lot that is occupied by a garden suite, bed and breakfast establishment, a group home, or a boarding house.
 - b. An ~~accessory~~ additional dwelling unit must comply with the applicable provisions of the Ontario Building Code.
 - c. A maximum of one ~~accessory~~ additional dwelling unit shall be permitted to be located within the primary single detached dwelling ~~or ancillary to the primary dwelling~~.
- 2) Accessory dwelling units in commercial buildings shall be subject to the following provisions:
 - a. No commercial building wherein gasoline, petroleum products or any other highly flammable, toxic, or explosive products are handled in quantity shall have attached dwelling units.
 - b. Where such dwelling units exist and the use of the commercial establishment changes to a use involving the aforementioned products, the said dwelling units shall cease to be occupied as dwelling units.

4.4 Automobile Service Stations

- 1) Notwithstanding any other provisions of this By-Law, where a lot is used for an automobile service station or gas bar, the following regulations shall apply:
 - a. The automobile service station or gas bar shall comply with the provisions established by this by-law.
 - b. No portion of any pump island shall be located closer than 6 metres from the road line of any road.
 - c. The minimum distance from the intersection of two road lines to the nearest driveway shall not be less than 9 metres;
 - d. The maximum width of a driveway at the road line shall not be more than 9 metres.
 - e. The minimum distance between driveways shall not be less than 9 metres.
- 2) Notwithstanding any other provisions of this By-Law, where a lot is used for a fuel supply station, the regulations of the Technical Standards and Safety Act shall apply.

4.5 Bed and Breakfasts

- 1) A bed and breakfast is permitted in a single-detached dwelling in any zone in which a single-detached dwelling is permitted as a primary use, in accordance with the following regulations:
 - a. The operation of a bed and breakfast shall be incidental and secondary to the main use as a dwelling unit;
 - b. The lot on which the bed and breakfast is proposed has frontage upon a road which is open and maintained by the Township, the Province of Ontario or another road authority;
 - c. The operation of a bed and breakfast shall not change the character or in any way alter the exterior appearance of the dwelling;
 - d. The bed and breakfast shall be operated only by a person or persons whose principal residence is the dwelling unit containing the bed and breakfast;
 - e. One parking space shall be provided for every two bedrooms used to provide accommodation to the travelling or vacationing public, in addition to the parking spaces required for the single-detached dwelling, in accordance with the following regulations:
 - i. Such parking space(s) shall have minimum rectangular dimensions of 2.4 metres by 6.0 metres;
 - ii. Such parking space(s) shall be located on the same lot as the bed and breakfast; and,
 - iii. Such parking space(s) may be located in tandem with the parking spaces required for the single-detached dwelling; and,
 - f. One non-illuminated identification sign with a maximum size of 1 square metre is permitted.

4.6 Buildings to be Moved

- 1) No building shall be moved to a lot within the Municipality without the owner first obtaining approval from the Township to relocate the building.

4.7 Commercial Accessory Uses

- 1) Notwithstanding any other provision of this By-Law, where a commercial use is permitted as an accessory use in an industrial zone, it shall be located within the main building or within 2.0 metres of the main building, shall not exceed 40 percent of the total floor area of the main building, and shall not exceed a maximum floor area of 278 square metres.

4.8 Dangerous Uses

- 1) No land, building or structure shall be used in the Township of Conmee for the industrial manufacture or distribution of coal oil, rock oil, fuel oil, burning fluid gas, naphtha, benzene, gasoline, dynamite, dualene, nitro-glycerine, gunpowder, petroleum products or other combustible or inflammable or liquid material which is likely to create danger to health, or danger from fire or explosion, except as otherwise specifically provided for in this By-Law.

4.9 Dwelling Unit Provisions

- 1) Where a dwelling unit is provided accessory to a non-residential use, a minimum of 18.5 square metres of open space shall be provided for the exclusive use of the occupant of the dwelling unit.
- 2) An open space provided under provision (1) shall not form part of any required parking area or loading space.
- 3) The floor area of all dwelling units shall be compliant with the Ontario Building Code, as amended.

4.10 Existing Vacant Lots

- 1) An existing vacant lot having less than the minimum frontage, depth or area required by this By-Law may be developed for all uses in the appropriate zone, provided:
 - a. All other regulations of this By-Law are satisfied;
 - b. Such lots are serviced by private well and septic systems that meet the requirements of the authority having jurisdiction; and,
 - c. Such lots have a minimum frontage of 12.0 metres on a road.

