

***OFFICIAL PLAN FOR THE
MUNICIPALITY OF NEEBING***

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SECTION 1 - INTRODUCTION

1.1 PREAMBLE

The Municipality of Neebing is located within the District of Thunder Bay in Northwestern Ontario. Neebing has recently undergone a municipal restructuring process and effective January 1, 1999 Neebing is now comprised of the geographic townships of Blake, Crooks, Pardee, Pearson and Scoble and has a land area of 88,800 hectares. Neebing is located south of the City of Thunder Bay along the shore of Lake Superior. The Municipality extends southward to the international border between Canada and the United States at Grand Portage, Minnesota. Highway 61 connects Neebing with the City of Thunder Bay and the United States and is a major highway that traverses through the Municipality in a north/south direction. A number of islands within Lake Superior are also located within the municipal boundary of Neebing.

The land uses in Neebing are considered to be rural in character and consist primarily of rural residential uses, agricultural uses, forestry uses, recreational residential uses and commercial and industrial uses primarily in the form of home occupations and home industries within a largely undeveloped rural area. These home based businesses are an important component of the economic fabric of the rural community of Neebing. The establishment of a strong and diversified economic base is of importance to the Council and the residents of Neebing. Economic growth in Neebing is required to provide an improved tax assessment base to sustain the Municipality and for the residents of Neebing to be less reliant on the economic opportunities and economy of the City of Thunder Bay.

Critical to providing economic growth and development opportunities is the need to establish a balance between the various competing land use interests. For example, Neebing wants to promote highway commercial opportunities, tourism and lakefront residential opportunities, yet many of the areas that may be considered candidate sites for development are located in proximity to, or within, areas in need of protection such as hazard lands, wetland areas, archaeological and historical sites, agricultural lands and mineral resource potential areas. Maintaining a balance between competing land use interests is essential for the establishment of viable sustainable development.

This new Official Plan will replace two Plans that are in effect in the Municipality. The first, covering Blake, Crooks and Pardee townships was approved in May 1989, prior to the Provincial Policy Statement being in effect, while the second Plan covering Pearson and Scoble townships was approved in 1997. The Pearson and Scoble Official Plan was prepared based on their unorganized status and under guidance of the Comprehensive Set of Policy Statements, not the Provincial Policy Statement.

Also, since the existing Official Plans were approved, the planning framework in Ontario has undergone significant reform resulting in changes to the Planning Act, the delegation of approval authority, changes to provincial policy and the transfer of the municipal review function to local governments. In response to the changes that have occurred both locally and at the provincial level, Neebing is in need of a new Official Plan that is responsive to the needs of the community and reflect the new

planning environment in Ontario.

The current population in the Municipality of Neebing is estimated at 2,010 persons. Over the past 15 years Neebing has been experiencing a relatively steady growth rate. For that period between 1985 and 1991 Neebing experienced a rate of growth of 4% per year, between 1991 and 1996 a rate of growth of 3% per year was experienced. This increase in population appears to be the result of the conversion of seasonal or recreational residential homes to principal residences and residents from Thunder Bay relocating from the urban to the rural environment of Neebing. More recently, between 1996 and 2000 Neebing has experienced a rate of growth of 97% from 1021 persons to 2010 persons. However, the majority of this recent growth is attributed to the change in the municipal boundary and the inclusion of Pearson and Scoble within the Municipality of Neebing as of January 1, 1999.

Modest growth continues to be projected for the Municipality over the next 20 years. It is projected that the population of Neebing will grow by 4% per year between 2000 and 2005 and by 3% between 2005 and 2010 and between 2010 to 2015 and finally by 2.5% between 2015 and 2020. The following table illustrates the population projection for Neebing over the next 20 years.

Year	Population
2000	2010
2005	2412
2010	2774
2015	3190
2020	3589

Regular monitoring of the population is required to determine if the population projections remain relevant over the planning period.

In rural areas opportunities are available for rural residential development through the subdivision or consent process consistent with the rural character of the Municipality. Rural residential development in the form of rural subdivisions may be permitted provided development can be safely serviced by private individual septic and water systems. Areas with scenic vistas in proximity to Lake Superior and inland lakes are examples of locations in the Municipality that are appropriate for lakefront residential and tourism opportunities subject to servicing, design, environmental and site specific considerations.

This Plan is a 20 year Plan and will be reviewed every 5 years to determine if the population and growth projections remain relevant and the policy guidelines and framework for development continues to reflect the needs of the Municipality. Amendments can be made to the Plan to reflect changing needs of the Municipality. Decisions regarding land use planning matters will be guided by the policies contained in this Plan.

1.2 OBJECTIVES OF THE PLAN

1.2.1 The objectives of this Plan form the foundation of planning principles and provide direction to manage change, guide future development and develop detailed policies and programs that stimulate economic growth, protect the environment and public health, promote the use of natural resources for the economic use and environmental benefits and reduce costs by restricting development in areas where there is risk of health, safety or property damage. This Plan recognizes that the economy of the Municipality is directly related to the quality of the environment. The plan seeks to balance the need to encourage economic development with the need to protect and maintain the environment. The objectives reflect the present and future needs and values of the Municipality and the residents of the Municipality and are as follows:

- (a) the Municipality is committed to actively seeking and encouraging new development that maintains the quality of life, maintains or improves the health of existing businesses and diversifies the economy;
- (b) the Municipality shall encourage patterns of development which facilitate the provision of local services with minimal or no impact on local finances and provides for the efficient use of land, infrastructure and public service facilities;
- (c) the Municipality shall preserve and enhance, where possible, the environmental quality of the area and minimize impacts of land uses on the natural environment and protect the integrity of ecosystems;
- (d) the Municipality shall encourage commercial and industrial opportunities that are compatible with the natural environment and are economically feasible;
- (e) the Municipality shall have regard for the importance of natural resources including mineral resources, agricultural resources, forest resources and fisheries and wildlife resources within the Municipality with respect to their contribution to the economic, social and well being of its residents;
- (f) the Municipality shall encourage the creation of housing which is affordable, accessible, adequate and appropriate to a full range of households in the Municipality and shall encourage that an adequate supply of land is available to meet the housing needs of its residents; and
- (g) with this Plan, the Municipality has established a policy framework that has regard for the Provincial Policy Statement with consideration of local conditions and circumstances.

1.3 AMENDMENT AND REVIEW

1.3.1 This Official Plan is not a static document. Although it provides some degree of flexibility, the Plan's provisions will be reviewed at five year intervals, pursuant to Section 26 of the Planning Act, to ensure that the policies are relevant and appropriate, in light of changing conditions and new provincial policy initiatives.

1.3.2 All official plan amendments are subject to the approval of the Minister of Municipal Affairs and Housing until such time as official plan amendments are exempt from Provincial approval.

1.4 RESPONSIBILITIES OF THE MUNICIPALITY OF NEEBING

- 1.4.1 With respect to official plans, the Municipality of Neebing has the responsibility to:
- (a) prepare Official Plans;
 - (b) review Official Plans from time to time and make amendments as necessary;
 - (c) advise and secure the views of the public, local authorities, agencies and boards with respect to their Official Plan and amendments; and
 - (d) review, consider and recommend local legislation, zoning by-laws and amendments, which implement the policies of the Official Plan.

1.5 OFFICIAL PLAN

- 1.5.1 This document constitutes the Official Plan of the Municipality of Neebing and has been prepared in accordance with the provisions of the Planning Act, and applies to all lands within the municipal boundary of the Municipality of Neebing.

1.6 TITLE

- 1.6.1 This Plan may be known as the "Official Plan for the Municipality of Neebing".

1.7 PUBLIC WORKS

- 1.7.1 Any public works undertaken in the Municipality of Neebing shall conform to the policies of this Plan, in accordance with Section 24 of the Planning Act and shall be planned and implemented in accordance to the applicable Class Environmental Assessment under the Environmental Assessment Act, as amended.

1.8 PRIVATE INTERESTS

- 1.8.1 Private interests must adhere to the policies of this Plan. The use of private lands will also be regulated in accordance with the Zoning By-laws pursuant to Section 34 of the Planning Act, and other By-laws passed under other relevant Provincial statutes.

SECTION 2 - GENERAL PROVISIONS

2.1 GENERAL

- 2.1.1 The following land use policies apply to all lands in the Municipality of Neebing unless specifically mentioned.
- 2.1.2 The designation of land for a particular use in this Plan only indicates that the land so designated may be considered for the designated use, subject to the more detailed criteria of this Plan and other legislation. There is no guarantee that any individual parcel may be used for any permitted use in a particular designation.

2.2 SUBDIVISION OF LAND

- 2.2.1 Consents shall only be granted that conform with the policies of this Plan provided that:
- (a) the retained and severed lot(s) can be adequately and safely serviced. The Thunder Bay District Health Unit or designated authority shall be consulted prior to consent approval being given to obtain support for the consent proposal;
 - (b) the soil and drainage conditions are adequate for the proposed use and permit the proper siting of buildings and the installation of private septic disposal systems;
 - (c) the lands front onto a public road that is maintained by the Municipality or the Province and is of an acceptable standard of construction, unless a consent is proposed on an island;
 - (d) where access is proposed from a provincial highway, the Ministry of Transportation shall be consulted prior to consent approval being given to obtain input and support regarding access and entrance permit requirements;
 - (e) no traffic hazard is created by the consent and safe access/egress to the retained and severed lot(s) is feasible;
 - (f) the consent does not result in land use conflicts with existing nearby uses;
 - (g) the lot size and configuration shall be suitable for the proposed use and, where possible, be consistent with adjacent development;
 - (h) the requirements of the Minimum Distance Separation Criteria I shall be adhered to when a consent for residential purposes is being proposed in proximity to existing livestock operations;
 - (i) the consent does not result in land locked parcel(s) being created;
 - (j) the proposed use can be safely located away from and outside of floodways of rivers and streams, use limitation areas, mine hazards and areas designated Environmental Protection; and
 - (k) the consent for lakefront residential lots will not be permitted in the Rural area on those lakes identified by the Ministry of the Environment as having reached their assimilative capacity, including Oliver Lake and Cloud Lake. The identification of other such lakes will be by an amendment to this Plan;
 - (l) subject to all other policies of this plan, not more than 4 lots, inclusive of the retained part shall be permitted from a parcel of land held under unity of ownership as of October 4, 1972.

2.2.2 The following may be considered as conditions of consent by the Municipality:

- (a) that the Zoning By-law be amended, if required;
- (b) that any necessary land for road widening, allowances or easements be dedicated to the Municipality or the Province;
- (c) that the applicant improve road access, grading, drainage, etc. to a standard satisfactory to the Municipality and/or the Province; and
- (d) that the applicant provide proof that the retained and severed lots can be adequately and safely serviced by potable private water supplies and private sanitary sewage disposal systems. Alternatively, with respect to water supply only, a notification agreement will be required that specifies that all offers of purchase sale or lease shall provide notice that no assessment has been conducted to determine the quality or quantity of groundwater available to service the lots or lots;
- (e) any other condition reasonable to the granting of the consent.

2.2.3 Notwithstanding the policies of this section, consents may be granted for the following technical purposes, provided that the retained and severed portions conform with the zoning by-law:

- (a) boundary corrections or adjustments;
- (b) lot enlargements;
- (c) discharge of mortgage;
- (d) road widening and road allowances; and
- (e) easements.

2.2.4 Subdivision of land by plan of subdivision shall be permitted provided that:

- (a) the lands can be provided with adequate services and utilities including the following:
 - (i) with plans of subdivision consisting of 5 lots or less the applicant shall provide proof that the lots can be adequately and safely serviced by potable private water supplies and private sanitary sewage disposal systems. Alternatively, with respect to water supply only, a notification agreement will be required that specifies that all offers of purchase sale or lease shall provide notice that no assessment has been conducted to determine the quality or quantity of the groundwater available to service the lot or lots.
 - (ii) with plans of subdivisions consisting of more than 5 lots, the applicant shall provide a report prepared by a qualified consultant, in accordance with the Ministry of the Environment's requirements, indicating that there is adequate water quality to meet the Ontario Drinking Water Standards and quantity available to service the subdivision; and
 - (iii) with plans of subdivisions consisting of more than 5 lots, where the proposed lots are 1 hectare or less, and are privately serviced by on-site sewage disposal systems, the applicant shall demonstrate by a report prepared by a qualified consultant, in accordance with the Ministry of the Environment's requirements, that there will be no cross contamination of water supplies between lots or adjacent lots;

- (b) the plan is considered to serve the public interest;
- (c) the plan is not deemed premature;
- (d) the development is not likely to adversely affect the economy or financial position of the Municipality if such subdivision is approved;
- (e) the development is directed away from hazard lands, use limitation areas and areas designated Environmental Protection; and
- (f) lakefront residential development will not be permitted on those lakes identified by the Ministry of the Environment as having reached their assimilative capacity. Cloud Lake and Oliver Lake have been identified as having reached their development capacity. The identification of other such lakes will be by an amendment this Plan.

2.3 PARKLAND DEDICATION

2.3.1 The dedication of lands or acceptance of cash-in-lieu of the land dedication for recreational purposes as a result of new development or redevelopment of land shall be in accordance with the following requirements:

- (a) the development or redevelopment of land for residential purposes may require a land dedication to the Municipality at a standard of 5% of that land being developed or redeveloped or cash-in-lieu based on 5% of the value of the land; and
- (b) development or redevelopment of land for commercial or industrial purposes may require a land dedication to the Municipality at a standard of 2% of the land being developed or redeveloped or cash-in-lieu based on a value of 2% of the land.

2.3.2 To ensure that parkland dedications are of an acceptable quality, all sites dedicated as parkland must be accepted by the Municipality and satisfy the following criteria:

- (a) be relatively level and are not required for drainage purposes, nor contain lands susceptible to flooding, having steep slopes or other physical features which are unsuitable for open space or park development;
- (b) be located within the community context to provide convenient and adequate access;
- (c) provide a reasonable park configuration to accommodate the dimensions and shape of large playing fields, i.e. soccer fields, baseball fields, etc.; and
- (d) be provided with basic service requirements.

2.4 PROVINCIAL HIGHWAYS

2.4.1 In addition to the requirements of the Municipality of Neebing, all development adjacent to provincial highways is subject to the safety and geometric requirements, and permits of the Ministry of Transportation prior to any construction or grading taking place.

2.5 ACCESSORY USES

- 2.5.1 Where a use is permitted in a land use designation, it is intended that uses, buildings or structures normally incidental, accessory and essential to the use will also be permitted.
- 2.5.2 Accessory dwellings above boat houses are not a permitted accessory use in any land use designation.

2.6 HOME INDUSTRIES AND HOME OCCUPATIONS

- 2.6.1 Home occupations and home industries are an important component of the economy of Neebing and may be permitted in association with a single detached residential use provided they are not offensive or create a nuisance as a result of noise, hours of operation, odour, traffic generation or other means and shall not detract from the principal residential use.
- 2.6.2 The Zoning By-law shall contain regulations with respect to home industries and home occupations. These regulations shall indicate, among other matters, the zones in which home industries and home occupations are permitted and appropriate buffering for home industries. Home Industries and Home Occupations which may conflict with surrounding uses such as welding shops, autobody repair shops, machine shops, blacksmith shops and sawmills shall be considered in the "Rural" designation subject to an amendment to the zoning by-law and subject to the use of appropriate mitigative measures such as buffering and separation distances to reduce and minimize conflict between adjacent residential uses.
- 2.6.3 Generally, home occupations shall include occupations or professions which are conducted entirely within a dwelling unit, while home industries are conducted primarily within an accessory building.
- 2.6.4 The home industry or home occupation shall be secondary to the main use of the property and not generate adverse or incompatible effects with the surrounding area. The home industry or home occupation shall relocate to an appropriately zoned site at such time when the home industry or home occupation can no longer be considered secondary to the main residential use of the property.
- 2.6.5 Access approval from the Ministry of Transportation is required for those home industries or home occupations that have access from a provincial highway.

2.7 GROUP HOMES

- 2.7.1 Group homes are permitted in all areas residential uses are permitted subject to a zoning by-law amendment and shall be licensed or approved under the appropriate provincial statute.
- 2.7.2 A Group Home is defined as a housekeeping unit in a residential dwelling in which a maximum of 6 residents, excluding staff, live as a family under responsible supervision.
- 2.7.3 Only those group homes that can be supported by the existing level and range of

community, social and medical services available in the Municipality shall be permitted.

2.8 BED AND BREAKFAST

2.8.1 Bed and Breakfast establishments may be permitted in association with a single detached residential use, based upon the following criteria:

- (a) a Bed and Breakfast establishment shall have sufficient site area to accommodate on-site amenities and adequate site parking facilities;
- (b) a Bed and Breakfast establishment shall be located in a residential dwelling, be secondary to the main residential use, contain no more than 3 guest rooms and be operated by a resident of the dwelling;
- (c) should external expansion be required to the dwelling to accommodate the proposed tourist facility, the character of the residential use shall be maintained.

2.9 GARDEN SUITES

2.9.1 Garden suites are permitted as an accessory use to a single detached dwelling for temporary accommodation for a maximum of ten (10) years pursuant to Section 39 of the Planning Act. An agreement may be required between the homeowner and the Municipality with the following provisions:

- (a) the garden suite shall not be permitted to separate by consent from the main residential dwelling on the lot;
- (b) the design, mass and location of the garden suite should compliment the main residential dwelling. A mobile home may be used as a garden suite;
- (c) the garden suite should utilize and connect to the services used by the main dwelling. Clearance from the Thunder Bay District Health Unit or designated authority is required to permit the garden suite to connect to the septic system servicing the main dwelling;
- (d) the name of the person(s) who is to live in the garden suite; and
- (e) when the garden suite will be removed.

2.10 MOBILE HOME PARKS

2.10.1 Mobile home parks will not be permitted in the Municipality of Neebing.

2.11 CROWN LANDS

2.11.1 The Ministry of Natural Resources is responsible for the administration of Crown lands and waters. The Ministry of Natural Resources is encouraged to have regard for the policies and schedules of this Plan and to consult with the Municipality with respect to the use and disposition of Crown lands within the Municipality. Also, the Department of Fisheries and Oceans and the Lakehead Region Conservation Authority are responsible for fish habitat areas.

2.11.2 Authorization for occupation or use of Crown lands is required from the Ministry of Natural Resources.

2.11.3 The Municipality 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.

2.12 WAYSIDE PITS AND QUARRIES

2.12.1 A wayside pit or wayside quarry means a temporary pit or quarry opened and used by a public road authority or their agent, solely for the purposes of a particular road project or contract of road construction or maintenance. Accessory aggregate processing operations such as crushing, screening, washing and stockpiling of aggregate product are also considered to be permitted uses in a wayside pit or quarry.

2.12.2 Wayside pits and quarries are permitted throughout the Municipality except for the following:

- (a) within 120m of a neighbouring residence or dwelling; and
- (b) within areas designated Environmental Protection and Watershed Reserve.

2.12.3 No aggregate processing equipment or wayside pit or quarry shall operate in the Municipality of Neebing unless there is a valid Certificate of Approval under the Environmental Protection Act and location approval has been issued by the Ministry of the Environment.

2.12.4 The opening of wayside pits and quarries shall be permitted without an amendment to this Plan or the Zoning By-law provided that the Municipality of Neebing is given adequate notice and an opportunity to express concern regarding the opening of the pit or quarry.

2.12.5 The Ministry of Transportation shall ensure that wayside pits and quarries used for its purposes are rehabilitated.

2.13 PORTABLE ASPHALT PLANTS

2.13.1 A portable asphalt plant means a facility 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. A portable asphalt plant is not of permanent construction, but is designed to be dismantled and moved to another location as required.

2.13.2 Portable asphalt plants used by a public road authority or their agents, shall be permitted throughout the Municipality, subject to the approval of the Ministry of the Environment, except for the following locations:

- (a) within 120m of a neighbouring existing residence or dwelling; and
- (b) within areas designated Use Limitation Environmental Protection and Watershed Reserve.

2.13.3 Portable asphalt plants are permitted without an amendment to this Plan or the Zoning By-law provided the Municipality of Neebing is given adequate notice and has an opportunity to provide input regarding the location of the plant.

2.13.4 No portable asphalt plant shall operate in the Municipality of Neebing unless there is a valid Certificate of Approval under the Environmental Protection Act and location approval has been issued by the Ministry of the Environment.

2.13.5 Portable asphalt plants shall be removed from the site and the site rehabilitated upon completion of the road project.

2.14 SERVICING

2.14.1 Municipal water and sanitary sewer distribution and treatment systems are not available to the residents or business community of Neebing and the provision of such services are not contemplated over the life of this Plan. The principle means of servicing development in Neebing will continue to be by private individual water and septic disposal systems.

2.14.2 The Municipality will not accept ownership or responsibility for the operation or maintenance of communal water and sewage systems.

2.15 DRAINAGE

2.15.1 The management and removal of storm water is the responsibility of the property owner and must be managed to the satisfaction of the Province, the Lakehead Region Conservation Authority and the Municipality in accordance with the Ontario Water Resources Act, if applicable. In addition, the management and removal of storm water on properties adjacent to provincial highways requires the approval of the Ministry of Transportation. Where required under the federal Fisheries Act, the Department of Fisheries and Oceans should be consulted prior to the approval for those storm water management systems that discharge directly to streams, rivers and lakes with fisheries resources.

2.15.2 A storm water drainage report or other water quality assessment which demonstrates that the function and quality of existing watercourses and the quantity and quality of ground water resources is not adversely impacted may be required prior to approving development which impacts on these resources. Where adverse impacts are anticipated, mitigative measures during and after construction to control sedimentation, erosion and flooding will be required. The direct discharge of storm water to water bodies should be avoided where possible.