4.11 Group Homes and Crisis Care Facility

- 1) Group homes shall be permitted in all zones permitting residential uses, provided that they are provincially licensed.
- 2) The minimum floor area of a group home shall be 23.0 square metres, plus an additional 7.0 square metres for each resident, exclusive of staff or receiving family.

4.12 Height

- 1) The height regulations shall not apply to any ornamental dome, chimney, hydro towers, communications tower, storage silo, barn, cupola, steeple, church spire, water storage tank, elevator

enclosure, flag pole, television or radio antenna, ventilators, sky lights, windmills or solar collectors, and fire lookout towers.

4.13 Home Industries and Home Occupations

- 1) Where residential uses are permitted, a home occupation is permitted, and a home industry is permitted subject to a Zoning By-law Amendment, provided that:
 - a. The home occupation or home industry has at least one permanent resident of the dwelling unit engaged in the business;
 - b. In the case of a home occupation, a maximum of one staff person in addition to the permanent resident is employed therein;
 - c. In the case of a home industry, a maximum of three staff persons in addition to the permanent resident are employed therein;
 - d. Any signage shall have no impact on vehicular safety, including visibility or light pollution;
 - e. The home occupation or home industry shall not change the character of the dwelling as a private residence or create or become a nuisance due to such matters as noise, smell, hours of operation or traffic generation;
 - f. In the case of a home occupation, such operation shall not occupy more than 25 percent of the floor area of the dwelling unit;
 - g. In the case of a home industry, the business operation shall be conducted in whole or in part in an accessory building, except for the clerical and office functions of the home industry, which may be conducted in the dwelling unit; and,
 - h. Adequate off-road parking is provided with the provisions of this By-law.

4.14 Land Without Buildings

- 1) Where land is used for, or in connection with, any use but without any buildings or structures thereon, all yards required by the By-Law on a lot in the respective use zone shall be provided and maintained as yards and the applicable regulations shall apply.
- 2) Notwithstanding provision (1), gardening or open space uses permitted by this By-Law are permitted in required yards.

4.15 Loading Spaces

- 1) No person shall erect or use any building or structure in any commercial or industrial zone which involves the movement of goods, merchandise, or materials unless loading spaces are provided and maintained on the site in accordance with the following provisions:
 - a. One loading space shall be provided for every 278.0 square metres or fraction thereof of the total floor area;
 - b. Loading spaces shall have dimensions not less than 3.0 metres wide by 7.5 metres long; and,
 - c. Loading spaces shall not have less than 4.5 metres of vertical clearance.
- 2) Where loading spaces are required or permitted in this By-law, the following standards shall apply:
 - a. The loading space shall be accessed by adequate driveway space to permit the safe manoeuvring, loading, and unloading of vehicles on the lot, such that they do not cause an obstruction or a hazardous condition on adjacent road or sidewalks;

- b. The loading space features adequate drainage facilities, in accordance with requirements of the Township; and,
- c. Loading spaces are illuminated by lighting arranged as to be diverted away from any adjacent residential, institutional, or open space zone.

4.16 Main Building on a Lot

- 1) No person shall erect more than one dwelling unit on a lot unless specifically allowed in that Zone.
- 2) No person shall erect more than one main building on a lot except for:
 - a. Commercial and industrial buildings located in commercial and industrial zones; or,
 - b. Farm related buildings located on an active farm.

4.17 Minimum Distance Separation

- 1) Notwithstanding any other yard or setback provisions of this By-Law to the contrary, no residential, institutional, commercial, industrial, or recreational use located on a separate lot and otherwise permitted by this By-Law shall be established, and no building or structure for such use shall be erected or altered, unless it complies with the Minimum Distance Separation (MDS I) Formula established by the Province, as amended, and implemented under the guidelines established by the Province, as amended.
- 2) Notwithstanding any other yard or setback provision of this By-Law to the contrary, no livestock facility or manure storage facility shall be erected or expanded unless it complies with the Minimum Distance Separation (MDS II) Formula established by the Province, as amended, and implemented under the guidelines established by the Province, as amended.
- 3) Application of the Minimum Distance Separation (MDS I and MDS II) Formulae shall not be required between a livestock facility and a:
 - a. Dwelling or accessory building on the same lot;
 - b. Public utility;
 - c. Sewage treatment facility;
 - d. Waste disposal facility; or,
 - e. Pit.

4.18 Mobile Dwelling

- 1) A mobile dwelling shall only be permitted where specifically listed as permitted within the Mobile Home Park Zone, provided:
 - a. The mobile dwelling conforms to CSAb Z240 or Z421, and the Ontario Building Code;
 - b. A building permit has been obtained for placement at the proposed location.
- 2) New mobile dwelling parks shall not be permitted.

4.19 Multiple Uses

- 1) In any zone, where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is a conflict, the more restrictive zoning provisions shall apply.

4.20 Non-Complying Uses

- 1) Where an existing building is located on a lot having less than the minimum frontage or area required by this By-Law, or having less than the minimum setback, front yard, or rear yard required by this By-Law, the building may be enlarged, reconstructed, repaired or renovated, provided that the development or work does not further expand the degree of non-compliance.
- 2) Where any lot existing on the date of the passing of this By-Law is rendered non-complying due to expropriation or dedication for public use:
 - a. The lot shall be deemed to conform with this By-Law with respect to those provisions made non-complying by metric conversion, expropriation or dedication for public use.
 - b. The non-complying provisions shall not prevent the use of such lot, or the erection, alteration or use of a permanent building or structure thereupon, provided that:
 - i. The use of land remains the same, in accordance with all other provisions of this By-Law; and
 - ii. The degree of non-conformity is not increased.
- 3) No part of any existing lot shall be reduced in area or frontage by the conveyance or alienation of any portion of the lot, so as to create a situation of non-conformity or increase the degree of non-conformity with this By-Law.
- 4) Notwithstanding provision (3), where a lot is reduced in area or frontage through the conveyance or acquisition of part of the lot by the Public Authority, any building or structure located upon the lot shall be deemed to remain in conformity with this By-Law.

4.21 Non-Conforming Uses

- 1) The provisions of this By-Law shall not apply to prevent the use of any lot, building or structure for any purpose prohibited by this By-Law if such lot, building or structure was lawfully used for such purpose on the date of final passing of this By-Law.
- 2) The provisions of this By-law shall not apply to prevent the erection or use for the purpose prohibited by this By-Law of any building or structure, the plans for which have, prior to the date of the passing of the By-Law, been approved by the Township, provided:
 - a. The building or structure, when erected, is used and continues to be used for the purpose for which it was erected; and
 - b. The permit has not been revoked under the Building Code Act.

4.22 Non-Complying / Non-Conforming Uses: Strengthening and Restoration

- 1) Nothing in this By-Law shall prevent the strengthening or restoration to a safe condition of any use, provided, in the case of a non-complying use:
 - a. In the case of a building that is non-complying with provisions of this By-law, the strengthening or restoration activities do not further reduce a setback or yard not in compliance with the By-Law; and,
 - b. In the case of a use that is non-conforming with the provisions of this By-law, the strengthening or restoration activities do not enlarge a use not permitted by this By-Law.

4.23 Noxious Uses

- 1) Nothing in this By-Law shall be construed to permit the use of land or the erection or use of a building or structure for any purpose:
 - a. That is or is likely to become a nuisance or offensive:
 - i. By the creation of noise or vibrations; or
 - ii. By reason of the emission of gas, fumes, dust or objectionable odour; or
 - iii. By reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter or other such material.
 - b. Which, by its nature or by the materials used therein, is declared under the Public Health Act, as amended or revised, or any regulations thereunder, to be a noxious or offensive trade, business or manufacture.

4.24 Occupancy of Partially Completed Buildings

- 1) No building, except in the case of an apartment building, shall be occupied before an occupancy permit has been issued by the Township.
- 2) Where an occupancy permit has been issued for a multi-unit building, a unit may be occupied if construction of other units in the building have not yet been completed.

4.25 Parking Requirements

- 1) For every type of building listed below which is erected, altered, or enlarged in any zone after the passing of this By-Law, off-road parking shall be provided and maintained in that zone in accordance with the following provisions:

TYPE OF USE	MINIMUM PARKING REQUIRED
Residential Care Facility	0.5 spaces per unit.
All Other Dwellings	2 spaces per unit.
Boarding house, rooming house and tourist home	1 space for every room which may be offered for rent.
Auditoriums, theatres, arenas, community centres, or private clubs	Where there are fixed seats, 1 parking space for every 5 seats or for 3.0 metres of bench space; Where there are no fixed seats, 1 parking space for each 9.0 square metres of floor area devoted to public use.
Schools	1 parking space for each teaching staff member, plus 1 additional parking space for each 20.0 square metres of auditorium space.