2.16 ENVIRONMENTAL PROTECTION

2.16.1 No development shall be permitted that results in the unacceptable degradation of the quality and integrity of natural heritage features and areas including air, water, land and plant and animal life. Where the quality and integrity of natural heritage features and areas has been diminished to an unacceptable level, the Municipality shall encourage its restoration or remediation to healthy conditions. Development that results in harmful alteration, disruption or destruction of fish habitats shall not be permitted, unless approval has been obtained from the Department of Fisheries and Oceans.

2.16.2 Ground water resources are used as a source of potable water supply and as such no development shall be permitted that results in the unacceptable degradation of ground water resources.

2.17 LAND USE COMPATIBILITY

- 2.17.1 As much as possible land use conflicts should be avoided. The encroachment of sensitive land uses and industrial uses on one another is discouraged. Buffering and separation distances in accordance with the Ministry of the Environment's guidelines shall be incorporated between sensitive and industrial uses to minimize potential adverse effects, such as noise, odour, vibration, particulate and other contaminants.

SECTION 3 - DEVELOPMENT CONSTRAINTS

3.1 GENERAL

- 3.1.1 Certain land use development constraints have been identified on Schedules “A” through “F” and should be read in conjunction with the policies of this Plan. In certain circumstances, new development is to be protected from impacts of an identified development constraint, while in other circumstances the sensitive nature of an identified development constraint is to be protected from potential adverse impacts from new development.

3.2 SENSITIVE AREAS

- 3.2.1 Sensitive areas are natural heritage features and areas that may be impacted by development and have been identified for natural and ecological functions and include such areas as wetlands, wildlife and fish habitat areas, sites with rare and endangered plant, animal or fish species and areas of natural and scientific interest and value for protection for study and education. Sensitive areas are placed in the Environmental Protection designation and new sensitive areas, when identified, will also be placed in the Environmental Protection designation, by an amendment to this Plan. In addition, sensitive areas will be placed in a separate zone category in the Zoning By-law.
- 3.2.2 Significant portions of the habitat of endangered and threatened species will be identified through consultation with the province. Development and site alteration will not be permitted within these areas.
- 3.2.3 With the exception of significant portions of habitat areas of endangered and threatened species, development may be permitted in sensitive areas or adjacent to sensitive areas subject to an amendment to the Official Plan and Zoning By-law and provided it is demonstrated that there will be no negative impact on the natural or ecological function of the natural feature in accordance with the criteria set out in Policy 4.6.5. Possible mitigative measures that may be required to protect against negative impact are subject to the approval of the Municipality. Development that results in harmful alteration, disruptions or destruction of fish habitats shall not be permitted, unless approval has been obtained from the Department of Fisheries and Oceans.

Areas adjacent to sensitive areas shall include lands within 120 metres of wetlands, and lands within 30 metres of watercourses and water bodies. For the habitat of endangered and threatened species, adjacent lands shall be defined in consultation with the Province, and shall generally include lands within 50 metres of significant portions of the habitat of endangered and threatened species; however, greater or lesser distances for adjacent land widths may be defined based on site and species-specific considerations.

- 3.2.4 New utilities/facilities and infrastructure should be located outside of or beyond the limits of sensitive areas.

3.3 USE LIMITATION AREAS

- 3.3.1 Use limitation areas are those areas that have some form of restriction or hazard to development due to physical characteristics of the area, such as steep slopes, erosion susceptibility, floodways of creeks, streams and rivers, unstable soils or any other such physical condition that would pose a risk of loss of life, property damage or social disruption.
- 3.3.2 Use limitation areas will be placed in a separate zone category in the Zoning By-law and any development within an area identified as Use Limitation will require an amendment to the Zoning By-law except for agriculture, conservation, forestry management, mineral exploration, wildlife management, passive recreational uses, public utilities and infrastructure which are permitted in Use Limitation areas.
- 3.3.4 Any development which involves the channelization, diversion, damming, walling and dredging of a natural watercourse, or the installation of a culvert, causeway or dock in a natural watercourse, or any work below the high water mark, is subject to the approval of the Ministry of Natural Resources/Lakehead Region Conservation Authority. Approval of the federal Department of Fisheries and Oceans may also be required and the Lakehead Region Conservation Authority as its agent, should be consulted prior to approval being given.
- 3.3.5 Development, other than agriculture, conservation, forestry management, mineral exploration, public utilities, wildlife management, passive recreational uses and infrastructure, shall not be permitted in a Use Limitation area unless it can be demonstrated that the potential hazard for which the area has been identified will not result in public health, safety or potential property damage, that no new hazards are created or existing hazards aggravated, and no adverse environmental impacts will result from the development to the satisfaction of the Province/Lakehead Region Conservation Authority and the Municipality.
- 3.3.6 The erection and/or construction buildings or structures, or additions thereto, or the placement or removal of fill material within or adjacent to any inland watercourse shall only be permitted provided appropriate site mitigation against any natural hazard has occurred and there is no danger to public safety, public health or property damage to the satisfaction of the Province/Lakehead Region Conservation Authority and the Municipality of Neebing.
- 3.3.7 Existing uses shall be recognized despite the natural hazardous characteristics of the land. Expansions to such uses will, however, be discouraged unless they are in conformity with the following:
- (a) reconstruction and/or minor alterations to existing buildings or structures are approved by the Province/Lakehead Region Conservation Authority; and
 - (b) additions or extensions which are not likely to incur significant flood damage or will not result in impediments to flow or floodwater storage, which are approved by the Province/Lakehead Region Conservation Authority.

3.4 ARCHAEOLOGICAL AND CULTURAL HERITAGE RESOURCES

- 3.4.1 The Municipality recognizes that there may be archaeological remnants of prehistoric and early historic habitation within the Municipal boundaries, areas exhibiting archaeological potential, cemeteries and burials, buildings and structural remains of historical and architectural value, heritage landscapes and areas of historic and scenic interest. The Municipality of Neebing encourages the identification, conservation, protection and rehabilitation of archaeological and cultural heritage resources, as well as encourages and fosters public awareness, participation and involvement in the conservation of these resources. There is likely the potential for archaeological resources along the shoreline of primary lakes and rivers, or within areas having favourable physiographical and cultural characteristics such as pockets of sandy soils, raised topography, or unusual landforms, known significant heritage areas, such as portage routes or places of past settlements.
- 3.4.2 Development proposed in areas known to have a potential for archaeological resources shall be assessed by qualified archaeologist licensed under the Ontario Heritage Act to determine the nature and extent of the resource prior to development approval being granted. Any archaeological assessment report conducted by a licensed archaeologist must be in compliance with the guidelines set out by the Province.
- 3.4.3 Should an archaeological assessment determine that significant archaeological resources are present on a site, the resource shall be documented and conserved to the satisfaction of the Province through excavation or on-site preservation, prior to final approval of the development proposal. A zoning by-law protecting the identified archaeological resource may be considered by Council.
- 3.4.4 The Ontario Heritage Act may be utilized to conserve, protect and enhance any identified cultural heritage resources in the Municipality. Council may by by-law designate for protection and conservation individual properties and/or districts of historic and/or architectural value or interest.
- 3.4.5 A Local Architectural Conservation Advisory Committee (LACAC) may be established under the Ontario Heritage Act to advise and assist Council on matters related to Parts IV and V of the Act and on other matters of cultural heritage conservation.
- 3.4.6 Council shall consult with the appropriate government agencies, including the Ministry of Citizenship, Culture and Recreation and the Ministry of Consumer and Commercial Relations when an identified human cemetery including a marked or unmarked human burial is affected by land use development. The provisions of the Ontario Heritage Act and the Cemeteries Act shall apply.
- 3.4.7 The Municipality of Neebing shall have regard for cultural heritage resources in the undertaking of municipal public works when developing land or properties owned by the Municipality, or any similar municipal undertaking causing impact. Where necessary, Council will require satisfactory measures such as archaeological or cultural assessments to mitigate any negative impacts on significant heritage resources.

3.5 FORESTRY

- 3.5.1 Forest resources provide a significant economic, social and environmental benefit in the form of income from forest products;
- (a) recreation;
 - (b) education;
 - (c) soil and water conservation;
 - (d) wildlife habitat;
 - (e) buffers between land uses; and
 - (f) natural amenities.
- 3.5.2 Property owners are encouraged to ensure that forest resources on their property are properly managed and may obtain information and assistance on the management of forest resources from the Ministry of Natural Resources.
- 3.5.3 The maintenance of forest cover along river and stream banks is encouraged and reforestation in areas where forest resources have been depleted is encouraged.
- 3.5.4 Certain areas of the Municipality are highly susceptible to damage caused by forest, brush and/or grass fires. Forest fire prevention and hazard reduction activities are desirable for environmental, economic and social reasons.
- 3.5.5 Development of land adjacent to or within high fire risk areas should incorporate design measures and construction techniques which will minimize damage resulting from a forest, brush or grass fire. Such measures may include identifying access and escape routes, layout of fire breaks and building and property maintenance.

3.6 AGGREGATE RESOURCE AREAS

- 3.6.1 Located throughout the Municipality are local aggregate extractive sites which provide a local source of aggregate. Existing aggregate operations shall be protected from incompatible land uses.
- 3.6.2 Development adjacent to existing aggregate operations will be permitted provided that the development does not restrict access to the resource. If access to the resource is restricted as a result of development, the development may be permitted provided that:
- (a) the use of the resource is not feasible; or
 - (b) the development or use serves a greater long term public interest; and
 - (c) issues of public health, safety and environmental impact are addressed.
- 3.6.3 The use of aggregate processing equipment such as crushers and screening plants requires a Certificate of Approval and location approval from the Ministry of the Environment.

3.7 AREA OF MINERAL RESOURCE POTENTIAL

- 3.7.1 The majority of the Municipality has been identified as an area of mineral resource potential as shown on Schedule "A". Development of land that does not restrict

access to an identified resource or the establishment of a new mining operation is permitted in areas of mineral resource potential.

- 3.7.2 Mineral mining operations will be protected from activities that would preclude or hinder their expansion, continued use or which would be incompatible for reasons of public health, safety and environmental impact.
- 3.7.3 Rehabilitation of mineral extractive sites will be required after extraction and other related activities have ceased to the satisfaction of the Province and the Municipality. Mine closure plans shall be submitted to the Municipality for input.

3.8 MINE HAZARDS

- 3.8.1 Development in proximity to the mine hazards shall be prohibited unless access or development is required to remediate a specific mine hazard. Once an existing mine hazard has been rehabilitated to the satisfaction of the Province, development in proximity to the mine hazard may be permitted in accordance with the policies of the Official Plan and the Zoning By-law.
- 3.8.2 Progressive rehabilitation is required for any mine hazard in accordance with the requirements of the Province and input from the Municipality.