TYPE OF USE	MINIMUM PARKING REQUIRED
Place of Worship	1 parking space for every 5 seats or 6.0 metres of bench space to its maximum seating capacity.
Hotels, Motels and Taverns	1 parking space per rental unit, plus 1 additional parking space for each 9.0 square metres of floor area devoted to public uses such as restaurants.
Medical Clinics and Offices	3 parking spaces each or 1 parking space for each 28.0 square metres of floor area, whichever is greater.
Industrial Uses	1 parking space for each 93.0 square metres of floor area, or for each 5 employees, whichever is greater.
Retail or Service Stores or Offices	1 parking space for each 28.0 square metres of floor area.
Home Industry, Home Occupation or Home Profession	1 off-road parking space for each 28.0 square metres of floor area devoted to said use in addition to that required for the dwelling.
Group Homes/Crisis Residences	1.25 parking spaces per receiving family and 1 parking space for each staff person on duty at any time, plus 1 parking space for each 2 beds or each 37.0 square metres or part thereof, whichever is the greater.
All Other Uses Not Specified Above	1 parking space for each 28.0 square metres of floor area.

- 1) Each parking space and driveway connecting the parking area with a road shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.
- 2) A parking space shall be an area of land suitable for the parking of a vehicle being not less than 18.5 square metres in area and 3.0 metres in width and shall include adequate access to a public road.
- 3) Access to all required parking spaces shall be subject to the following provisions:
 - a. For institutional, commercial, mineral aggregate and industrial uses shall be provided by means of unobstructed driveways and aisles at least 7 metres in width.
 - b. Access to parking spaces for all other uses shall be provided by means of unobstructed driveways at least 3 metres in width.
- 4) When a building or structure, other than a single-detached dwelling, has insufficient parking spaces on the date of passing of this By-Law to comply with the requirement herein, no addition may be built and no change of use may occur, unless the parking requirements are met for the entire use.

4.26 Permitted Encroachments in Yards

- 1) Every part of any yard required by this By-Law shall be open and unobstructed by any structure, other than a fence, from the ground to the sky.
- 2) Despite provision (1), accessory buildings shall be permitted in accordance with subsection 4.2.
- 3) Despite provision (1), the structures listed in Table 4.26 shall be permitted to project into the yards indicated for the distances specified:

Table 4.26

STRUCTURE	YARD IN WHICH PROJECTION IS PERMITTED	MAX PROJECTION FROM MAIN WALL PERMITTED
Sills, belt courses, cornices, eaves, gutters chimneys or pilasters	Any yard	0.5 metres
Window bays	Any yard	1.0 metres
Balconies	Front and rear yards only for all types of dwellings except apartment buildings	2.0 metres
Open, roofed porches not exceeding one storey in height; covered terraces	Any yard	2.5 metres including eaves and cornices
Decks	Any yard	2.5 metres into the side yard and front yard, but must maintain a 1 metre setback from any lot line

4.27 Permitted Public Uses

- 1) Notwithstanding anything else in this By-Law, the provisions of this By-Law shall not apply to the use of any land or to the erection or use of any building or structure for the purpose of public service by the Government of Canada, Province of Ontario, Corporation of the Municipality of Conmee, Hydro One, **Ontario Power Generation Inc.**, Tbaytel, utility companies, or by any local Board thereof as defined by the Municipal Act, or as revised or amended from time to time.

4.28 Public Uses

- 1) Nothing in this By-law shall prevent land to be used as a public road or prevent the installation of a water main, sanitary sewer main, storm sewer main, gas main, pipe line, electric power **generating** facility, overhead or underground hydro, telephone or other supply and/or communication line.

4.29 Prohibited Uses

- 1) It shall be prohibited to use any land or to erect and use any building or other structure in any zone for the purposes of salvage yards, a waste disposal facility, a pit or quarry, the collection of rags, junk, refuse, or scrap metal, unless such uses are specifically listed as permitted uses within a particular zone.

4.30 Reduction of Lot Area

- 1) No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof, or otherwise, so that any building or structure on such lot shall have a lot coverage or a ground floor area that exceeds, or a front yard, rear yard, side yard, frontage or lot area that is less than, that permitted by this By-Law for the zone in which such lot is located; and
- 2) If any such reduction in the area of a lot occurs, no structure located on the lot shall be used until the requirements of this By-Law applicable thereto are complied with.

4.31 Regulated Area (LRCA)

- 1) Despite the provisions of the underlying zone or other zoning provisions of the Zoning By-law, all development on lands that are subject to the Regulated Area (LRCA) overlay is prohibited unless a permit or other form of authorization from the Lakehead Region Conservation Authority is issued. Development that may require a permit includes:
 - a. The construction, reconstruction, erection or placing of a building or structure of any kind;
 - b. Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure, or increasing the number of dwelling units in the building or structure;
 - c. Site grading;
 - d. The temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere; or
 - e. The straightening, changing, diverting or interfering of an existing channel of a river, creek, stream, or watercourse, or for changing or interfering in any way with a wetland.