3.9 CONTAMINATED SITES

- 3.9.1 Prior to approving development on lands that have been contaminated by previous uses, a Record of Site Condition shall be prepared by a qualified consultant, in accordance with the Ministry of the Environment guidelines, which identifies the extent of the contamination and summarizes information about the site, including the site condition to be achieved through restoration. Any site restoration works required to remediate the site shall be undertaken in accordance with the Ministry of the Environment's requirements and standards.
- 3.9.2 Lands that have been contaminated by previous uses will be placed in a holding zone. The holding symbol shall be lifted and the lands zoned for its designated use once the site has been remediated to acceptable conditions for the new use.

3.10 WASTE DISPOSAL SITES

- 3.10.1 Development shall be prohibited on all waste disposal sites located in the Municipality, including closed sites. Waste disposal sites are considered an industrial use and have been identified as a land use constraint on Schedules "A" through "F".
- 3.10.2 Development proposed within 500 metres of an existing or closed waste disposal cell shall not be approved under a plan of subdivision, consent or building permit unless it can be demonstrated that there is no evidence of leachate, methane gas migration or other contaminants present in the soils or ground water supply to the satisfaction of the Ministry of Environment and the Municipality of Neebing.
- 3.10.3 The current waste disposal sites in the Municipality have approximately 20 years of capacity available. Planning for a new site or expansion to the existing site(s) should

commence 5 years prior to the current capacity being exhausted and in accordance with the Class Environmental Assessment requirements under the Environmental Protection Act.

SECTION 4 - LAND USE POLICIES

4.1 GENERAL

- 4.1.1 Land use designations have been established for Municipality of Neebing. The Land Use Plan as detailed on Schedules "A" through "F" illustrate the land use designations. Schedules "A" through "F" should be read together in conjunction with the policies of this Plan.
- 4.1.2 The intent of this section of the Plan is to promote the optimum land use function by minimizing land use conflicts and providing an attractive development pattern consistent with existing land uses and economic development of the Municipality.

4.2 AGRICULTURAL AREA

- 4.2.1 It is the objective of the Agricultural area:
- (a) to encourage the preservation of agricultural lands for agricultural purposes;
 - (b) to direct non-farm uses to the Rural or Lakefront Residential areas;
 - (c) to minimize the impact of non-farm uses on agricultural operations;
 - (d) to protect and enhance the natural amenities, character and lifestyle of the agricultural area; and
 - (e) to encourage the growth of the agribusiness industry in appropriate locations.

Permitted Uses

- 4.2.2 Permitted uses in the Agricultural area include:
- (a) agricultural uses such as the growing of crops, raising of livestock and other animals for food or fur, including buffalo, caribou, fish, etc. greenhouse operations, horticulture and farm related residential uses;
 - (b) secondary agricultural uses secondary to farming operations such as home occupations, home industries and uses that produce value added agricultural products from the farm operation; and
 - (c) small scale agriculture related commercial and industrial uses that are required to locate in close proximity to farming operations. A site plan agreement pursuant to Section 41 of the Planning Act may be required for agricultural or farm related commercial and industrial uses.
- 4.2.3 Other compatible uses such as forestry, conservation, wildlife management uses and mineral exploration are permitted in the Agricultural area.
- 4.2.4 Aggregate extraction, mining activities and mineral extraction are permitted in Agricultural areas subject to an amendment to the Zoning By-law provided the site is rehabilitated so that relatively the same area and the same average soil quality for agriculture is restored and in accordance with the provisions of Section 4.3.33 for aggregate extraction and Section 4.3.36 for mining activities and mineral extraction.

Agricultural Development

- 4.2.5 Agricultural parcels and farm operations shall be maintained in units which are large enough to maintain flexibility to adapt to changing economic conditions of the agricultural industry.
- 4.2.6 Development within the Agricultural area shall not conflict with existing livestock operations and must comply with the Minimum Distance Separation I criteria, as amended from time to time. New and/or expansions to existing livestock operations shall comply with the Minimum Distance Separation II criteria, as amended from time to time.
- 4.2.7 Permanent or portable farm help houses may be permitted for farm help where the size and/or nature of the farming operation makes the employment of such help necessary and where these additional dwellings do not have significant negative effect on the tillable area of the farm or its viability. Farm help houses shall be constructed/erected in close proximity to the principal farm buildings so that the farm help house is considered to be an integral part of the farming operation. The farm help house may share services with the principle residence provided clearance is obtained from the Thunder Bay District Health Unit that the septic system serving the principal residence has adequate capacity to accommodate the farm help house. A farm help house shall not be constructed/erected with the intention of severing it from the farming operation in the future.
- 4.2.8 Consents involving agricultural lands are generally discouraged and shall be permitted provided:
- (a) the severed and retained lots are intended for agricultural use and are of a size appropriate for the agricultural use;
 - (b) the consent is for an agricultural related use;
 - (c) the consent is for a residence surplus to a farming operation as a result of farm consolidation; and
 - (d) the consent is for a retirement lot for the farmer who is retiring from active working life and has been farming on or before January 1, 1994 and has owned and operated the farm for a substantial number of years.
- 4.2.9 Lots created for residential uses in the Agricultural area shall be of a size large enough to accommodate the residence, plus on-site individual water and septic disposal systems and should be located in such a way to avoid the most productive portion of the farm and be in accordance with the Minimum Distance Separation I criteria.

4.3 RURAL AREA

- 4.3.1 It is the intent of this Plan to maintain the rural character and environment of the Rural area of the Municipality of Neebing while at the same time promoting the Rural area for recreation and tourism related activities and uses. The Municipality is capable of supporting development that is resource and non-resource based. It is not realistic to attempt to precisely define where these uses may best occur. Rather, a general Rural land use designation in which these uses can be accommodated in

accordance with the specific policies of this Plan and through the implementation of the Zoning By-law and zoning amendments, would allow flexibility in determining the appropriate uses of land.

- 4.3.2 The Rural area is characterized as a low density, multi-purpose area in which a variety of land uses can be accommodated in a compatible manner consistent with the rural character of the Municipality.

Permitted Uses

- 4.3.3 Permitted uses in the Rural area include rural residential dwellings, agricultural uses, hobby farms, institutional uses, recreational and open space uses, tourist and general commercial uses, and industrial uses including extraction of peat for horticulture or fuel purposes. It is also the intent of the Rural designation to permit and encourage such rural uses as forestry, aggregate extraction, mining and mineral exploration, trapping, resource management and conservation uses.

Notwithstanding anything contained in this plan in the case of the East Subdivision of Section 2, Concession 6 of the Geographic Township of Crooks, now the municipality of Neebing lying south and west of the Cloud River, no campground, recreational vehicle park, mobile home park or boat launching facility shall be permitted.

- 4.3.4 It is the intent of the Rural land use designation to:
- (a) maintain the low density rural character of the Municipality;
 - (b) provide flexibility by permitting a variety of land uses; and
 - (c) to allow development of natural resources and economic activities in a manner compatible with the rural character which balances protection of natural resources with the need for economic diversification.
- 4.3.5 While land in the Rural designation may be developed for a variety of uses, regard shall be given to ensure that development is compatible with surrounding land uses and appropriate for the site before development approval is given.

Rural Residential Development

- 4.3.6 Rural residential uses shall be permitted in the Rural designation on existing lots of record and on lots created through the consent and subdivision process in accordance with the policies of this Plan (Section 2.2) and provided that:
- (a) new lots for rural residential uses must be a minimum area necessary for the use permitted and the installation of a private water supply and sanitary sewage disposal system approved by the Thunder Bay District Health Unit or designated authority. However, no new residential lot shall be smaller than 1.0 hectares;
 - (b) new rural residential uses should be a reasonable distance and are oriented away from industrial uses to minimize the adverse effects of odour, dust, noise, vibration and other contaminants. The Ministry of the Environment may be consulted to obtain input with respect to separation distances and

- buffering requirements for residential development adjacent to industrial uses;
- (c) new rural residential uses should not conflict with existing agricultural operations and will comply with the Minimum Distance Separation Criteria I, as amended from time to time; and
 - (d) in the Rural area a maximum of 4 residential lots per holding can be created by consent from a parcel of land held under unity of ownership as of October 4, 1972, inclusive of the retained part provided all of the above matters and other policies of this Plan can be suitably addressed.
- 4.3.7 The permitted residential uses in the Rural area in addition to single detached residential uses include boarding or lodging houses, bed and breakfast establishments, group homes, garden suites and home occupations, home industries may also be permitted and will be evaluated based on their compatibility in terms of scale, design and fit with the physical character of the rural environment.
- 4.3.8 Plans of subdivisions for rural residential purposes of more than 5 lots shall require a planning study that addresses the following considerations:
- (a) long term servicing impacts, environmental factors and impact on surrounding land uses;
 - (b) the scale and design of the development is compatible with the surrounding development and rural character in general;
 - (c) any necessary infrastructure and public facilities can be provided or are available to service the development in an efficient manner; and
 - (d) a water quality/quantity assessment prepared by a qualified consultant, in accordance with the Ministry of the Environment requirements, which demonstrates that there is adequate water quantity and quality available to meet the domestic requirements of the development.
- 4.3.9 Plans of subdivisions for rural residential purposes within 100 metres of the Highway 61 shall require a noise impact study prepared by a qualified noise engineer that addresses potential land use conflicts resulting from noise associated with Highway traffic and identifies noise control and mitigative measures including site design requirements.

Agricultural Development

- 4.3.10 Agricultural farm parcels and farm operations in the Rural area shall be maintained in units which are large enough to maintain flexibility to adapt to changing economic conditions of the agricultural industry. Farm help houses may be permitted subject to the policies of 4.2.6.
- 4.3.11 Development within the Rural area shall not conflict with existing livestock operations and must comply with the Minimum Distance separation I criteria as amended from time to time. New and/or expansions to existing livestock operations shall comply with the Minimum Distance Separation II criteria, as amended from time to time.

4.3.12 Hobby farms generally consist of smaller parcels of land than an agricultural operation and are not the principal source of income for the owner. Farm help houses are not permitted for hobby farms.

Commercial Development

4.3.13 Commercial uses providing convenience or retail services, highway commercial uses, recreational commercial uses, tourism commercial uses and retail and personal business services may be permitted in the Rural area subject to an amendment to the Zoning By-law provided that:

- (a) the size and scale of use is compatible with the surrounding rural environment and there is not adverse impact on the amenity and character of the rural environment;
- (b) buffering and separation distances to the satisfaction of the Municipality shall be provided where a commercial use is located adjacent to a residential or recreational use;
- (c) parking is provided in accordance with the Zoning By-law; and
- (d) a site plan agreement pursuant to Section 41 of the Planning Act may be required.

4.3.14 Commercial uses shall be regulated by separate zone categories in the Zoning By-law. The Zoning By-law shall require increased side yard and rear yard setbacks and/or appropriate landscaping and buffering provisions between commercial uses and residential or institutional uses.

4.3.15 New commercial uses should not conflict with existing agricultural operations and will comply with the Minimum Distance Separation Criteria I, as amended from time to time.

4.3.16 When considering an application to establish a commercial use or uses, the Municipality shall have regard for the following:

- (a) the compatibility of the proposed use with the surrounding area;
- (b) the physical suitability of the site for the proposed use;
- (c) the adequacy of the street system to accommodate access and traffic generated from the proposed commercial use;
- (d) the convenience and accessibility of the site for both pedestrian and vehicular traffic; and
- (e) the adequacy of utilities and on-site servicing considerations.

4.3.17 The design of commercial uses shall be compatible with the character of the surrounding area. The following design criteria should be given consideration to the development and redevelopment of all commercial lands:

- (a) the provision of landscaped areas that provide a buffer and screening to adjacent residential and institutional uses;
- (b) open storage of goods and materials be permitted in accordance with the provisions of the Zoning By-law;
- (c) loading and unloading areas shall be provided off-street and in the rear or

- (d) side yard where possible; and
 - (d) off-street parking facilities be provided in accordance with the provisions of the Zoning By-law.
- 4.3.18 Tourist commercial uses such as hotels, lodges, commercial recreational facilities, marinas and similar type of uses are permitted as a means to encourage the expansion of the tourism industry in the Municipality. These uses shall be permitted subject to the criteria established in Policy 4.3.17 and provided there is no adverse impact on the surrounding properties relating to traffic, noise, intensity of use or environmental considerations.
- 4.3.19 Commercial uses along Highway 61 shall be developed in an attractive manner to provide a positive statement to the Municipality and open storage may be permitted provided the storage areas will not detract from the character of the area.
- 4.3.20 Automobile traffic and off-street parking are also a major design consideration for commercial development along Highway 61. Where appropriate, service roads and joint entrances between commercial uses shall be encouraged to minimize traffic conflicts.
- 4.3.21 For those uses that provide for the storage or use of fuel products, a hydro geotechnical assessment may be required to address such matters as the potential for ground water contamination and leachate from fuel storage facilities.
- 4.3.22 Accessory residential uses to a commercial use may be permitted for a caretaker, employee or proprietor of the commercial use, subject to the following criteria:
- (a) the residential use shall not detract from the prime function of the commercial use;
 - (b) amenity area shall be provided for the residential use and shall be separate from any public amenity area provided in conjunction with the commercial use; and
 - (c) parking shall be provided for the residential use in conjunction with the requirements for the commercial use as determined in the Zoning By-law.

Industrial Development

- 4.3.23 Industrial development in the Rural area will generally be for dry industrial uses which use water for domestic purposes only and which result in the production of domestic sewage only. Domestic sewage does not include plant or chemical effluent used in a manufacturing process. Other industrial uses that provide their own water supply and effluent treatment will be permitted subject to approval from the Ministry of the Environment.
- 4.3.24 Industrial uses that may be permitted in the Rural area subject to an amendment to the Zoning By-law include dry manufacturing, assembling, fabricating, servicing, storage of goods and raw materials, warehousing, wholesaling and service sector industries including transportation, communication, government services and waste disposal facilities. In addition, industrial uses related to a natural resource such as mineral exploration, mining, mineral aggregate resource extraction operations,

- forestry industries and peat extraction are permitted subject to an amendment to the Zoning By-law. Commercial hydro electric generating facilities may be permitted subject to an amendment to this Plan and the Zoning By-law, but shall not include individual residential hydro generation facilities.
- 4.3.25 Uses that are incidental or associated with an industrial use, such as retailing or wholesaling, may be permitted. Also, an accessory residential dwelling may be permitted for the owner or employee or the industrial use provided that the dwelling is not severed from the industrial use.
- 4.3.26 Industrial uses shall have regard for the proximity of residential uses or other sensitive land uses, exposure to major roadways and the degree to which the industrial use affects the physical and aesthetic characteristics of the rural environment.
- 4.3.27 It is the intent to permit industrial development to expand the Municipality's industrial base to provide for improved employment opportunities within the Municipality.
- 4.3.28 Industrial uses may be subject to site plan control pursuant to Section 41 of the Planning Act.
- 4.3.29 The Zoning By-law shall regulate industrial uses through the establishment of appropriate industrial zone categories and shall address among other matters the need for a compatible environment for industries free from interference and restriction by other uses and the protection of adjacent uses from the effects of industry.
- 4.3.30 Wherever industries abut residential, institutional, recreational or other similar uses, adequate buffering will be required by measures such as landscaping, plantings, fencing and separation distances in order to minimize the impact of the industrial activity including visual appearance. Buffering and separation distances shall be in accordance with the Ministry of the Environment guidelines and to the satisfaction of the Municipality.
- 4.3.31 Industrial uses which are exposed to Highway 61 shall be developed in an attractive manner to provide a positive statement to the Municipality. To achieve this, building and site design should have consideration of the following design standards:
- (a) open storage may be permitted provided the storage areas are screened so that the storage areas will not detract from the intended character of the area;
 - (b) off-street parking and loading areas will be provided in accordance with the Zoning By-law;
 - (c) all industrial activities will be encouraged to locate within wholly enclosed buildings unless it is essential for an activity to locate outdoors, in which case the industrial use will be suitably screened and buffered from the Highway; and
 - (d) development or redevelopment of industrial uses shall comply with the applicable standards of the Ministry of the Environment regarding emissions and noise.

- 4.3.32 For those uses that provide for the storage or use of fuel products, a hydrogeotechnical assessment may be required to address such matters as the potential for ground water contamination and leachate from fuel storage facilities.
- 4.3.33 Aggregate extraction operations shall be permitted in the Rural area subject to an amendment to the Zoning By-law and provided that:
- (a) the operation is compatible with surrounding land uses;
 - (b) adequate buffering is provided;
 - (c) a site plan agreement pursuant to Section 41 of the Planning Act is required. The agreement shall address the following matters, but not be limited to:
 - (i) hours of operation;
 - (ii) location of proposed buildings, machinery and equipment;
 - (iii) setbacks, landscaping and buffering;
 - (iv) storm water management;
 - (v) existing and anticipated final grades of excavation;
 - (vi) access/egress;
 - (vii) haulage routes;
 - (viii) improvements/maintenance to Municipal roads as a result of increased truck traffic on existing roads; and
 - (ix) site rehabilitation
 - (d) there is a need for additional aggregate extraction operations;
 - (e) the Ministry of the Environment is satisfied with respect to the disposal of liquid wastes, pumping operations and the control of air and noise pollution, among other matters; and
 - (f) no excavation, building, equipment, machinery or stockpiling of material is allowed:
 - (i) within 120 metres of a lot line of an adjacent lot used for residential, recreational, institutional or commercial purposes;
 - (ii) within 30 metres of any road or road allowance; and
 - (iii) setbacks from a residence for a quarry with blasting operations shall be determined on a case by case basis.
- 4.3.34 Aggregate processing operations, such as crushing, screening and washing of aggregate products are considered an accessory use to an aggregate extraction 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 Municipality of Neebing and with the Ministry of the Environment through the issuance of a Certificate of Approval.
- 4.3.35 Related aggregate industrial uses such as asphalt plants, concrete batching plants and aggregate recycling operations may also be permitted provided they are compatible with adjacent land uses and subject to an amendment to the Zoning By-law.
- 4.3.36 Mining operations shall be permitted in the Rural area subject to an amendment to the Zoning By-law and provided that:
- (a) the operation is compatible with the surrounding land uses;
 - (b) adequate buffering is provided;
 - (c) a site plan agreement pursuant to Section 41 of the Planning Act is required and such agreement shall address the following matters, but not be limited to:

- (i) hours of operation;
- (ii) location of proposed buildings, machinery and equipment;
- (iii) setbacks, landscaping and buffering;
- (iv) storm water management;
- (v) existing and anticipated final grades of excavation;
- (vi) access/egress;
- (vii) haulage routes;
- (viii) improvements/maintenance to Municipal roads as a result of increased truck traffic on existing roads; and
- (ix) progressive site rehabilitation.

4.3.37 The reuse of industrial land for alternative land uses shall be considered in accordance with the provisions of Policy 3.9.1

Institutional Development

4.3.38 It is the intent of this Plan to provide for appropriately located public and private institutions that are accessible to the people they serve, while not having an adverse affect on the surrounding area. Permitted institutional uses include government buildings, public service facilities, churches, schools, library, cemetery and other similar uses.

4.3.39 Institutional uses may be permitted in the Rural area subject to an amendment to the Zoning By-law in accordance with the following:

- (a) adequate parking is provided;
- (b) adequate buffering is provided where necessary;
- (c) there is no adverse or negative impact on the surrounding rural environment with respect to noise, traffic, parking, etc. and
- (d) an agreement pursuant to Section 41 of the Planning Act may be required.

4.3.40 New institutional uses should not conflict with existing agricultural operations and will comply with the Minimum Distance Separation Criteria I, as amended from time to time.

Recreational and Open Space Development

4.3.41 Recreational and open space uses that may be permitted in the Rural area include active and passive recreational uses, public and private parks, trailer parks and campgrounds, golf courses, playing fields, recreational facilities, swimming facilities, playgrounds, nature trails, ski areas, scenic lookouts, boat launches, picnic areas and wildlife management areas.

4.3.42 Recreational and open space development shall compliment the natural environment.

4.3.43 New recreational and open space uses should not conflict with existing agricultural operations and will comply with the Minimum Distance Separation Criteria I, as amended from time to time.

- 4.3.44 Lands used for public or private recreational purposes may be permitted subject to amendment to the Zoning By-law in accordance with the following provisions:
- (a) development shall only take place in areas suitable for the use taking into consideration the location, surrounding uses, water quality, drainage, soil conditions, servicing considerations and, parking and traffic generation;
 - (b) the preservation and conservation of those lands which are ecologically sensitive and those areas with scenic qualities be given priority for passive recreational pursuits; and
 - (c) a site plan agreement pursuant to Section 41 of the Planning Act may be required.
- 4.3.45 Small scale commercial uses which are associated with and support the permitted recreational and open space uses may be permitted by amendment to the Zoning By-law.
- 4.3.46 In areas in the vicinity of the Lake Superior shoreline proposed to be used for recreational and open space uses, the Municipality shall cooperate with the Ministry of Natural Resources or other relevant agencies, in their efforts to establish recreational facilities and a functional water oriented open space network.
- 4.3.47 The Municipality, in the design and development of parks, open space areas and recreational facilities shall encourage accessibility for the physically challenged.