4.32 Services Required

- 1) No person shall erect or use any dwelling or occupied building unless the requirements of the Thunder Bay District Health Unit and the Ministry of the Environment, Conservation and Parks are met for the supply of potable water and the collection and treatment of sanitary sewage and other wastes.

4.33 Setbacks on All Roads

- 1) Notwithstanding any other provisions of this By-Law, a building or structure in any zone on a public road allowance which is less than 20 metres wide, shall be set back 10 metres plus the required minimum front yard for that zone measured from the centre line of the road allowance.
- 2) In addition to Township requirements, all development adjacent to Provincial highways is also subject to the Ministry of Transportation of Ontario's requirements and permits.

4.34 Setbacks from Non-Navigable Watercourses, Hazard Lands, and Stormwater Management Infrastructure

- 1) Notwithstanding any other provisions of this By-Law, a building in any zone is required to be no closer than 7.5 metres from the top of the bank of any watercourse, or Township drainage ditch, permanent or intermittent, which is not navigable.
- 2) In the case of hazard lands, no part of any building shall be constructed closer than 7.5 metres to the nearest point of the area to which the hazardous condition is deemed to exist, as determined by the Township of Conmee in consultation with the Lakehead Region Conservation Authority.

4.35 Special Temporary Uses

- 1) Nothing in this By-Law shall prevent the use of land or the use or erection of a building or structure for:
 - a. A scaffold or other temporary building or structure incidental to construction in progress on premises for which a building permit has been granted, until such time as the work has been finished or abandoned;
 - b. A sign having an area of not more than 4.5 square metres incidental to construction in progress on premises for which a building permit has been granted, until such time as work has been finished or abandoned;
 - c. A carnival, circus or festival or other public gathering, each of which is held not more than twice per year, in the commercial, institutional or open space zones; or,
 - d. A farmer's market held not more than two days per week in any zone.

4.36 Road Frontage Required

- 1) No person shall erect any building or structure unless:
 - a. The lot upon which such building or structure is to be erected, except as otherwise specifically permitted in this By-Law.
 - b. The lot has frontage upon a road which is open and maintained by the Township, the Province of Ontario or some other road authority, in such a manner so as to permit its use by vehicular traffic
 - c. Notwithstanding provision (b), a building or structure may be erected upon a lot within a registered plan of subdivision in accordance with the provisions of a subdivision agreement, if the roads within such plan of subdivision have not been assumed and are not being maintained by the Township.

4.37 Temporary Construction Uses

- 1) The temporary use of buildings and structures incidental and necessary for lawful construction work will be permitted in all zones, but only for so long as the same are necessary for construction work.

4.38 Truck, Bus and Coach Bodies, or Trailers or Tents Used for Human Habitation

- 1) The use of any trailer for the living, sleeping, or eating accommodations of persons shall be permitted for a maximum of eight consecutive months.
- 2) Except as expressly permitted by this By-Law, no truck, bus, railroad car, caboose, coach or streetcar body shall be used for human habitation whether the same is mounted on wheels or not.
- 3) Except as expressly permitted by this By-Law, the use of tents for human habitation is prohibited.

Commented [Ma1]: And then what? Must the trailer be moved off the property? Or just vacated, if so, how long? Or do we mean a trailer can only be used 8 months out of the year?

Commented [NP2R1]: This is up to the municipality to enforce and decide what to do rather than for the zoning by-law to stipulate consequences of non-compliance. Note that the Township can suggest alternate wording or amend provision at any time.

Commented [Ma3]: But tents are allowed under 'campground' definition – so where is the line?

Ex. a person buys some vacant land. They set up a tent and 'camp' over the long weekend. Is that prohibited or allowed under the campground definition. And then how long can they stay in the tent until it's considered 'habitation'?

And what about a truck camper? That's considered a trailer?

Commented [NP4R3]: The wording "unless expressly permitted by this By-law" in this provision would mean where the by-law states tents are permitted - in this instance, tents are permitted on a campground, so a technically campground would need to be established as a use for tents to be permitted for human habitation. Trailers / truck campers are covered by provision 4.38.1.

4.39 Watercourse Management and Conservation Area

- 1) Works related to watercourse management and conservation shall be permitted in any zone, subject to the Regulated Area (LRCA) provisions of this By-law.