4.4 LAKEFRONT RESIDENTIAL AREA

Permitted Uses

- 4.4.1 The Lakefront Residential area is primarily a residential area consisting of seasonal or recreational residential uses and permanent year round residential uses with ancillary waterfront open space uses.
- 4.4.2 The permitted residential uses in the Lakefront Residential area include year round and recreational single detached residential uses and open space recreational uses. Bed and breakfast establishments, garden suites, and home occupations may also be permitted and will be evaluated based on their compatibility in terms of scale, design and fit with the physical character of the lakefront rural environment.
- 4.4.3 Individual recreational residential uses shall be permitted on existing lots of record provided they can be safely serviced.
- 4.4.4 Tourist commercial and commercial recreational uses may be permitted on a case by case basis, subject to an amendment to the Zoning By-law and provided that:
- (a) the use, and scale and design of the use, is compatible with the surrounding lakefront residential environment;
 - (b) adequate buffering and landscaping can be provided between the use and surrounding lakefront residential uses;
 - (c) any necessary infrastructure and public facilities can be provided or are available;

- (d) no adverse impacts on the natural environment are anticipated from the use; and
 - (e) a water quality/quantity assessment prepared by a qualified consultant, in accordance with the Ministry of the Environment's requirements, which demonstrates that there is adequate water quantity and quality available to meet the requirements of the use and there is not adverse impact on adjacent lakefront residential uses.
- 4.4.5 When development along the shoreline is being considered, the proponent shall consult and coordinate with the various agencies, including the Lakehead Region Conservation Authority, the Ministry of Natural Resources and the Department of Fisheries and Oceans, regarding potential impacts on fish resources. If required, an assessment of the potential adverse impacts along with the identification of appropriate mitigative measures will be determined prior to shoreline development approval being considered.

Lakefront Residential Development

- 4.4.6 The development of lakefront residential uses shall be primarily by plan of subdivision. The development of individual lakefront residential lots by the consent process may be considered on an infilling basis between existing areas of development.
- 4.4.7 Plans of subdivisions for lakefront residential purposes of more than 5 lots shall require a planning justification study that addresses the following considerations:
- (a) the scale and design of the development is compatible with the surrounding development and lakefront rural character in general;
 - (b) any necessary infrastructure and public facilities can be provided or are available to service the development in an efficient manner; and
 - (c) a water quality/quantity assessment prepared by a qualified consultant, in accordance with the Ministry of the Environment's requirements, which demonstrates that there is adequate water quantity and quality available to meet the domestic requirements of the development; and
 - (d) where the proposed lots are 1 hectare or less, and are privately serviced by on-site sewage disposal systems, the applicant shall demonstrate by a report prepared by a qualified consultant, in accordance with the Ministry of the Environment's requirements, that there will be no cross contamination of water supplies between lots or adjacent lots.
- 4.4.8 Lakefront residential uses shall be placed in a separate zone category in the Zoning By-law.
- 4.4.9. Lakefront residential uses will be privately serviced and will require the approval of the Thunder Bay District Health Unit or designated authority for private sanitary sewage disposal systems. The minimum lot area for new lakefront residential lots shall be 0.4 hectare for lots which abut the water or a shoreline road allowance and 1.0 hectare where the proposed lot does not abut directly on water or a shoreline road allowance. In the case of property described as Part of the East Subdivision of Broken Section 6, Concession 10 in the Geographic Township of Crooks, Parcel 2603 D.F.W.F., where any new lots do not directly abut Lake Superior or a shoreline

road allowance, lots sizes may be smaller than the 1.0 hectare minimum provided that the smaller lot sizes can be justified on the basis of a servicing options and hydor-geological report prepared by a qualified professional to the satisfaction of the municipality, the Lakehead Rural Planning Board and the province showing that the proposed lots can be serviced by private septic sewage systems and individual wells.

4.4.10 Permanent year round lakefront residential uses shall front on public road maintained year round and should not contribute to an increase in level of service provided beyond those presently provided by the Municipality.

4.4.11 The conversion of recreational residential uses to permanent year round residential uses may be permitted subject to an amendment to the Zoning By-law and provided that:

- (a) the applicant shall supply a Certificate of Approval issued by the Thunder Bay District Health Unit or designated authority, stating that the dwelling is served by an appropriate sewage system. A holding tank shall not be considered to be an appropriate sewage disposal system for conversion purposes. If the Certificate is more than 5 years old, a letter will be required from the Health Unit or designated authority indicating that the sewage disposal system is operating satisfactorily;
- (b) the dwelling fronts on a road that is maintained year round by the Municipality;
- (c) the lot complies with the provisions of the Zoning By-law with respect to lot area, setbacks and parking provisions;
- (d) the Building Inspector has provided a report to the Municipality indicating the satisfactory condition of the dwelling for year round use; and
- (e) a sketch of the subject lands prepared by an Ontario Land Surveyor or from a registered plan of subdivision indicating the following:
 - (i) the location and names of all abutting public roads providing frontage;
 - (ii) the distance from the high water mark to the dwelling;
 - (iii) the lot lines, dimensions and lot area;
 - (iv) the location and distance separations of all structures;
 - (v) the location and distance separations of all structures on abutting lands;
 - (vi) the location and distance separations of water supply and septic systems;
 - (vii) the location and distance separations of water supply and septic systems on abutting lands;
 - (viii) the location of any buffer area, landscaping or fences;
 - (ix) the location of any drainage ditches, wooded areas, banks, slopes or other natural features on the subject lot and abutting lots; and
 - (x) the location of driveways and parking areas.

4.4.12 No new year round or recreational residential lots shall be permitted on or within 300 metres of Cloud Lake or Oliver Lake. Limits to development may be placed on other lakes or waterbodies by an amendment to the plan when they have been identified as having reached their development capacity.

4.5. WATERSHED RESERVE

Permitted Uses

- 4.5.1 The Watershed Reserve area surrounds Loch Lomond and is intended to protect the water supply and provide a buffer between Loch Lomond and development.
- 4.5.2 Development is restricted to only those uses that are required for the management and protection of the watershed and water supply.

4.6 ENVIRONMENTAL PROTECTION AREA

Permitted Uses

- 4.6.1 For lands designated Environmental Protection the permitted uses shall be shoreline protection works, floodplain protection works, fisheries management, wildlife management, waterfowl production, conservation uses, mineral exploration, passive recreational uses and commercial and private forestry operations (which shall mean the harvesting and planting of trees but not the processing of trees or logs with the exception of small scale private sawmills and chippers.) Forestry operations should be in accordance with good forestry practices and planned to prevent negative impacts to the natural heritage features and functions of the area.

In the case of Cloud Bay and Pine Bay – Little Pigeon Bay Wetlands, where development already legally exists in an area that has been designated as Environmental Protection, existing uses of land, buildings or structures and minor extensions of these existing uses or development of minor accessory uses may be permitted in those areas located outside of the wetland boundaries but within the 120 metre adjacent area of the wetland as established by Ministry of Natural Resources mapping.

Environmental Protection Development

- 4.6.2 The provision of protection works or the dumping of material along the shoreline of the lakes and rivers in the Municipality is prohibited without the prior written approval and authorization from the Province in accordance with the provisions of the Lakes and Rivers Improvement Act and/or the Public Lands Act.
- 4.6.3 No plans to divert, channelize or in any way alter an inland natural watercourse shall proceed without prior written authorization from the Province/Lakehead Region Conservation Authority.
- 4.6.4 Property owners are encouraged to provide a coordinated approach to the management and use of land and water in areas designated Environmental Protection in consultation with the Province.
- 4.6.5 The boundaries of Environmental Protection areas are shown in their general location on the land use schedules. The location of these areas shall be defined more specifically in the implementing zoning by-law from information provided by the Ministry of Natural Resources and the area zoned for environmental protection shall include the natural heritage features and areas and adjacent areas for the natural

heritage features and areas being protected. The Municipality shall, in conjunction with the Province, require the proponent of an application to submit a study prepared by an appropriate qualified expert to address the following considerations:

- (a) a description of the natural environment and existing physical characteristics, including a statement of environmental quality;
- (b) a description of the proposed development and potential effect on the natural environment;
- (c) a description of the costs and benefits in terms of economic, social and environmental terms of any engineering works and/or resource management practices needed to mitigate the potential effects; and
- (d) an evaluation of alternatives including other locations for the proposal;

Where it has been demonstrated to the satisfaction of the municipality and the Ministry of Natural Resources that there will be no negative impact on the natural heritage feature(s) identified, in accordance with the prevailing provincial land use planning policies, no amendment to this Official Plan will be required.

No development will be permitted within significant portions of the habitat of threatened and endangered species.

There is no public obligation to either change the designation of or to purchase any lands within the Environmental Protection designation, particularly if the environmental concern would be difficult or costly to mitigate or overcome.

- 4.6.6 Environmental Protection lands may not be considered acceptable as part of a parkland dedication pursuant to the Planning Act.
- 4.6.7 Environmental Protection lands shall be placed in appropriate zone categories in the implementing Zoning By-law.
- 4.6.8 Council, in consultation with Province will annually review any changes, including additions and deletions, to the lists of rare and endangered and threatened species and species at risk to determine if there is a need to revise the Official Plan.
- 4.6.9 Council will consider the appointment of an environmental advisory committee that includes a broad base of interests to obtain public input and provide recommendations with respect to environmental protection, sustainability and the relationship between environmental protection and economic development.

SECTION 5 - COMMUNITY SERVICES AND FACILITIES

5.1 GENERAL

- 5.1.1 The intent of this Plan is to maintain a level of public service that is appropriate for the urban and rural character and environment of the Municipality of Neebing. It is recognized that municipal servicing in a rural area is generally difficult and expensive to provide due to dispersed development patterns consistent with the rural character. It is not expected that there will be additional significant demands for community services or facilities above the level that presently exists.
- 5.1.2 The use of alternative development standards may be considered for new development and redevelopment provided that the standard of development allows for flexibility and adaptability in urban design and housing, enhances the liveability of the proposal, provides cost efficiency in the delivery of services and supports the principles of environmental sustainability.

5.2 ROADS

- 5.2.1 Safe and efficient movement of people and goods within the Municipality and to and from adjacent municipalities is encouraged by this Plan. The road system should safely serve the Municipality but should not be developed to a standard or extended beyond which would result in a burden to the residents and taxpayers of the Municipality.
- 5.2.2 The classification of roads in the Municipality as shown on Schedules "A" through "F" are as follows:
- (a) Provincial Highways - this system of roads applies to the numbered provincial highways under the jurisdiction of the Ministry of Transportation. Development along provincial highways is subject to the permit control of the Ministry of Transportation which is obtained prior to construction or grading taking place on the site. Access to provincial highways is permitted provided the entrance meets the minimum safety and geometric requirements of the Ministry of Transportation;
 - (b) Municipal Roads - this system of roads applies to all public roads under the jurisdiction of the Municipality of Neebing. There are both maintained and unmaintained Municipal roads in the Municipality. The primary purpose of the Municipal roads is to facilitate local travel and areas for development. Direct access to Municipal roads is normally permitted from any abutting lot provided there are adequate sight lines, suitable grades and the access will not cause traffic hazards; and
 - (c) Private Road - this system of roads applies to roads not under the jurisdiction of the Municipality or the Ministry of Transportation. Private roads are not maintained by either the Municipality or the Province.
- 5.2.3 Should the construction of a new road or extension of an existing road be warranted, the road shall be designed and constructed to meet approved standards and the road shall be suitable for assumption into the Municipal road system.