4.40 Wayside Pits and Wayside Quarries

- 1) A wayside pit or a wayside quarry shall be permitted in any Zone, except the Regulated Area (LRCA).

5.0 Rural Zone (RU)

- 1) No person shall within any Rural Zone (RU) use any lot or erect, alter or use any building or structure for any purpose except in accordance with the provisions of this section.

5.1 Permitted Uses, Buildings and Structures

- / agricultural use
- / agri-tourism use
- / bed and breakfast
- / campground
- / cemetery
- / community garden
- / conservation uses
- / day care centre
- / dwelling unit (and additional dwelling unit, including a garden suite)
- / farm market
- / forestry use
- / greenhouse
- / group home
- / home occupation or home industry
- / park
- / single-detached dwelling
- / seasonal dwelling
- / modular dwelling
- / recreational use
- / residential care facility
- / stable or riding academy
- / buildings, structures, or uses accessory to the above uses in accordance with Section 4.2

5.2 Zone Provisions

PROVISION	REQUIREMENT
MINIMUM LOT AREA	2.0 ha
MINIMUM LOT FRONTAGE	90 m
MINIMUM FRONT YARD	15.0 m
MINIMUM REAR YARD	15.0 m
MINIMUM SIDE YARD	15.0 m
MAXIMUM BUILDING HEIGHT	12.0 m
MAXIMUM LOT COVERAGE	25 percent (for the sum of all buildings)

5.3 Exceptions

- 1) Despite Section 5.2, the required rear yard setback on a portion of Lot 3, Concession 1, Parcel 3879 DFWF, shall be 10 feet (By-law 832).
- 2) Despite Section 5.1, In addition to all of the current listed permitted uses, a "moto-cross facility", used in accordance with the regulations provided in By-law 935, shall also be a permitted use on a portion of S ½ Lot 7, Concession 3, Township of Conmee (By-law 935).

5.4 Required Side Yard for Sheltering Animals

- 1) Notwithstanding Section 5.2 above, the required side yard for any building used to shelter animals shall be 30 metres, and the provisions of this By-law shall apply in all other respects.

5.5 Required Setbacks Abutting an Industrial Zone (I)

- 1) Where a Rural Zone abuts a Waste Disposal Facility within the Industrial (GI) Zone, notwithstanding Section 5.2 above, no dwelling shall be erected, altered or used within 300 metres of the lot line abutting the Industrial (GI) Zone.
- 2) Where a Rural Zone is separated from a Waste Disposal Facility within the General Industrial (GI) Zone by a public road, no dwelling shall be erected, altered or used within 100 metres of the lot line abutting the public road.

5.6 Required Yards Abutting a Mineral Aggregate Zone (MA)

- 1) Where a Rural Zone abuts a Mineral Aggregate (MA) Zone, notwithstanding Section 5.2 above, the required side and rear yards shall be 90 metres.

5.7 Required Setback for Forestry Uses

- 1) Notwithstanding the above provisions, no equipment or machinery associated with a forestry use shall be permitted within 120 metres of a building used for residential, recreational, institutional or commercial purposes; and within 30 metres of an adjoining property or any public road or public road allowance.

Commented [NP5]: This was pulled over from the former OP. But we heard from people at Open House that they disagree with this provision... can this be removed or revised? Shara / Council to review

Commented [Ma6R5]: Council prefers to leave it so that properties aren't clear-cut by loggers. (and then the adjoining properties lose some of the privacy/etc provided by those trees). There's nothing restricting someone from using a chainsaw to cut down a tree. Or for the Hydro company to remove trees/brush.

Commented [NP7R5]: Resolved.

6.0 Commercial Zone (C)

- 1) No person shall within any Commercial Zone (C) use any lot or erect, alter or use any building or structure for any purpose except in accordance with the provisions of this section.

6.1 Permitted Uses

- / agricultural use
- / agri-tourism use
- / animal hospital or veterinary clinic
- / assembly hall
- / auction establishment
- / automobile body shop, dealership, gas bar, service station, and store
- / bed and breakfast
- / community centre
- / convenience store
- / farmers market
- / garden centre
- / greenhouse
- / hotel
- / kennel
- / medical clinic
- / office
- / park
- / personal service shop
- / recreational uses and facilities
- / restaurant
- / retail store
- / salvage yard
- / shopping centre
- / warehouse
- / buildings, structures and uses accessory to the above uses in accordance with Section 4.2

6.2 Zone Provisions

PROVISION	REQUIREMENT
MINIMUM LOT AREA	2.0 ha
MINIMUM LOT FRONTAGE	90 m
MINIMUM FRONT YARD	15.0 m
MINIMUM REAR YARD	15.0 m
MINIMUM SIDE YARD	20.0 m

MAXIMUM BUILDING HEIGHT	12.0 m
MAXIMUM LOT COVERAGE	25 percent (for the sum of all buildings)

6.3 Other Provisions

- 1) Where any C Zone abuts any other commercial or industrial zone along a side lot line, the required side yard shall be 30 metres on the abutting side.
- 2) Where any C Zone abuts a residential or recreational use, the required yard shall be a minimum of 30 metres on the abutting site.
- 3) Notwithstanding any other provisions of this By-law, a gasoline pump island accessory to a permitted use shall not be located within 20 metres of any lot line.
- 4) Notwithstanding any other provisions of this By-law, a gasoline pump island accessory to a permitted use shall not be located within 23 metres of a residential use on the abutting side.

6.4 Exceptions

- 1) Despite Section 6.1, a "Museum" is a permitted use on Part of PCL 3387 Sec DFWF: Mining Location R702 except Lews5329 SRO, PFW877 & MRO as in LEW32837, also known as Lot C, Concession 6 (By-law 1168).

6.5 Required Setbacks Abutting a General Industrial Zone (GI)

- 3) Where a Rural Zone abuts a Waste Disposal Facility within the General Industrial (GI) Zone, notwithstanding Section 6.2 above, no dwelling shall be erected, altered or used within 300 metres of the lot line abutting the General Industrial (GI) Zone.
- 4) Where a Rural Zone is separated from a Waste Disposal Facility within the General Industrial (GI) Zone by a public road, no dwelling shall be erected, altered or used within 100 metres of the lot line abutting the public road.

6.6 Required Yards Abutting a Mineral Aggregate Zone (MA)

- 2) Where a Rural Zone abuts a Mineral Aggregate (MA) Zone, notwithstanding Section 6.2 above, the required side and rear yards shall be 90 metres.

6.7 Forestry Uses

- 1) Processing of forest products are permitted in the C Zone provided that:
 - a. The maximum building size associated with the forestry use is 200 square metres;
 - b. No equipment or machinery is stored within 30 metres of a lot line, a road, or a road allowance;
 - c. No equipment or machinery is stored within 120 metres of a building on an adjacent lot used for residential, recreational, institutional or commercial uses.

7.0 Mobile Home Park Zone (MH)

- 1) No person shall within any Mobile Home Park Zone (MH) use any lot or erect, alter or use any building or structure for any purpose except in accordance with the provisions of this section.

7.1 Permitted Uses, Buildings, and Structures

- / dwelling unit
- / modular dwelling
- / mobile home dwelling
- / buildings, structures and uses accessory to the above uses in accordance with Section 4.2

7.2 Zone Provisions

PROVISION	REQUIREMENT
MINIMUM LOT AREA	2.0 ha
MINIMUM LOT FRONTAGE	90 m
MINIMUM FRONT YARD	15.0 m
MINIMUM REAR YARD	15.0 m
MINIMUM SIDE YARD	15.0 m
MAXIMUM BUILDING HEIGHT	12.0 m
MAXIMUM LOT COVERAGE	25 percent (for the sum of all buildings)

7.3 Required Setbacks Abutting a General Industrial (GI) Zone

- 1) Where a Mobile Home Park Zone abuts a Waste Disposal Facility within the General Industrial (GI) Zone, notwithstanding Section 7.2 above, no dwelling shall be erected, altered or used within 300 metres of the lot line abutting the General Industrial (GI) Zone.
- 2) Where a Rural Zone is separated from a Waste Disposal Facility within the General Industrial (GI) Zone by a public road, no dwelling shall be erected, altered or used within 100 metres of the lot line abutting the public road.

7.4 Required Yards Abutting a Mineral Aggregate Zone (MA)

- 3) Where a Mobile Home Park Zone abuts a Mineral Aggregate Zone, notwithstanding Section 7.2 above, the required side and rear yards shall be 90 metres.