- 5.2.4 The Municipality of Neebing is not responsible for the costs associated with the design and construction of new roads, the extension of existing roads or upgrading of abandoned roads.
- 5.2.5 Abandoned roads may be upgraded by way of agreement between the property owner(s) and the Municipality.
- 5.2.6 Maintenance will be provided on roads under the jurisdiction of the Municipality of Neebing. The Ministry of Transportation is responsible for the maintenance of the numbered highways in the Municipality.
- 5.2.7 The right-of-way width of Municipal roads shall generally be a minimum of 20 metres (66 feet). As a condition of development the Municipality may require the dedication of road widenings to achieve the 20 metres (66 feet) road right-of-way widths where they presently do not exist.

5.3 WATER SUPPLY

- 5.3.1 The source of water supply is primarily from private individual wells. The Province advises that any surface waters used for domestic potable purposes should be filtered and treated prior to consumption.
- 5.3.2 The responsibility for water supply will be with each property owner.
- 5.3.3 Individual private wells serve as an adequate supply of water for the rural development of the Municipality. It is intended that lot sizes remain large enough to ensure that private wells remain the primary source of water in the Rural area of the Municipality. The applicant will ensure the provision of an adequate supply of potable water where lots are created by individual consent application or by plan of subdivision. Alternatively, where lots are created by consent or by plan of subdivision of 5 lots or less, a notification agreement will be required that specifies that all offers of purchase sale or lease shall provide notice that no assessment has been conducted to determine the quality or quantity of groundwater available to service the lot or lots.
- 5.3.4 Plans of subdivisions of more than 5 lots shall require a study prepared by a qualified consultant, that assess water quality/quantity requirements in accordance with the Ministry of the Environment's Ontario Drinking Water Standards and which demonstrates that there is adequate water quantity and quality available to meet the domestic requirements of the subdivision.

5.4 SEWAGE DISPOSAL

- 5.4.1 Private individual septic tanks and tile field systems are the primary means of sewage disposal in the Municipality.
- 5.4.2 The need for public sanitary sewage disposal in the Municipality is not considered feasible over the life of this Plan. Therefore, each individual property owner is responsible for the provision of private sanitary sewage disposal subject to the approval of the Thunder Bay District Health Unit or designated authority.

5.4.3 It is intended that lot sizes remain large enough and soil conditions are suitable to allow the safe and efficient operation of individual private sewage disposal systems. Private sewage disposal systems will remain the primary source of sewage disposal throughout the Municipality.

5.4.4 All new individual private sewage disposal systems require the approval of the Thunder Bay District Health Unit or designated authority. Sewage disposal systems that are designed to accommodate 10,000 litres of effluent a day require approval from the Ministry of the Environment.

5.5 NON-HAZARDOUS SOLID AND LIQUID WASTE DISPOSAL

5.5.1 No additional solid waste disposal sites or expansion to the existing facilities is anticipated over the life of this Plan.

5.5.2 If additional solid waste disposal sites are required or an expansion to an existing facility is required, these sites shall be planned in accordance with the requirements of the Environmental Assessment Act and should:

- (a) avoid areas of high ground water;
- (b) maintain an adequate separation and buffer from all existing development;
- (c) avoid pollution of the ground water and watercourses;
- (d) require an amendment to the Zoning By-law; and
- (e) be approved by the Ministry of the Environment.

5.5.3 Liquid waste disposal sites may be permitted subject to an amendment to this Plan and provided the applicant has demonstrated to the satisfaction of the Ministry of the Environment that the facility may be established without adverse impacts on surrounding land uses and the natural environment. A Certificate of Approval from the Ministry of Environment is required for all liquid waste disposal sites.

5.6 COMMUNITY FACILITIES AND SERVICES

5.6.1 The existing services provided by the volunteer fire departments, the Ontario Provincial Police and other provincial agencies are considered adequate to meet the needs of the residents of the Municipality.

5.6.2 The existing public school facilities servicing the Municipality meet the needs of the community regarding educational facilities.

SECTION 6 - IMPLEMENTATION AND ADMINISTRATION

6.1 THE MUNICIPALITY'S ROLE IN IMPLEMENTATION

- 6.1.1 This Official Plan shall be implemented by means of the powers conferred to the Municipality of Neebing by the Planning Act and other statutes which may be applicable. In particular, the Plan shall be implemented through:
- (a) the preparation, adoption and enforcement of the zoning by-laws;
 - (b) the preparation, adoption and enforcement of other zoning provisions such as interim control, temporary use by-laws and holding by-laws;
 - (c) the consent and subdivision approval process;
 - (d) the site plan control process; and
 - (e) participation in programs funded by senior levels of government for housing, community improvement, etc.
- 6.1.2 Council will consider the appointment of an economic advisory committee and may appoint other advisory committees to assist Council and provide recommendations related to such matters as accessibility, strategic planning, and environmental sustainability. Committee members should include members of the public who represent a broad range of interests and expertise while representing the interests of the Neebing community.

6.2 PUBLIC PARTICIPATION

- 6.2.1 The Municipality intends that the public be involved in the formulation and implementation of planning policies. To this end, the Municipality shall notify and seek the views and participation of the public prior to making decisions regarding planning amendment applications pursuant to the provisions of the Planning Act.
- 6.2.2 The Municipality may forego public notification and public meetings in connection with a technical official plan or zoning by-law amendment if such amendment will not affect the provisions and intent of the Official Plan, the Zoning By-law or amendments thereto.
- 6.2.3 The Municipality shall undertake a study prior to undertaking Municipally-initiated amendments to the Environmental Protection designations on the Schedules to this Plan. Subject to provincial requirements regarding confidentiality of species information, the Municipality shall ensure that copies of the supporting studies and notice of the proposed revisions to the Schedules are available to the public 30 days prior to holding a public meeting. Copies of the completed studies shall be made available at the Municipal Office and one library in Neebing or an adjacent municipality, and posted on the Municipal website when available.
- 6.2.4 Where amendments to this Plan are proposed by the Municipality, a person, or public body, Council shall ensure that the following notice procedures are followed:
- i) where an application is made by a person or public body, Council shall first determine that the application is complete. Council may adopt by-laws to establish application requirements and delegate the determination of the

- completeness of an application to a member of staff;
- ii) the Municipality shall provide Notice to all property owners within 120 metres and may provide notice in local newspapers and on the Municipal website when available that a complete application has been filed with the Municipality, and shall provide notice to the owner of land affected by a Municipally-initiated amendment limited to that owner's lot;
 - iii) once an application is deemed complete, Council shall give notice of and hold a public meeting to inform the public of a complete application, proposed amendment, or Municipally-initiated amendment and provide members of the public with an opportunity to provide comments on the proposal;
 - iv) all documents and reports submitted in support of an application, including applications or proposals to amend the plan undertaken by the Municipality, shall be made available for review by the public at the Municipal office and one library in Neebing or an adjacent municipality, and posted on the Municipal website when available. In addition, the Municipality will provide the public with copies of supporting documents and submissions subject to recovering the costs to provide copies.
 - v) following a complete review of the application, including a review of comments received at the initial public meeting, Council shall hold a second public meeting under the provisions of the Planning Act. Notice for this meeting shall also be placed in two newspapers for two consecutive weeks, and posted in the Municipal Office and one library in Neebing or an adjacent municipality, and on the Municipal website when available.

6.3 STREAMLINING REVIEWS OF PLANNING APPLICATIONS

- 6.3.1 The Province has implemented a “one window” planning service for provincial review and approval of certain municipal planning applications at the Ministry of Municipal Affairs and Housing. The “one window” approach will allow for a coordinated provincial input at the pre-adoption stage. The Ministry of Municipal Affairs and Housing will rely on the expertise of other ministries as needed.
- 6.3.2 The Municipality is also responsible for the implementation of the municipal plan review function as it relates to matters of provincial interest and will take these matters into consideration when making decisions on such planning items as consent applications, subdivision applications, zoning by-law and official plan amendments, site plan approval applications and minor variance applications. Where appropriate, the Municipality will rely on the expertise of the Lakehead Rural Planning Board, other agencies and may consult with provincial ministries on matters of provincial interest.

6.4 OFFICIAL PLAN - AMENDMENTS AND REVIEW

- 6.4.1 No developments or activities shall occur which contravene the intent and policies of this Plan.
- 6.4.2 Developments or activities deemed beneficial to the Municipality, but not in conformity with the Plan, shall require an amendment to the Official Plan before proceeding.
- 6.4.3 The Official Plan shall be subject to a formal review at least once every 5 years pursuant to Section 26 of the Planning Act. However, the Plan shall be subject to a continual review by the Municipality. Whenever it is necessary to refine existing policies or amend, delete or add policies based on new information or trends, this shall be done by amendment to the Official Plan.
- 6.4.4 Prior to considering an amendment to this Plan, the Municipality shall preconsult with the Ministry of Municipal Affairs and Housing and any other person or public body that Council considers to have an interest in the amendment, pursuant to Section 17(21) of the Planning Act, to ensure that provincial and local interests are considered.

6.5 ZONING BY-LAW

- 6.5.1 The Zoning By-law divides the lands within the Municipality into a number of zones, each of which will have regulations to control the use of the lands and use, character and location of buildings and structures built upon the land. The Municipality may also pass a zoning by-law for the protection of a site of a significant archaeological resource.
- 6.5.2 The Zoning By-law is one of the main methods of implementing the Official Plan policies and any land use designation may have more than one zone category that regulates and controls the permitted uses.
- 6.5.3 The Zoning By-law shall ensure that all lands within the Municipality are zoned for purposes compatible with the Official Plan and all amendments to the Zoning By-law shall be in conformity with the Official Plan.

6.6 NON-CONFORMING USES

- 6.6.1 Where a legally existing use of land does not comply with the land use designations and policies of this Plan, it may be zoned in the Zoning By-law in accordance with the existing use, after due consideration, provided that:
- (a) the zoning will not permit any change of use or performance standard that may aggravate or cause conflicts with adjacent complying uses;
 - (b) the use of land will not constitute a danger or nuisance to surrounding uses and persons by virtue of a hazardous nature, poor property conditions, traffic generation or similar characteristics;
 - (c) there is no pollution of air or water to the extent of interfering with the ordinary

- (d) enjoyment of the property and surrounding uses;
- (d) the use does not interfere with the desirable development of the surrounding area that is in conformity with this Plan;
- (e) where the existing use is discontinued for more than one (1) year, any rezoning may only take place in accordance with the policies of this Plan; and
- (f) Council informs the public, including residents and property owners, regarding changes to municipal planning documents and consults with them regarding the proposed changes.

6.6.2 Non-conforming uses shall cease to exist in the long term.

6.6.3 Extensions or enlargements of the land, building or structure of a legal non-conforming use may be permitted by a minor variance to the Zoning By-law provided that:

- (a) the proposed extension or enlargement will not unduly increase any existing nuisance as a result of the use, particularly as it may affect adjacent residential uses; and
- (b) the extension or enlargement will not create any new nuisance in addition to those in existence as a result of the current use.