8.0 Institutional Zone (I)

No person shall within any Institutional (RI) Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the provisions of this section:

8.1 Permitted Uses, Buildings and Structures

- / assembly hall
- / cemetery
- / community centre
- / community garden
- / government offices
- / institutional use
- / municipal garage
- / municipal office
- / recreational uses and facilities
- / buildings, structures and uses accessory to the above uses in accordance with Section 4.2

8.2 Zone Provisions

PROVISION	REQUIREMENT
MINIMUM LOT AREA	2.0 ha
MINIMUM LOT FRONTAGE	90 m
MINIMUM FRONT YARD	15.0 m
MINIMUM REAR YARD	15.0 m
MINIMUM SIDE YARD	20.0 m
MAXIMUM BUILDING HEIGHT	12.0 m
MINIMUM DISTANCE BETWEEN DETACHED BUILDINGS	6.0 metres

8.3 Other Provisions

- 5) Where any Institutional Zone abuts any other commercial or industrial zone along a side lot line, the required side yard shall be 30 metres on the abutting side.
- 6) Where any Institutional Zone abuts a residential or recreational use, the required yard shall be a minimum of 30 metres on the abutting site.

9.0 General Industrial Zone (GI)

No person shall within any General Industrial Zone (GI) use any lot or erect, alter or use any building or structure for any purpose except in accordance with the provisions of this section:

9.1 Permitted Uses, Buildings and Structures

- / automobile service station
- / automobile body shop
- / automotive gas bar
- / batching plant, asphalt or concrete
- / cannabis production facility
- / light industrial use
- / heavy industrial use
- / portable asphalt plant
- / portable concrete plant
- / salvage yard
- / sawmill complex
- / service shop
- / waste disposal facility (subject to provisions in Section 9.4)
- / warehouse buildings, structures and uses accessory to the above uses in accordance with Section 4.2

9.2 Zone Provisions

PROVISION	REQUIREMENT
MINIMUM LOT AREA	4.0 ha
MINIMUM LOT FRONTAGE	120 m
MINIMUM FRONT YARD	15.0 m
MINIMUM REAR YARD	30.0 m
MINIMUM SIDE YARD	30.0 m
MINIMUM DISTANCE BETWEEN DETACHED BUILDINGS	6.0 metres

9.3 Abutting Commercial or Industrial Use

- 1) Where a General Industrial Zone (GI) abuts any other commercial or industrial use, the required side yard shall be 45 metres.
- 2) Where any General Industrial Zone (GI) abuts a residential or recreational use, the required yard shall be a minimum of 45 metres on the abutting site.

9.4 Waste Disposal Facility Provisions

- 1) No waste disposal facility shall be located within 500 metres of a building used for residential, recreational, institutional, or commercial purposes.

- 2) No waste disposal facility shall be located within 60 metres of any road or road allowance, except a road serving the disposal site, or within 100 metres of an adjoining property.

10.0 Mineral Aggregate (MA) Zone

No person shall within any Mineral Aggregate (MA) Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the provisions of this section:

10.1 Permitted Uses, Buildings and Structures

- / batching plant, asphalt or concrete
- / extractive industrial use
- / mineral aggregate operation
- / mineral mining operation
- / portable asphalt plant
- / portable concrete plant
- / resource management use
- / wayside pit or quarry

10.2 Zone Provisions

- 1) No excavation, building, equipment, or stockpile shall be located within 120 metres of a building used for residential, recreational, institutional or commercial purposes.
- 2) No excavation, building, equipment, or stockpile shall be allowed within 30 metres of any road or road allowance or adjoining property except a property currently zoned as Industrial (GI).

10.3 Exceptions

- 1) Despite Sections 10.1 and 10.2, for Lot 7, Concession 3, Parcel 1751, District of Thunder Bay, no excavation, building, equipment or stockpile shall be permitted
 - a. within 105 metres of any abutting property which could be developed for residential, recreational or institutional uses;
 - b. within 45 metres of any municipal road or road allowance; or,
 - c. within 15 metres of any body of water that is not a result of the excavation (By-law 921).

11.0 Parks and Open Space Zone (OS)

No person shall within any Parks and Open Space (OS) Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the provisions of this section.

11.1 Permitted Uses, Buildings and Structures

- / campground
- / conservation and wildlife sanctuary
- / golf courses
- / park
- / recreational uses and facilities

11.2 Other Provisions

- 1) Buildings, structures and parking lots are prohibited within 30 metres of a lot line or public road.

12.0 Environmental Protection Zone (EP)

The Environmental Protection Zone is intended to reserve land in the Municipality for the protection of sensitive environmental features.

No person shall within any Environmental Protection Zone (EP) use any lot or erect, alter or use any building or structure for any purpose except in accordance with the provisions of this section.

12.1 Permitted Uses, Building and Structures

- / conservation and wildlife sanctuary
- / passive recreational uses
- / conditional uses, buildings, and structures, as approved by Township Council and/or the Lakehead Regional Conservation Authority

12.2 Special Exceptions

- 2) Reserved for future use.