6.6.4 The repair or replacement of a legal non-conforming use may be permitted provided that:

- (a) the repair or replacement will not unduly increase any existing nuisance as result of the use, particularly as it may affect adjacent residential uses; and
- (b) the repair or replacement will not create any new nuisance in addition to those in existence as a result of the current use.

6.7 FEES

6.7.1 Pursuant to Section 69 of the Planning Act, the Municipality of Neebing may prescribe tariff of fees through a Tariff of Fee By-law for the processing of applications made in respect to planning matters such as Official Plan amendments, Zoning By-law amendments, Consents, Application for Subdivision Approval, Site Plan Approval or any other planning matter.

6.7.2 The Tariff of Fee By-law shall prescribe the fees to be charged for processing applications in respect of planning matters and shall indicate the authority to which the fee is payable.

6.8 MINOR VARIANCE

6.8.1 The Municipality shall recommend minor variances for relief from regulations to the Zoning By-law, in accordance with Section 45 of the Planning Act, the rules of procedure and regulations issued by the Minister under the Planning Act and the policies of this Plan.

6.8.2 The Municipality may also recommend minor variances to other by-laws, such as Interim Control by-laws.

6.9 SITE PLAN CONTROL

- 6.9.1 The Official Plan may be implemented through the use of site plan control subject to the provisions of Section 41 of the Planning Act. All of the area affected by the Official Plan shall be deemed to be a site plan control area with the exception of single detached residential dwellings and agricultural uses.
- 6.9.2 The goals of implementing site plan control are to:
- (a) ensure safe and efficient vehicular and pedestrian patterns;
 - (b) ensure industrial and commercial developments do not reduce the enjoyment of adjacent lands;
 - (c) ensure parking, storage, loading facilities and garbage disposal areas are located in a manner that does not negatively impact on traffic flows or create adverse visual impacts;
 - (d) ensure on-site drainage and grading is adequately provided; and
 - (e) ensure development is situated away from hazard lands.
- 6.9.3 A Site Plan Control By-law may require site plans and/or detailed drawings of a proposed development to be submitted for approval by the Municipality. Such site plans and/or drawings will show any or all the required information deemed necessary from the items listed in policy 6.9.4.
- 6.9.4 Prior to the issuance of a building permit, the applicant may be required to enter into a site plan agreement with the Municipality which may address one or more of the following matters:
- (a) widenings to any roads or highways that abut the lands subject to the application. Any proposed widenings requested must be shown on the site plan drawing;
 - (b) provision of sufficient parking, access driveways and similar matters;
 - (c) the construction of walkways, ramps and pedestrian access;
 - (d) proper lighting of buildings and lands;
 - (e) the provision of adequate landscaping and buffering in the form of trees, shrubs, fencing, walls, and berms;
 - (f) storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
 - (g) the conveyance of any easements for the construction, maintenance and improvements of any drainage works, water works and other public utilities;
 - (h) adequate drainage and management of surface storm water and waste water from the lands, buildings or structures; and
 - (i) the location of all buildings and structures to be erected and the location of all facilities and works to be provided in conjunction with the buildings and structures.

6.10 HOLDING PROVISIONS

- 6.10.1 In accordance with Section 36 of the Planning Act, the Municipality may approve a by-law which identifies a use of land but prohibits the actual development of this land until a later date when identified conditions have been met.
- 6.10.2 During the interim period, when the holding provision is in place, uses permitted on

the affected lands are limited to existing uses only.

- 6.10.3 Prior to removal of the holding symbol, the Municipality must be satisfied that the following conditions have been met:
- (a) the servicing requirements for the subject lands are in place;
 - (b) that any impacts on surrounding lands can be mitigated through the use of site plan control or other design requirements;
 - (c) that a site plan agreement has been executed in accordance with the policies of this Plan and the Planning Act; or
 - (d) that site contamination and site restoration have been properly addressed.
- 6.10.4 It shall be the responsibility of the applicant requesting the removal of the holding symbol to demonstrate that the conditions for the removal of the holding symbol have been satisfied.

6.11 INTERIM CONTROL

- 6.11.1 In areas where the Municipality wishes to review the existing land uses or establish new planning policies and where a study of land use planning policies for the area has been directed, the Municipality may approve an Interim Control By-law.
- 6.11.2 The Interim Control By-law restricts the use of lands to its present use until the required studies are completed, at which time the Official Plan and/or Zoning By-law may require an amendment to reflect the findings of the study and desired use.
- 6.11.3 Pursuant to Section 38 of the Planning Act the length of time the Interim Control By-law is in effect shall be specified in the by-law and shall not exceed one (1) year from the date of approval of the by-law. The Interim Control By-law may be amended to extend the period of time the by-law is in effect provided the total period of time does not exceed two (2) years from the approval of the by-law.

6.12 TEMPORARY USE BY-LAWS

- 6.12.1 Pursuant to Section 39 of the Planning Act, the Municipality of Neebing may approve the use of land, buildings or structures for a temporary use not considered to be of a permanent nature which will not preclude the future development of any lands for their most appropriate use, as defined by the Official Plan.
- 6.12.2 The Municipality shall consult with property owners and any other agencies or individuals who might have knowledge of when conditions might suit the development of the property, in accordance with the Official Plan and Zoning By-law, prior to approval of a Temporary Use By-law.
- 6.12.3 Only uses which will not create land use conflicts or disrupt the use and development of neighbouring properties shall be authorized by Temporary Use By-laws.
- 6.12.4 Notwithstanding the policies of this Plan, temporary uses that are not otherwise permitted by the Official Plan and the Zoning By-law as permanent uses, may be permitted by Temporary Use By-laws, subject to the above.

6.13 IMPLEMENTING COMMUNITY IMPROVEMENT POLICIES

6.13.1 The Municipality shall attempt to use all possible means to implement Community Improvement Policies and these shall include:

- (a) participation in and support for Federal and Provincial community improvement programs;
- (b) use of authority granted under Section 28 of the Planning Act, to designate a Community Improvement Area, develop Community Improvement Plans and acquire and redevelop land; and
- (c) encouragement of activities aimed at developing the economic viability and attractiveness of the Municipality.

6.13.2 The entire Municipality of Neebing is identified as a Community Improvement Area.

6.14 AGENCY NAMES AND RESPONSIBILITIES AND LEGISLATION

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

6.14.2 From time to time Provincial and Federal statutes are amended and section numbers are changed. It is not intended to amend this Plan each time such a change is made. This Plan shall be interpreted so as to refer to legislation as amended from time to time.

6.15 LAND USE BOUNDARIES

6.15.1 It is intended that the boundaries of the land use designations, shown on the attached Schedules, be considered as approximate and absolute only where bounded by public roads, rivers, streams or other similar geographical barriers. Therefore, amendments to the Plan will not be required in order to make minor adjustments to the approximate land use boundaries, provided that the general intent of the policies is preserved. Such minor deviations will not be reflected on the Schedules.

APPENDICES

APPENDIX A - Definitions

Agricultural uses: means the growing of crops, including nursery and horticulture crops; raising of livestock and other animals for food or fur, including poultry and fish; aquaculture; peat extraction; agroforestry, maple syrup production; and associated on-farm buildings and structures.

Areas of archaeological potential: means areas with medium or high potential for the discovery of archaeological resources. This potential is based on the presence of a wide range of geographic and historical features which influence past settlement. Archaeological potential is confirmed through an archaeological assessment.

Areas of mineral potential: means areas favourable to the discovery of mineral resources due to geology, the presence of known mineral deposits or other technical evidence. Areas of mineral potential are identified using acceptable scientific methodology.

Built heritage resource: means one or more buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community.

Contaminated site: means land that is contaminated from past land use activities relating to, but not limiting to, industrial uses, transportation or utility purposes including municipal and Ministry of Transportation refuelling yards, waste disposal sites, and commercial uses such as gas stations, auto repair shops and lands where filling has occurred.

Cultural heritage resource: means a defined geographic area of heritage significance which has been modified by human activities. Such an area is valued by a community and is of significance to the understanding of the history of a people or place.

Floodway: means that portion of the river or stream system floodplain where development and site alteration would cause a danger to public health and safety or property damage. Uses which by their nature must be located within the floodway, flood or erosion control works or non-structural works that do not affect flood flows are permitted in the floodway.

Garden suite: means a small self-contained secondary dwelling sometimes referred to as a "granny flat" that is designed to be portable. Each unit must have its own kitchen, bathroom and living area. In most cases the water and sewer services are connected to those of the main dwelling. The garden suite must be able to be removed when it is no longer needed.

Home industry: means the use of an accessory building to a dwelling unit for an industrial use by at least one of the permanent residents of the dwelling unit which is secondary to the main use of the dwelling unit or agricultural operation and may include upholstery, weaving, animal hospital, wood-working shop, carpentry shop, machine shop, welding shop, landscaping business, small scale market garden, etc.

Home occupation: means an occupation, trade, business, profession or craft which is clearly secondary to the main use of a dwelling unit and carried out entirely within part of a dwelling unit by at least one of the permanent residents of such dwelling unit and may include hairdressing, accounting/bookkeeping, medical/dental practitioner, drafting, word processing, photography, dressmaking, etc.

Infrastructure: means physical structures that form the foundation for development. Infrastructure includes sewage and water works, waste management systems, electrical power, communications, transit and transportation corridors and facilities, and oil and gas pipelines and associated facilities.

Mine hazards: means any feature of a mine as defined under the Mining Act, or any related disturbance of the ground that has not been rehabilitated.

Mineral deposits: means an unusually large or rich concentration of valuable minerals identified within a small part of the earth's crust.

Mineral mining operation: means mining operations and associated facilities, or past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use.

Minerals: means metallic and non-metallic minerals, but does not include mineral aggregates or petroleum resources.

Natural heritage features: means features and areas such as significant wetlands, fish habitat, significant portions of a habitat or endangered and threatened species, significant wildlife habitat and significant areas of natural and scientific interest which are important for their environmental and social values as a legacy of the natural landscape of an area.

Residential intensification: means the creation of new residential unit or accommodation in existing buildings or on previously developed, serviced land and includes infill, accessory apartments and rooming houses.

Use Limitation lands: means property or lands which could be unsafe for development due to naturally occurring processes or hazards. Along the shoreline of lakes, rivers and stream systems this means lands covered by water to the farthest landward limit of the flooding and erosion hazard limits and would also include unstable soils such as sensitive marine clays (leda clay) and unstable bedrock (karst topography).

Waste management system: means sites and facilities to accommodate solid waste from one or more municipalities and includes landfill sites, recycling facilities, transfer stations, processing sites and hazardous waste depots.

Woodlands: means treed areas that provide environmental and economic benefits such as erosion prevention, water retention, provision of habitat, recreation and the sustainable harvest of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance.

APPENDIX B - Background Report